

**CODE OF FEDERAL REGULATIONS**  
**Title 50: Wildlife and Fisheries**  
**PART 21—MIGRATORY BIRD PERMITS**  
**Subpart C—Specific Permit Provisions**

1    **§ 21.29 Falconry standards and falconry permitting.**

2           (a) *Background* —(1) *The legal basis for regulating falconry.* The Migratory Bird Treaty Act  
3 prohibits any person from taking, possessing, purchasing, bartering, selling, or offering to  
4 purchase, barter, or sell, among other things, raptors (birds of prey) listed in §10.13 of this  
5 subchapter unless the activities are allowed by Federal permit issued under this part and part 13  
6 of this chapter, or as permitted by regulations in this part.

7           (i) This section covers all Falconiformes (vultures, kites, eagles, hawks, caracaras, and  
8 falcons) and all Strigiformes (owls) listed in §10.13 of this subchapter (“native” raptors), and  
9 applies to any person who possesses one or more wild-caught, captive-bred, or hybrid raptors  
10 protected under the MBTA to use in falconry.

11           (ii) The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) provides  
12 for the taking of golden eagles from the wild to use in falconry. It specifies that the only golden  
13 eagles that may be used for falconry are those that would be taken because of depredations on  
14 livestock or wildlife (16 U.S.C. 668a).

15           (2) “*Possession*” and *short-term handling of a falconry raptor.* We do not consider short-  
16 term handling, such as letting any other person hold or practice flying a raptor you possess under  
17 your permit, to be possession for the purposes of this section if you are present and the person is  
18 under your supervision.

19           (3) *Regulatory year for governing falconry.* For determining possession and take of raptors  
20 for falconry, a year is any 12-month period for take defined by the State, tribe, or territory.

21           (b) *Federal approval of State, tribal, and territorial falconry programs* —(1) *General* . (i) A  
22 State (including the District of Columbia), tribe, or territory under the jurisdiction of the United  
23 States that wishes to allow falconry must establish laws and regulations (hereafter referred to as  
24 laws) that meet the standards established in this section. To allow the practice of falconry on  
25 tribal lands by tribal members or residents, a tribe may either certify that it has adopted Service-  
26 approved State laws if those laws are fully enforceable on tribal lands, or issue its own laws and  
27 request our approval.

1 (ii) The U.S. Fish and Wildlife Service (Service) Director must determine that a State, tribal,  
2 or territorial falconry permitting program meets the requirements and standards of this section.  
3 The Director must certify no later than January 1, 2014, that a State, tribe, and territory willing to  
4 allow falconry meets the federal standards. At that time, all Federal falconry permits and the  
5 Federal permitting program will end. Falconry will not be permitted in a State or territory or by a  
6 tribe after this date until that State, tribe, or territory develops a permitting program the Director  
7 certifies to be in compliance with these regulations. Also see paragraph (b)(12) of this section.

8 (iii) State, tribal, or territorial laws may be more restrictive than these Federal standards but  
9 may not be less restrictive. For instance, a State, tribe, or territory may choose not to allow  
10 possession of some species of raptors otherwise allowed in this section. State, tribal, and  
11 territorial laws must be consistent with the terms contained in any convention between the  
12 United States and any foreign country for the protection of raptors and the Migratory Bird Treaty  
13 Act.

14 (2) *State, tribal, or territorial submission for approval.* A State, tribe, or territory that wishes  
15 to allow falconry must submit to the Director:

16 (i) The data required by paragraph (b)(1) of this section;

17 (ii) A copy of the State's, tribe's, or territory's Apprentice Falconer examination, which must  
18 at a minimum cover laws and regulations, raptor biology and raptor identification, trapping  
19 methods, facilities requirements, care of raptors held for falconry, and diseases and health  
20 problems of raptors, and training methods; and

21 (iii) Copies of the laws and regulations governing falconry of the State, tribe, or territory, and  
22 certification that the laws and regulations meet the requirements of this section.

23 (3) *Electronic reporting.* The State, tribe, or territory must work with us to ensure that the  
24 electronic 3-186A reporting system (<http://permits.fws.gov/186A>) for reporting take, transfers,  
25 and loss of falconry birds is fully operational for residents of that jurisdiction.

26 (4) *Federal approval and terms.* If we concur that the regulations and the examination meet  
27 the requirements of this section, we will publish a rule in the Federal Register adding the State,  
28 tribe, or territory to the list of those approved for allowing the practice of falconry. We will  
29 terminate Federal falconry permitting in any State certified under these regulations on January  
30 1st of the calendar year following publication of the rule.

1 (i) An approved State, tribe, or territory must notify the Service Director of any substantive  
2 revisions of their laws governing falconry and certify that they meet the requirements of this  
3 section.

4 (ii) We must approve the falconry examination any time it is revised.

5 (5) *Review of a State, tribal, or territorial falconry program* . We may review the  
6 administration of an approved State's, tribe's, or territory's falconry program if complaints from  
7 the public or law enforcement investigations that indicate the need for a review, or revisions to  
8 the State's, tribe's, or territory's laws or falconry examination. The review may involve, but is not  
9 limited to:

10 (i) Inspecting falconers' facilities to ensure that facilities standards in this section are met;

11 (ii) Processing time of applications;

12 (iii) Reviewing approved applications for completeness;

13 (iv) Determining that permits issued are appropriate for the experience of the applicants;

14 (v) Determining the adequacy of the State's, tribe's, or territory's recordkeeping for the needs  
15 of State, tribal, or territorial and Federal law enforcement;

16 (vi) Reviewing laws to determine if they meet the requirements of this section; and

17 (vii) Reviewing a revised falconry examination to determine if it meets the requirements of  
18 this section.

19 (6) *Suspension of a State's, tribe's, or territory's certification* .(i) We may propose to  
20 suspend, and may suspend the approval of a State, tribal, or territorial falconry program in  
21 accordance with the procedures in paragraph (b)(6)(ii) of this section if we determine that the  
22 State, tribe, or territory has deficiencies in one or more items in paragraph (b)(5) of this section.

23 (ii) When we propose to suspend approval of a State, tribal, or territorial falconry program,  
24 we will first provide written notice to the State, tribe, or territory. Any such notice will include  
25 the basis for our determination that suspension is warranted. We will identify the actions that  
26 would, if implemented by the State, tribe, or territory, allow us to cancel the proposed suspension  
27 of approval.

28 (iii) The State, tribe, or territory will have 2 years from the date of our notification to correct  
29 the deficiencies. The State, tribe, or territory must respond in writing within that time to the  
30 proposed suspension, specifying the reasons why the certification should not be suspended. We  
31 will give due consideration to any objections and evidence raised by the State, tribe, or territory.

1 (iv) If we continue to believe that suspension is warranted, we will provide written notice of  
2 suspension, including the rationale for suspension, and respond to any objections to the  
3 suspension.

4 (A) The suspension of approval of the State's, tribe's, or territory's falconry program will be  
5 effective 180 days from the date of the Service's final notification of suspension.

6 (B) The State, tribe, or territory must then inform all falconry applicants and permittees of  
7 the impending cancellation of permitting.

8 (v) We will honor all falconry permits in that jurisdiction for 2 years from the date of our  
9 final notification of suspension of certification. At the end of the 2 years, you must transfer all  
10 raptors (including captive-bred raptors) held under permits from the State, tribal, or territorial  
11 falconry program to other falconry permittees in other States or territories, or to Federal raptor  
12 propagation or education permittees, institutions exempt from the Federal permit requirements,  
13 or permanently released to the wild (if it is allowed by the State, tribe, or territory and by this  
14 section), or euthanized. However, you may not permanently release hybrid raptors to the wild.

15 (7) *Appeal of a decision to suspend State, tribal, or territorial certification* . The State, tribe,  
16 or territory may appeal a decision to suspend certification to the Director within 180 days of the  
17 date of the Director's decision. The Director will then respond to the State, tribe, or territory  
18 within 180 days of receipt of the appeal. The State, tribe, or territory certification will remain  
19 effective until the Director makes a final decision on the appeal.

20 (8) *Recertification of compliance with this section if a State's, tribe's, or territory's falconry*  
21 *permitting authority has been suspended* . If a State, tribe, or territory has had its falconry  
22 permitting authority suspended but has corrected its problems, it must submit a request for  
23 approval of its permitting activities. We will then either recertify the program, or report in  
24 writing why we do not believe that earlier permitting problems have been rectified.

25 (9) *Authority to suspend or revoke a falconry permit issued by a State, tribe, or territory* .  
26 Suspension or revocation of a falconry permit is the responsibility of the State, tribe, or territory.  
27 However, compliance with all provisions of these regulations remains under the purview of the  
28 Fish and Wildlife Service.

29  
30  
31  
32

1 (10) *Standards in effect in your place of residence.*

<b>If your legal residence is in</b>	<b>you may</b>
(i) Arkansas, Colorado, Idaho, Maine, Michigan, Mississippi, Missouri, Montana, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, or Washington	practice falconry as permitted in these regulations if you have a permit from your State, tribe, or territory.
(ii) Alabama, Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, or Wyoming,	practice falconry under the Federal regulations in effect on November 7, 2008 (if falconry was allowed in your State at that time) until your State has certified that it meets the requirements in these regulations or until January 1, 2014.

2

3 (11) *Compliance date for the regulations in this section.* A State with existing Federally-  
 4 approved falconry regulations wishing to continue to allow falconry after January 1, 2014 must  
 5 certify to the Director of the Fish and Wildlife Service that it is in compliance with this section.  
 6 This section will be applicable for a State upon publication in the Federal Register of our notice of  
 7 approval of the State's certification. Any State certified to allow falconry under the Federal  
 8 falconry regulations contained in §§21.28 and §21.29 in effect prior to November 7, 2008 may  
 9 continue to allow falconry under those provisions until:

- 10 (i) We publish a notice of our approval of the State's certification in the Federal Register; or  
 11 (ii) January 1, 2014.

12 (12) *What will happen if a State with falconry regulations certified under earlier regulations*  
 13 *does not come into compliance with this section by January 1, 2014?* If a State does not come  
 14 into compliance with this section by the compliance date, we will require that all raptors held for  
 15 falconry in that State or (including captive-bred raptors) be transferred to falconers in other  
 16 jurisdictions, transferred to captive propagation programs, permanently released to the wild (if  
 17 that is allowed by the State and by this section), or euthanized. However, you may not  
 18 permanently release hybrid raptors to the wild.

19

20

1 (c) *Practicing falconry* —(1) *Practicing falconry where you reside.*

<b>If your legal residence is in</b>	<b>you may</b>	<b>because your place of residence</b>
(i) the District of Columbia, Hawaii, on any tribal land, or in any U.S. territory,	not practice falconry	has not met the Federal falconry standards or does not allow the practice of falconry.
(ii) any State other than Hawaii, in the District of Columbia, on any tribal land, or in any U.S. territory,	practice falconry after you receive your State, tribal, or territorial falconry permit, if your State, tribe, or territory is in compliance with these regulations	has met the Federal standards and allows the practice of falconry.

2

3 (2) *Permits and inspections to practice falconry.* You must have a valid falconry permit  
 4 from the State, tribe, or territory in which you reside (or the tribe on whose land you wish to  
 5 practice falconry if you reside on tribal land or are a tribal member), to take, possess, or transport  
 6 raptors for falconry, or to hunt with them. Depending on the game you hunt as a falconer and  
 7 where you hunt, you also may need a Federal Migratory Bird Hunting and Conservation Stamp  
 8 (a “Duck Stamp”), and State, tribal, or territorial hunting permits or stamps to hunt with a raptor.

9 (i) Some State, tribal, territorial, or local governments may require you to have additional  
 10 permits or licenses to practice falconry or to take a raptor from the wild.

11 (ii) You must comply with all regulations governing migratory bird permitting.

12 (iii) If you reside for more than 120 consecutive days in a State or territory or on tribal lands  
 13 other than the location of your primary residence, your falconry facilities in the second location  
 14 must meet the standards in paragraph (d) of this section and of the corresponding State, tribal, or  
 15 territorial lands, and your facilities must be listed on your falconry permit.

16 (3) *Classes of permit to practice falconry.* We recognize Apprentice, General, and Master  
 17 Falconer levels. Each State, tribe, or territory may have any number of permit levels, but the  
 18 standards for them must be at least as restrictive as these Federal standards. Your State, tribe, or  
 19 territory may have more restrictive laws or regulations governing falconry.

20 (i) Requirements and possession options for an Apprentice Falconer.

21 (A) You must be at least 12 years of age.

22 (B) If you are under 18 years of age, a parent or legal guardian must sign your application  
 23 and is legally responsible for your activities.

1 (C) You must have a letter from a Master Falconer or a General Falconer with a valid State,  
2 tribal, or territorial falconry permit who is at least 18 years old and has at least 2 years  
3 experience at the General Falconer level, stating that he or she will assist you, as necessary, in:

4 ( 1 ) Learning about the husbandry and training of raptors held for falconry;

5 ( 2 ) Learning and about relevant wildlife laws and regulations, and

6 ( 3 ) Deciding what species of raptor is appropriate for you to possess while an Apprentice.

7 (D) Regardless of the number of State, tribal, or territorial falconry permits you have, you  
8 may possess no more than one raptor for use in falconry.

9 (E) You may take raptors less than 1 year old, except nestlings, from the wild during any  
10 period or periods specified by the State, tribe, or territory. You may take any raptor species from  
11 the wild except a federally listed threatened or endangered species or the following species: Bald  
12 eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle  
13 (*Haliaeetus pelagicus*), golden eagle (*Aquila chrysaetos*), American swallow-tailed kite  
14 (*Elanoides forficatus*), Swainson's hawk (*Buteo swainsoni*), peregrine falcon (*Falco peregrinus*),  
15 flammulated owl (*Otus flammeolus*), elf owl (*Micrathene whitneyi*), and short-eared owl (*Asio*  
16 *flammeus*).

17 (F) You may possess a raptor of any Falconiform or Strigiform species, including wild,  
18 captive-bred, or hybrid individuals, except a federally listed threatened or endangered species, a  
19 bald eagle ( *Haliaeetus leucocephalus* ), a white-tailed eagle ( *Haliaeetus albicilla* ), a Steller's  
20 sea-eagle ( *Haliaeetus pelagicus* ), or a golden eagle ( *Aquila chrysaetos* ).

21 (G) You do not need to capture a wild raptor yourself; it can be transferred to you by  
22 another falconry permittee.

23 (H) You may not possess a raptor taken from the wild as a nestling.

24 (I) You may not possess a bird that is imprinted on humans.

25 (J) Your raptor facilities must pass inspection by your State, tribe, or territory before you  
26 may be granted a permit.

27 (ii) Requirements and possession options for a General Falconer.

28 (A) You must be at least 16 years of age.

29 (B) If you are 16 or 17 years of age, a parent or legal guardian must sign your application  
30 and must be legally responsible for your activities.

31 (C) You must submit a document from a General Falconer or Master Falconer (preferably  
32 your sponsor) to your State, tribal, or territorial wildlife agency stating that you have practiced

1 falconry with raptor(s) at the Apprentice Falconer level or equivalent for at least 2 years,  
2 including maintaining, training, flying, and hunting the raptor(s) for least 4 months in each year.  
3 That practice may include capture and release of falconry raptors.

4 (D) You may not substitute any falconry school program or education to shorten the period  
5 of 2 years at the Apprentice level.

6 (E) You may take and possess any species of Falconiform or Strigiform except a golden  
7 eagle, a bald eagle, a white-tailed eagle, or a Steller's sea-eagle. You may use captive-bred  
8 individuals and hybrids of the species you are allowed to possess.

9 (F) Regardless of the number of State, tribal, or territorial falconry permits you have, you  
10 may possess no more than 3 raptors.

11 (iii) Requirements and possession options for a Master Falconer.

12 (A) You must have practiced falconry with your own raptor(s) at the General Falconer level  
13 for at least 5 years.

14 (B) You may take and possess any species of Falconiform or Strigiform except a bald eagle.  
15 However, you may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea eagle  
16 only if you meet the qualifications set forth under paragraph (c)(3)(iv).

17 (C) You may possess any captive-bred individuals or hybrids of species your State, tribe, or  
18 territory allows you to possess for use in falconry.

19 (D) Regardless of the number of State, tribal, or territorial falconry permits you have, you  
20 may possess no more than 5 wild raptors, including golden eagles.

21 (E) You may possess any number of captive-bred raptors. However, you must train them in  
22 the pursuit of wild game and use them in hunting.

23 (iv) If you meet the requirements in paragraph (c) of this section for falconry you may  
24 possess up to 3 eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea  
25 eagle.

26 (A) Your State, tribal, or territorial agency that regulates falconry must document the  
27 following before approving your request to possess an eagle to use in falconry:

28 (1) Your experience in handling large raptors, including information about the species you  
29 have handled and the type and duration of the activity in which you gained the experience.

30 (2) At least two letters of reference from people with experience handling and/or flying  
31 large raptors such as eagles, ferruginous hawks, goshawks (*Accipiter gentilis*), or great horned  
32 owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with

1 large raptors, which can include, but is not limited to, handling of raptors held by zoos,  
2 rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also  
3 assess your ability to care for eagles and fly them in falconry.

4 (B) A golden eagle, white-tailed eagle, or Steller's sea-eagle you hold will count as one of  
5 the raptors you are allowed to possess for use in falconry.

6 (4) *Taking a test to qualify for a falconry permit.* Before you are issued an Apprentice  
7 permit you must correctly answer at least 80 percent of the questions on an examination  
8 administered by the State, tribe, or territory under which you wish to obtain a falconry permit.  
9 The examination must cover care and handling of falconry raptors, Federal, State or territorial,  
10 and tribal (if applicable) laws and regulations relevant to falconry, and other appropriate subject  
11 matter. Contact your State, tribal, or territorial agency that regulates falconry for information  
12 about permits and taking the test.

13 (5) *Reinstatement of a lapsed falconry permit if your State, tribe, or territory allows it.* (i) If  
14 your permit has lapsed for fewer than 5 years, it may be reinstated at the level you held  
15 previously if you have proof of your certification at that level.

16 (ii) If your permit has lapsed for 5 years or longer, you must correctly answer at least 80  
17 percent of the questions on an examination administered by the State, tribe, or territory in which  
18 you wish to obtain a falconry permit. If you pass the exam, your permit may be reinstated at the  
19 level you previously held. Your facilities must pass State, tribal, or territorial inspection before  
20 you may possess a falconry bird.

21 (6) *Permit to practice falconry at an appropriate level if you have experience in falconry but*  
22 *are a new resident in the United States.* You may qualify for the falconry permit appropriate for  
23 your experience. To demonstrate your knowledge of U.S. falconry laws and regulations, you  
24 must correctly answer at least 80 percent of the questions on the supervised examination for  
25 falconers administered by the State, tribe, or territory under which you wish to obtain a falconry  
26 permit. If you pass the test, the State, tribe, or territory will decide for which level of falconry  
27 permit you are qualified, consistent with the class requirements in paragraph (c)(3) of this  
28 section. To do so, the State, tribe, or territory should base its decision on your documentation of  
29 your experience. Your falconry facilities must meet the standards in paragraph (d)(1) of this  
30 section before you may keep a raptor to use in falconry.

31 (7) *Banding or tagging raptors used in falconry.* (i) If you take a goshawk, Harris's hawk (  
32 *Parabuteo unicinctus* ), peregrine falcon (*Falco peregrinus* ), or gyrfalcon (*Falco rusticolus* )

1 from the wild or acquire one from another falconer or a rehabilitator, and if the raptor is not  
2 already banded, you must band it with a permanent, nonreusable, numbered U.S. Fish and  
3 Wildlife Service leg band that your State, tribal, or territorial agency will supply. If you wish,  
4 you may purchase and implant an ISO (International Organization for Standardization)-  
5 compliant (134.2 kHz) microchip in addition to the band. You must report the band number  
6 when you report your acquisition of the bird. Contact your State, tribal, or territorial agency for  
7 information on obtaining and disposing of bands. Within 10 days from the day on which you  
8 take the raptor from the wild, you must report take of the bird by entering the required  
9 information (including the band number) in the electronic database at  
10 <http://permits.fws.gov/186A> or, if required by your permitting agency, by submitting a paper  
11 form 3–186A to your State, tribal, or territorial agency that governs falconry. You may request  
12 an appropriate band from your State, tribal, or territorial agency in advance of any effort to  
13 capture a raptor. Your State, tribe, or territory may require that you band other species taken  
14 from the wild.

15 (ii) A raptor bred in captivity must be banded with a seamless metal band ( *see* §21.30). If  
16 you must remove a seamless band or if it is lost, within 10 days from the day you remove or note  
17 the loss of the band, you must report it and request a replacement U.S. Fish and Wildlife Service  
18 nonreusable band from your State, tribe, or territory. You must submit the required information  
19 electronically immediately upon rebanding the raptor at <http://permits.fws.gov/186A> or, if  
20 required by your permitting agency, by submitting a paper form 3–186A to your State, tribal, or  
21 territorial agency that governs falconry. You must replace a seamless band that is removed or  
22 lost. You may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition  
23 to the seamless band.

24 (iii) If the band must be removed or is lost from a raptor in your possession, you must report  
25 the loss of the band within 5 days, and you must then do at least one of the following:

26 (A) Request a U.S. Fish and Wildlife Service nonreusable band from your State, tribal, or  
27 territorial agency that regulates falconry. You must submit the required information within 10  
28 days of rebanding the raptor at <http://permits.fws.gov/186A> or by submitting a paper form 3-  
29 186A to your State, tribal, or territorial agency that governs falconry.

30 (B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report  
31 the microchip information at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A  
32 form to your State, tribal, or territorial agency that governs falconry.

1 (iv) You must not alter, deface, or counterfeit a band. You may remove the rear tab on a  
2 band on a raptor you take from the wild, and you may smooth any imperfect surface if you do  
3 not affect the integrity of the band or the numbering on it.

4 (v) If you document health or injury problems for a raptor you possess that are caused by the  
5 band, the State, tribe, or territory may provide an exemption to the requirement for that raptor. In  
6 that case, you must keep a copy of the exemption paperwork with you when transporting or  
7 flying the raptor. If your bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon,  
8 you must replace the band with an ISO-compliant microchip that we will supply to your State,  
9 tribe, or territory. We will not provide a microchip for a wild goshawk, Harris's hawk, peregrine  
10 falcon, or gyrfalcon unless you have demonstrated that a band causes an injury or a health  
11 problem for the bird.

12 (vi) You may not band a raptor removed from the wild with a seamless numbered band.

13 (8) *Carrying your permit(s) when conducting falconry activities.* You must have your  
14 permit(s) or legible copies of them in your immediate possession if you are not at the location of  
15 your falconry facilities and you are trapping, transporting, working with, or flying your falconry  
16 raptor(s).

17 (9) *Transporting a falconry raptor or raptors to other States or territories.* If you have a  
18 valid falconry permit, you may possess and transport for falconry purposes a lawfully possessed  
19 raptor through other States or territories. However, any State, tribe, or territory may further  
20 regulate such transport.

21 (d) *Facilities and care requirements —(1) Facilities you must have and maintain .* You  
22 must keep all raptors you hold under your falconry permit in humane and healthful conditions.

23 (i) Whether they are indoors (a “mews”) or outdoors (a “weathering area”), your raptor  
24 facilities must protect raptors in them from the environment, predators, and domestic animals.  
25 You are responsible for the maintenance and security (protection from predators) of raptors you  
26 possess under your permit.

27 (ii) You must have raptor housing facilities approved by your State, tribe, or territory before  
28 you may obtain a bird to use in falconry. Your State, tribe, or territory may require that you have  
29 both indoor and outdoor facilities. A representative of your agency that regulates falconry, or its  
30 designee, must certify that your facilities and equipment meet the following standards:

31 (A) For housing raptors indoors or outdoors, the facility must protect raptors from predators  
32 and domestic animals.

1 (1) The facility must have a suitable perch for each raptor, at least one opening for sunlight,  
2 and must provide a healthy environment for raptors inside.

3 (2) You may house untethered raptors together if they are compatible with each other.

4 (3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if  
5 tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its  
6 feathers or contacting other raptors.

7 (4) Each falconry bird must have access to a pan of clean water unless weather conditions,  
8 the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

9 (B) An indoor facility must be large enough to allow easy access for the care and feeding of  
10 raptors kept there.

11 (1) If raptors you house in this indoor facility are not tethered, all walls that are not solid  
12 must be protected on the inside. Suitable materials may include vertical bars spaced narrower  
13 than the width of the body of the smallest raptor you house in the enclosure. However, heavy-  
14 duty netting or other such materials may be used to cover the walls or roof of the enclosure.

15 (2) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered  
16 side by side. Other innovative housing systems are acceptable if they provide the enclosed  
17 raptors with protection and maintain healthy feathers.

18 (C) You may keep a falconry raptor or raptors inside your place of residence if you provide  
19 a suitable perch or perches. If you house your raptor(s) inside your home, you do not need to  
20 modify windows or other openings of the structure. Raptors kept in your home must be tethered  
21 when they are not being moved into or out of the location in which they are kept.

22 (D) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire,  
23 heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

24 (1) The facility must be covered and have at least a covered perch to protect a raptor held in  
25 it from predators and weather.

26 (2) The facility must be large enough to insure that the birds cannot strike the enclosure  
27 when flying from the perch.

28 (3) New types of housing facilities and/or husbandry practices may be used if they satisfy  
29 the requirements above and are approved by the State, tribal, or territorial authority regulating  
30 falconry.

1 (iii) You may keep falconry raptors outside in the open if they are under watch, such as by  
2 you or a family member at any location or, for example, by a designated individual in a  
3 weathering yard at a falconry meet.

4 (iv) You must inform your State, tribal, or territorial agency within 5 business days if you  
5 change the location of your facilities.

6 (2) *Falconry facilities on property you do not own* —(i) Your falconry facilities may be on  
7 property owned by another person where you reside, or at a different location. Regardless of  
8 location, the facilities must meet the standards in paragraph (d)(1) of this section and those of the  
9 State, tribe, or territory from which you have a falconry permit.

10 (ii) You must submit to your State, tribal, or territorial agency that regulates falconry a  
11 signed and dated statement showing that you agree that the falconry facilities and raptors may be  
12 inspected without advance notice by State, tribal (if applicable), or territorial authorities at any  
13 reasonable time of day, but you must be present. If your facilities are not on property that you  
14 own, you must submit a signed and dated statement showing that the property owner agrees that  
15 the falconry facilities and raptors may be inspected by State, tribal (if applicable), or territorial  
16 authorities at any reasonable time of day in the presence of the property owner; except that the  
17 authorities may not enter the facilities or disturb the raptors unless you are present.

18 (3) *Equipment you must have and maintain.* You must have jesses or the materials and  
19 equipment to make them, leash and swivel, bath container, and appropriate scales or balances for  
20 weighing raptor(s) you possess.

21 (4) *Facilities you must have for a raptor when you are transporting it, using it for hunting,*  
22 *or are away from your home with it.* You must be sure that the bird has a suitable perch and is  
23 protected from extreme temperatures, wind, and excessive disturbance. A “giant hood” or similar  
24 container is acceptable for transporting or housing a raptor when you are away from the  
25 permanent facility where it is housed.

26 (5) *Temporarily housing a raptor outside of your permanent facilities when you are not*  
27 *transporting it or using it for hunting.* You may house a raptor in temporary facilities for no  
28 more than 120 consecutive calendar days if the bird has a suitable perch and is protected from  
29 predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

30 (6) *Care of falconry raptors by another falconry permittee .* Another falconry permittee may  
31 care for a raptor or raptors for you at your facilities or at that person's facilities for up to 120  
32 consecutive calendar days. The other person must have a signed and dated statement from you

1 authorizing the temporary possession, plus a copy of FWS form 3-186A that shows that you are  
2 the possessor of each of the raptors. The statement must include information about the time  
3 period for which he or she will keep the raptor(s), and about what he or she is allowed to do with  
4 it or them.

5 (i) Your raptor(s) will remain on your falconry permit, and will not be counted against the  
6 possession limit of the person caring for your raptors.

7 (ii) If the person caring for your raptor(s) holds the appropriate level falconry permit, he or  
8 she may fly your raptor(s) in whatever way you authorize, including hunting.

9 (iii) This care of your raptors may be extended indefinitely in extenuating circumstances,  
10 such as illness, military service, or for a family emergency. The State, tribe, or territory may  
11 consider such instances on a case-by-case basis.

12 (7) *Care of falconry raptors by someone who does not have a falconry permit.* Another  
13 person may care for falconry birds you possess at your facilities for up to 45 consecutive  
14 calendar days.

15 (i) The raptor(s) will remain on your falconry permit.

16 (ii) The raptors must remain in your facilities.

17 (iii) This care may be extended indefinitely in extenuating circumstances, such as illness,  
18 military service, or for a family emergency.

19 (iv) The person(s) caring for your raptors may not fly them for any reason.

20 (8) *Residence part of the year in another jurisdiction.* (i) The State, tribe, or territory in  
21 which you live part-time may require that you obtain its falconry permit. You must contact the  
22 State, tribal, or territorial agency that regulates falconry to determine whether you need a permit.

23 (ii) If you live for more than 120 consecutive days in a State or territory or on tribal lands  
24 other than where you maintain your primary residence, your falconry facilities in the second  
25 State must meet the standards in this section.

26 (9) *Inspections.* Falconry equipment and records may be inspected in the presence of the  
27 permittee during business hours on any day of the week by State, tribal, or territorial officials.

28 (e) *Taking, possessing, and transporting raptors for falconry* —(1) *Raptor species you may*  
29 *take from the wild to use for falconry.* (i) You may not intentionally capture a raptor species that  
30 your classification as a falconer does not allow you to possess for falconry. If you capture a bird  
31 you are not allowed to possess, you must release it immediately.

1 (ii) On some tribal lands and in some States there may be State, tribal, or Federal restrictions  
2 on the take or use of these species, and you may need a tribal or State permit or permits to  
3 capture a bird.

4 (iii) State, tribal, or territorial regulations on take may be more restrictive than those in this  
5 section.

6 (iv) Take of any species must be in compliance with these regulations.

7 (v) If you are a Master Falconer and your State, tribe, or territory allows you to possess  
8 golden eagles, in any year you may take up to two golden eagles from the wild and only in a  
9 livestock depredation area during the time the depredation area and associated depredation  
10 permit or depredation control order are in effect. A livestock depredation area is declared by  
11 USDA Wildlife Services and permitted under §22.23, or upon the request of a State governor  
12 and authorized by the Service Director pursuant to §§22.31 and 22.32.

13 (2) *How and when you may take raptors from the wild to use in falconry.* You may take no  
14 more than two raptors from the wild each year to use in falconry.

15 (i) If you transfer a bird you take from the wild to another permittee in the same year in  
16 which you capture it, the bird will count as one of the raptors you are allowed to take from the  
17 wild that year; it will not count as a capture by the recipient, though it will always be considered  
18 a wild bird.

19 (ii) If you are a General or Master Falconer, you may remove nestlings from a nest or aerie  
20 in accordance with tribal (if applicable), State, territorial, and Federal restrictions.

21 (iii) You may not take raptors at any time or in any manner that violates any law of the  
22 State, tribe, or territory on whose land you are trapping.

23 (iv) If you are responsible for reporting take of a raptor from the wild, you can report by  
24 entering the required information in the electronic database at <http://permits.fws.gov/186A> or by  
25 submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.  
26 You must do this at your first opportunity to do so, but no later than 10 days after the capture of  
27 the bird.

28 (v) If you are present at the capture site, even if another person captures the bird for you,  
29 you are considered the person who removes the bird from the wild. You are responsible for filing  
30 a 3-186A form reporting take of the bird from the wild. This would occur, for example, if  
31 another person climbs a tree or rappells down a cliff and takes a nestling for you and gives it to  
32 you at the tree or cliff.

1 (vi) If you are not at the immediate location where the bird is taken from the wild, the  
2 person who removes the bird from the wild must be a General or Master Falconer, and must  
3 report take of the bird. If that person then transfers the bird to you, you must both file 3-186A  
4 forms reporting the transaction at your first opportunity to do so, but no later than 10 days after  
5 the transfer. The bird will count as one of the two raptors the person who took it from the wild is  
6 allowed to capture in any year. The bird will not count as a bird you took from the wild. The  
7 person who takes the bird from the wild must report the take even if he or she promptly transfers  
8 the bird to you.

9 (vii) If you have a long-term or permanent physical impairment that prevents you from  
10 attending the capture of a species you can use for falconry, a General or Master Falconer may  
11 capture a bird for you. You are then responsible for filing a 3-186A form reporting take of the  
12 bird from the wild, and the bird will count against the take of wild raptors that you are allowed in  
13 any year.

14 (viii) You must promptly release any bird you capture unintentionally.

15 (3) *Other restrictions on taking raptors from the wild for falconry.* (i) If you are a General or  
16 Master Falconer, you may take only raptors less than 1 year of age from the wild during any  
17 period or periods specified by the State, tribe, or territory. However, you may take an American  
18 kestrel or great horned owl of any age from the wild during any period or periods specified by  
19 the State, tribe, or territory.

20 (ii) If you are a Master Falconer authorized to possess golden eagles for use in falconry, you  
21 may capture a golden eagle in a livestock or wildlife depredation area during the time the  
22 depredation area and associated depredation permit or depredation control order are in effect.

23 (A) You may capture an immature or subadult golden eagle.

24 (B) You may take a nestling from its nest in a livestock depredation area if a biologist  
25 representing the agency responsible for declaring the depredation area has determined that the  
26 adult eagle is preying on livestock or wildlif

27 (C) You may take a nesting adult golden eagle only if a biologist representing the agency  
28 responsible for declaring the depredation area has determined that the adult eagle is preying on  
29 livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to  
30 possess it or by the biologist and transferred to an individual authorized to possess it.

1 (D) You must determine the locations of the livestock or wildlife depredation areas declared  
 2 by USDA Wildlife Services, or published in the Federal Register by the Service in response to a  
 3 State governor's request. We will not notify you about them.

4 (E) Before you begin any trapping activities, you must inform our regional Law  
 5 Enforcement office of your capture plans. You must notify the offices in person, in writing, or  
 6 via facsimile or email at least 3 business days before you start trapping. You may send an email  
 7 to with your trapping plans to *lawenforcement@fws.gov* , or

<b>If you plan to trap a golden eagle in</b>	<b>you must notify</b>
(1) California, Idaho, Nevada, Oregon, or Washington,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement 911 NE 11th Avenue Portland, Oregon 97232-4181 503-231-6125 facsimile 503-231-6197
(2) Arizona, New Mexico, Oklahoma, or Texas,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 329 Albuquerque, New Mexico 87103 505-248-7889 facsimile 505-248-7899
(3) Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, or Wisconsin,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 45 Federal Building Fort Snelling, Minnesota 55111-0045 612-713-5320 facsimile 612-713-5283
(4) Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, or Tennessee,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 49226 Atlanta, Georgia 30359 404-679-7057 facsimile 404-679-7065
(5) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, or West Virginia,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 659 Hadley, Massachusetts 01035-0659 413-253-8274 facsimile 413-253-8459

(6) Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, or Wyoming,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 25486 Denver Federal Center (60130) Denver, Colorado 80225-0486 303-236-7540 facsimile 303-236-7901
(7) Alaska,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement 1011 East Tudor Road Suite 155 Anchorage, Alaska 99503-6199 907-786-3311 facsimile 907-786-3313

1

2 (F) You also must meet all requirements of the State or territory in which you plan to trap,  
3 or the tribe on whose lands you plan to trap.

4 (G) You must have permission from the landowner to capture an eagle; or if you wish to  
5 capture one on public land, the responsible agency must allow it.

6 (iii) You may recapture a falconry bird you have lost at any time. We do not consider  
7 recapture of a wild bird to be taking a bird from the wild.

8 (iv) You may recapture a raptor wearing falconry equipment or a captive-bred bird at any  
9 time - even if you are not allowed to possess the species. The bird will not count against your  
10 possession limit, nor will its take from the wild count against your limit. You must report your  
11 recapture of the bird to your State, tribal, or territorial agency that regulates falconry no more  
12 than 5 working days after the recapture. You must return a recaptured falconry bird to the person  
13 who lost it, if that person may legally possess it. Disposition of a bird whose legal possession  
14 cannot be determined will be at the discretion of the State, tribe, or territory.

15 (v) You may take any raptor that you are authorized to possess from the wild if the bird is  
16 banded with a Federal Bird Banding Laboratory aluminum band except that you may not take a  
17 banded peregrine falcon from the wild.

18 (A) If a raptor (including a peregrine falcon) you capture is marked with a seamless metal  
19 band, a transmitter, or any other item identifying it as a falconry bird, you must report your  
20 capture of the bird to your State, tribal, or territorial agency that regulates falconry no more than  
21 5 working days after the capture. You must return a recaptured falconry bird to the person who

1 lost it. If that person cannot possess the bird or does not wish to possess it, you may keep it.  
2 Otherwise, disposition of a bird whose legal possession cannot be determined will be at the  
3 discretion of the State, tribe, or territory. While you keep a bird for return to the person who lost  
4 it, the bird will not count against your possession limit or your limit on take of raptors from the  
5 wild if you have reported possessing the bird to your State, tribal, or territorial falconry permit  
6 office.

7 (B) If you capture a peregrine falcon that has a research band (such as a colored band with  
8 alphanumeric codes) or a research marking attached to it, you must immediately release the bird,  
9 except that if the falcon has a transmitter attached to it, you are authorized to possess the bird up  
10 to 30 days if you wish to contact the researcher to determine if he or she wishes to replace the  
11 transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed,  
12 the researcher or his or her designee can make the change or allow you to do so before you  
13 release the bird. If the researcher does not wish to keep the transmitter on the falcon, you may  
14 keep the bird if you captured it in circumstances in which capture of wild peregrines is allowed.

15 (C) If a raptor you capture has any other band, research marking, or transmitter attached to  
16 it, you must promptly report the band numbers and all other relevant information to the Federal  
17 Bird Banding Laboratory at 1-800-327-2263.

18 ( 1 ) You may contact the researcher and determine if he or she wishes to replace a  
19 transmitter attached to a bird you capture. If so, you are authorized to possess the bird up to 30  
20 days until the researcher or his or her designee does so, or until you can replace it yourself.  
21 Disposition of the bird will be at the discretion of the researcher and your State, tribal, or  
22 territorial agency that regulates falconry.

23 ( 2 ) If you possess such a bird temporarily, it will not count against your possession limit  
24 for falconry raptors.

25 (vi) You must leave at least one young from any nest or aerie from which you take a  
26 nestling.

27 (vii) If you are an Apprentice Falconer, you may not take a nestling from the wild.

28 (viii) If you are a Master Falconer with a permit to do so, you may take, transport, or  
29 possess up to three eagles, including golden eagles, white-tailed eagles, or Steller's sea-eagles,  
30 subject to the requirements in paragraph (c)(3)(iv) of this section and §22.24 of this part. A  
31 golden eagle, white-tailed eagle, or Steller's sea-eagle you possess counts as a bird to be included  
32 under your possession limit.

1 (ix) If you are a General or Master Falconer, you may take no more than one bird of a  
2 threatened species from the wild each year if the regulations in part 17 of this subchapter allow it  
3 and if you obtain a Federal endangered species permit to do so before you take the bird. You also  
4 may need a State, tribal, or territorial endangered species permit to take a listed species.

5 (4) *Take of a species or subspecies that was recently removed from the Federal List of*  
6 *Endangered and Threatened Wildlife to use in falconry.* We must first publish a management  
7 plan for the species. If take is allowed in the management plan, you may do so in accordance  
8 with the provisions for take in the plan.

9 (5) *Raptors injured due to falconer trapping efforts.* You have two options for dealing with  
10 a bird injured by your trapping efforts. In either case, you are responsible for the costs of care  
11 and rehabilitation of the bird.

12 (i) You may put the bird on your falconry permit. You must report take of the bird by  
13 entering the required information in the electronic database at <http://permits.fws.gov/186A> or by  
14 submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry  
15 at your first opportunity to do so, but no more than 10 days after capture of the bird. You must  
16 then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will  
17 count against your possession limit.

18 (ii) You may give the bird directly to a veterinarian, or a permitted wildlife rehabilitator, or  
19 an appropriate wildlife agency employee. If you do so, it will not count against your allowed take  
20 or the number of raptors you may possess.

21 (6) *Acquisition, transfer, loss, or rebanding of a raptor.* (i) If you acquire a raptor; transfer,  
22 reband, or microchip a raptor; if a raptor you possess is stolen; if you lose a raptor to the wild  
23 and you do not recover it within 30 days; or if a bird you possess for falconry dies; you must  
24 report the change within 10 days by entering the required information in the electronic database  
25 at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or  
26 territorial agency that governs falconry.

27 (ii) If a raptor you possess is stolen, you must report the theft to your State, tribal, or  
28 territorial agency that regulates falconry and to your Fish and Wildlife Service Regional Law  
29 Enforcement office (see paragraph (e)(3)(ii)(E) of this section) within 10 days of the theft of the  
30 bird.

1 (iii) You must keep copies of all electronic database submissions documenting take,  
2 transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after you have  
3 transferred or lost the bird, or it has died.

4 (7) *Acquiring a bird for falconry from a permitted rehabilitator.* You may acquire a raptor  
5 of any age of a species that you are permitted to possess directly from a rehabilitator. Transfer to  
6 you is at the discretion of the rehabilitator.

7 (i) If you acquire a bird from a rehabilitator, within 10 days of the transaction you must  
8 report it by entering the required information in the electronic database at  
9 <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or  
10 territorial agency that governs falconry.

11 (ii) If you acquire a bird from a rehabilitator, it will count as one of the raptors you are  
12 allowed to take from the wild that year.

13 (8) *Flying a hybrid raptor in falconry.* When flown free, a hybrid raptor must have attached  
14 at least two functioning radio transmitters to help you to locate the bird.

15 (9) *Releasing a falconry bird to the wild.* You must follow all applicable State or territorial  
16 and Federal laws and regulations before releasing a falconry bird to the wild.

17 (i) If the raptor you wish to release is not native to the State or territory, or is a hybrid of any  
18 kind, you may not permanently release the bird to the wild. You may transfer it to another  
19 falconry permittee.

20 (ii) If the species you wish to release is native to the State or territory and is captive-bred,  
21 you may not release the bird to the wild unless you have permission from the State, tribe, or  
22 territory to release the bird. If you are permitted to do so, you must hack the bird (allow it to  
23 adjust) to the wild at an appropriate time of year and an appropriate location. You must remove  
24 its falconry band (if it has one) and report release of the bird by entering the required information  
25 in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A  
26 to your State, tribal, or territorial agency that governs falconry.

27 (iii) If the species you wish to release is native to the State and was taken from the wild, you  
28 may release the bird only at an appropriate time of year and an appropriate location. You must  
29 remove its falconry band and report release of the bird by entering the required information in  
30 the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to  
31 your State, tribal, or territorial agency that governs falconry.

1 (10) *Restrictions on transfers of falconry raptors from other falconers.* We do not restrict  
2 the number of wild-caught or captive-bred raptors transferred to you, but you may not exceed  
3 your possession limit.

4 (f) *Additional information on the practice of falconry* —(1) *Raptors removed from the wild*  
5 *for falconry are always considered “wild” raptors.* No matter how long such a bird is held in  
6 captivity or whether it is transferred to another permittee or permit type, it is always considered a  
7 “wild” bird. However, it is considered to be taken from the wild only by the person who  
8 originally captured it. We do not consider the raptor to be taken from the wild by any subsequent  
9 permittee to whom it is legally transferred.

10 (2) *“Hacking” of falconry raptors .* Hacking (temporary release to the wild) is an approved  
11 method for falconers to condition raptors for falconry. If you are a General Falconer or a Master  
12 Falconer, you may hack a falconry raptor or raptors.

13 (i) You may need permission from your State, tribal, or territorial wildlife agency to hack a  
14 bird you possess for falconry. Check with your State, tribal, or territorial agency that regulates  
15 falconry to determine if hacking is allowed.

16 (ii) Any bird you are hacking counts against your possession limit and must be a species you  
17 are authorized to possess.

18 (iii) Any hybrid you hack must have two attached functioning radio transmitters during  
19 hacking.

20 (iv) You may not hack a falconry bird near a nesting area of a Federally threatened or  
21 endangered bird species or in any other location where the raptor is likely to harm a Federally  
22 listed threatened or endangered animal species that might be disturbed or taken by your falconry  
23 bird. You should contact your State or territorial wildlife agency before hacking a falconry bird  
24 to ensure that this does not occur. You can contact the State Fish and Wildlife Service office in  
25 your State or territory for information on Federally-listed species.

26 (3) *Use of other falconry training or conditioning techniques.* You may use other acceptable  
27 falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures,  
28 balloons, or kites in training or conditioning falconry raptors. You also may fly falconry birds at  
29 bird species not protected under the Migratory Bird Treaty Act or at pen-raised animals.

30 (4) *Selling or trading raptors under a falconry permit.* (i) If allowed by your State, tribe or  
31 territory, you may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred  
32 raptors marked with seamless bands to other permittees who are authorized to possess them.

1 (ii) You may not purchase, sell, trade, or barter wild raptors. You may only transfer them.

2 (5) *Transfer of wild-caught raptors captured for falconry to another type of permit.* Under  
3 some circumstances you may transfer a raptor to another permit type if the recipient of the bird  
4 (which could be you) possesses the necessary permits for the other activity.

5 (i) If your State, tribe, or territory allows you to do so, you may transfer a wild-caught  
6 falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2  
7 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel).  
8 When you transfer the bird, you must provide a copy of the 3-186A form documenting  
9 acquisition of the bird by the propagator to the Federal migratory bird permit office that  
10 administers the propagation permit.

11 (ii) You may transfer a wild-caught bird to another permit type in less than 2 years (1 year  
12 for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel) if the bird has been  
13 injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no  
14 longer be flown for falconry.

15 (A) Within 10 days of transferring the bird , you must provide a copy of the 3-186A form  
16 documenting acquisition of the bird to the Federal migratory bird permit office that administers  
17 the other permit type.

18 (B) When you transfer the bird, you must provide a copy of the certification from the  
19 veterinarian or rehabilitator that the bird is not useable in falconry to the Federal migratory bird  
20 permits office that administers the other permit type.

21 (6) *Transfer of captive-bred falconry raptors to another type of permit .* You may transfer  
22 captive-bred falconry raptors if the holder of the other permit type is authorized to possess the  
23 bird(s). Within 10 days you must report the transfer by entering the required information in the  
24 electronic database at <http://permits.fws.gov/186A> or by submitting a standard paper form 3-  
25 186A to your State, tribal, or territorial agency that governs falconry.

26 (7) *Use of raptors held under a falconry permit in captive propagation .* You may use  
27 raptors you possess for falconry in captive propagation if you or the person overseeing the  
28 propagation has the necessary permit(s) (see §21.30). You do not need to transfer a bird from  
29 your falconry permit if you use it for fewer than 8 months in a year in captive propagation, but  
30 you must do so if you permanently transfer the bird for propagation. The bird must then be  
31 banded as required in §21.30.

1           (8) *Use of falconry raptors in conservation education programs* . If you are a General or  
2 Master Falconer, you may use a bird you possess in conservation education programs presented  
3 in public venues.

4           (i) You do not need a Federal education permit to conduct conservation education activities  
5 using a falconry raptor held under a State, tribal, or territorial falconry permit.

6           (ii) You may present conservation programs as an Apprentice Falconer if you are under the  
7 supervision of a General or Master Falconer when you do so.

8           (iii) You must use the bird primarily for falconry.

9           (iv) You may charge a fee for presentation of a conservation education program. The fee  
10 may not exceed the amount required to recoup your costs.

11           (v) In conservation education programs, you must provide information about the biology,  
12 ecological roles, and conservation needs of raptors and other migratory birds, although not all of  
13 these topics must be addressed in every presentation. You may not give presentations that do not  
14 address falconry and conservation education.

15           (vi) You are responsible for all liability associated with conservation education activities  
16 you undertake ( *see* 50 CFR 13.50).

17           (9) *Other educational uses of falconry raptors* . You may allow photography, filming, or  
18 other such uses of falconry raptors to make movies or other sources of information on the  
19 practice of falconry or on the biology, ecological roles, and conservation needs of raptors and  
20 other migratory birds, though you may not be paid for doing so.

21           (i) You may not use falconry raptors to make movies, commercials, or in other commercial  
22 ventures that are not related to falconry.

23           (ii) You may not use falconry raptors for commercial entertainment; for advertisements; as a  
24 representation of any business, company, corporation, or other organization; or for promotion or  
25 endorsement of any products, merchandise, goods, services, meetings, or fairs, with the  
26 following exceptions:

27           (A) You may use a falconry raptor to promote or endorse a nonprofit falconry organization  
28 or association.

29           (B) You may use a falconry raptor to promote or endorse products or endeavors related to  
30 falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods,  
31 perches, materials for raptor facilities, falconry training and education materials, and scientific  
32 research and publication.

1           (10) *Assisting in rehabilitation of raptors to prepare them for release* . If your State, tribe,  
2 or territory allows you to do so, and if you are a General or Master Falconer, you may assist a  
3 permitted migratory bird rehabilitator to condition raptors in preparation for their release to the  
4 wild. You may keep a bird you are helping to rehabilitate in your facilities.

5           (i) The rehabilitator must provide you with a letter or form that identifies the bird and  
6 explains that you are assisting in its rehabilitation.

7           (ii) You do not need to meet the rehabilitator facility standards. You need only meet the  
8 facility standards in this section; your facilities are not subject to inspection for compliance with  
9 the standards in §21.31.

10          (iii) You do not have to add any raptor you possess for this purpose to your falconry permit;  
11 it will remain under the permit of the rehabilitator.

12          (iv) You must return any such bird that cannot be permanently released to the wild to the  
13 rehabilitator for placement within the 180–day timeframe in which the rehabilitator is authorized  
14 to possess the bird, unless the issuing office authorizes you to retain the bird for longer than 180  
15 days.

16          (v) Upon coordination with the rehabilitator, you must release all releaseable raptors to the  
17 wild or return them to the rehabilitator for release within the 180–day timeframe in which the  
18 rehabilitator is authorized to possess the birds, unless the issuing office authorizes you to retain  
19 and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to you  
20 to hold under your falconry permit.

21          (11) *Using a falconry bird in abatement activities*. (i) If you are a Master Falconer, you may  
22 conduct abatement activities with a bird or birds you possess for falconry, if you have a Special  
23 Purpose Abatement permit. If you are a General Falconer, you may conduct abatement activities  
24 only as a subpermittee of the holder of the abatement permit.

25          (ii) You may receive payment for providing abatement services if you have a Special  
26 Purpose Abatement permit.

27          (12) *Feathers that a falconry bird or birds molts*. (i) For imping (replacing a damaged  
28 feather with a molted feather), you may possess flight feathers for each species of raptor you  
29 possess or previously held for as long as you have a valid falconry permit. You may receive  
30 feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the  
31 United States, and you may give feathers to them. You may not buy, sell, or barter such feathers.

1 (ii) You may donate feathers from a falconry bird, except golden eagle feathers, to any  
2 person or institution with a valid permit to have them, or to anyone exempt from the permit  
3 requirement under §21.12.

4 (iii) Except for primary or secondary flight feathers or retrices from a golden eagle, you are  
5 not required to gather feathers that are molted or otherwise lost by a falconry bird. You may  
6 leave the feathers where they fall, store them for imping, or destroy them. However, you must  
7 collect molted flight feathers and retrices from a golden eagle. If you choose not to keep them for  
8 imping, you must send them to the National Eagle Repository.

9 (iv) We request that you send all feathers (including body feathers) that you collect from  
10 any falconry golden eagle and that you do not need for imping, to the National Eagle Repository  
11 at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky  
12 Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the  
13 Repository is 303-287-2110.

14 (v) If your permit expires or is revoked, you must donate the feathers of any species of  
15 falconry raptor except a golden eagle to any person or any institution exempt from the permit  
16 requirement under §21.12 or authorized by permit to acquire and possess the feathers. If you do  
17 not donate the feathers, you must burn, bury, or otherwise destroy them.

18 (13) *Disposition of carcasses of falconry birds that die.* (i) You must send the entire body of  
19 a golden eagle you held for falconry, including all feathers, talons, and other parts, to the  
20 National Eagle Repository.

21 (ii) You may donate the body or feathers of any other species of falconry raptor to any  
22 person or institution exempt under §21.12 or authorized by permit to acquire and possess such  
23 parts or feathers.

24 (iii) If the bird was banded or microchipped prior to its death, you may keep the body of any  
25 falconry raptor except that of a golden eagle. You may keep the body so that the feathers are  
26 available for imping, or you may have the body mounted by a taxidermist. You may use the  
27 mount in giving conservation education programs. If the bird was banded, you must leave the  
28 band on the body. If the bird has an implanted microchip, you must leave the microchip in place.

29 (iv) If you do not wish to donate the bird body or feathers or keep it yourself, you must  
30 burn, bury, or otherwise destroy it or them within 10 days of the death of the bird or after final  
31 examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could

1 pose a risk of secondary poisoning of eagles and other scavengers. You must take appropriate  
2 precautions to avoid such poisonings.

3 (v) If you do not donate the bird body or feathers or have the body mounted by a  
4 taxidermist, you may possess the flight feathers for as long as you have a valid falconry permit.  
5 However, you may not buy, sell, or barter the feathers. You must keep the paperwork  
6 documenting your acquisition of the bird.

7 (14) *Visitors practicing falconry in the United States.* (i) A visitor to the United States may  
8 qualify for a temporary falconry permit appropriate for his or her experience.

9 (A) The permit may be valid for any period specified by the State, tribe, or territory.

10 (B) To demonstrate knowledge of U.S. falconry laws and regulations, the visitor must  
11 correctly answer at least 80 percent of the questions on the supervised examination for falconers  
12 administered by the tribe, State, or territory from which he or she wishes to obtain a temporary  
13 falconry permit. If the visitor passes the test, the tribe, State, or territory will decide for what  
14 level of temporary permit the person is qualified. The decision should be based on the  
15 individual's documentation of his or her experience.

16 (C) If you hold a temporary falconry permit, you may possess raptors for falconry if you  
17 have approved falconry facilities.

18 (D) A holder of a temporary falconry permit may fly raptors held for falconry by a permitted  
19 falconer.

20 (E) A holder of a temporary falconry permit may not take a bird from the wild to use in  
21 falconry.

22 (ii) For the duration of a permit from a State, tribe, or territory, a visitor may use any bird  
23 for falconry that he or she possess legally in his or her country of residence for that purpose,  
24 provided that import of that species to the United States is not prohibited, and provided that he or  
25 she has met all permitting requirements of his or her country of residence.

26 (A) A visitor must comply with the provisions in this section, those of the State, tribe or  
27 territory where he or she wishes to conduct falconry, and all States through which he or she will  
28 travel with the bird.

29 (B) The visitor may transport registered raptors. He or she may need one or more additional  
30 permits to bring a raptor into the United States or to return home with it ( *see* 50 CFR part 14  
31 (importation, exportation, and transportation of wildlife), part 15 (Wild Bird Conservation Act),

1 part 17 (endangered and threatened species), part 21 (migratory bird import and export permits),  
2 and part 23 (endangered species convention)).

3 (C) Unless the visitor has the necessary permit(s) to bring a raptor into the United States and  
4 leave it here, he or she must take raptors brought into the country for falconry out of the country  
5 when he or she leaves. If a raptor brought into the United States dies or is lost while in this  
6 country, the visitor must document the loss before leaving the United States by reporting the loss  
7 to the State, tribal, or territorial agency that governs falconry where the bird was lost.

8 (D) When flown free, any bird brought to this country temporarily must have two attached  
9 radio transmitters that will allow the falconer to locate it.

10 (E) There also may be tribal or State restrictions on nonresidents practicing falconry or  
11 importing a raptor or raptors held for falconry.

12 (15) *Taking falconry raptors to another country to use in falconry activities* . A permit  
13 issued under this section authorizes you to export and then import raptors you legally possess for  
14 falconry to another country to use in falconry without an additional migratory bird import/export  
15 permit issued under §21.21.

16 (i) You must meet any requirements in 50 CFR 14 subpart B.

17 (ii) You may need one or more additional permits to take a bird from the United States or to  
18 return home with it ( *see* 50 CFR part 15 (Wild Bird Conservation Act), part 17 (endangered and  
19 threatened species), and part 23 (endangered species convention)).

20 (iii) Unless you have the necessary permit(s) to permanently export a raptor from the United  
21 States, you must bring any raptor you take out of the country for falconry back to the United  
22 States when you return. Each raptor must be covered by a CITES certificate of ownership issued  
23 under part 23 of this chapter. You must have full documentation of the lawful origin of each  
24 raptor (a copy of a propagation report with band number or a 3-186A report), and each must be  
25 identifiable with a seamless band or a permanent, nonreusable, numbered Fish and Wildlife  
26 Service leg band issued by the Service or an implanted microchip for identification.

27 (iv) If the raptor dies or is lost, you are not required to bring it back but must report the loss  
28 immediately upon your return to the United States in the manner required by the falconry  
29 regulations of your State, and any conditions on your CITES certificate.

30 (16) *Permission to capture, fly, or release a falconry bird at any location*. You do not need  
31 special or written permission for any of these activities on public lands if it is authorized.  
32 However, you must comply with all applicable Federal, State, tribal, or territorial laws regarding

1 falconry activities, including hunting. Your falconry permit does not authorize you to capture or  
 2 release raptors or practice falconry on public lands if it is prohibited on those lands, or on private  
 3 property, without permission from the landowner or custodian.

4 (17) *Practicing falconry in the vicinity of a Federally listed threatened or endangered*  
 5 *animal species.* In practicing falconry you must ensure that your activities do not cause the take  
 6 of Federally listed threatened or endangered wildlife. “Take” under the Endangered Species Act  
 7 means “to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage  
 8 in any such conduct” (Endangered Species Act §3(18)). Within this definition, “harass” means  
 9 any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or  
 10 sheltering, and harm” means an act that actually kills or injures wildlife (50 CFR 17.3). To  
 11 obtain information about threatened or endangered species that may occur in your State or on  
 12 tribal lands where you wish to practice falconry, contact your State, tribal, or territorial agency  
 13 that regulates falconry. You can contact your State Fish and Wildlife Service office for  
 14 information on Federally-listed species.

15 (18) *Trapping a bird for use in falconry in areas used by the northern aplomado falcon.*  
 16 Capture of a northern aplomado falcon ( *Falco femoralis septentrionalis* ) is not authorized  
 17 because it is a violation of the Endangered Species Act. To avoid trapping northern aplomado  
 18 falcons, you must comply with the following conditions when trapping a bird for use in falconry  
 19 in the following counties.

<b>If you trap in</b>	<b>You may trap a bird for falconry in the following counties if you comply with the conditions below.</b>
(i) Arizona,	Cochise, Graham, Pima, Pinal, or Santa Cruz.
(ii) New Mexico,	Doa Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, or Socorro.
(iii) Texas,	Aransas, Brewster, Brooks, Calhoun, Cameron, Culberson, Duval, Ector, El Paso, Hidalgo, Hudspeth, Jackson, Jeff Davis, Kenedy, Kinney, Kleberg, Matagorda, Maverick, Midland, Nueces, Pecos, Presidio, Reeves, Refugio, San Patricio, Starr, Terrell, Val Verde, Victoria, Webb, Willacy, or Zapata.

20 (iv) If you are an Apprentice Falconer, you must be accompanied by a General or Master  
 21 Falconer when trapping in one of these counties.

22 (v) You may not begin trapping if you observe a northern aplomado falcon in the vicinity of  
 23 your intended trapping effort.

24 (vi) You must suspend trapping if a northern aplomado falcon arrives in the vicinity of your  
 25 trapping effort.

1       (19) *Prey item killed by a falconry bird without your intent, including an animal taken*  
2 *outside of a regular hunting season* . (i) You may allow your falconry bird to feed on the animal,  
3 but you may not take the animal into your possession.

4       (ii) You must report take of any federally listed threatened or endangered species to our  
5 Ecological Services Field Office for the location in which the take occurred.

6       (20) *Take of bird species for which a depredation order is in place* . With a falconry bird,  
7 you may take any species listed in parts 21.43, 44, 45, or 46 of this subchapter at any time in  
8 accordance with the conditions of the applicable depredation order, as long as you are not paid  
9 for doing so.

10       (21) *Transfer of falconry raptors if a permittee dies* . A surviving spouse, executor,  
11 administrator, or other legal representative of a deceased falconry permittee may transfer any  
12 bird held by the permittee to another authorized permittee within 90 days of the death of the  
13 falconry permittee. After 90 days, disposition of a bird held under the permit is at the discretion  
14 of the authority that issued it.

15       (g) *Applying for a falconry permit* . If you apply for a falconry permit, you must include the  
16 following information plus any other information required by your State, tribe, or territory.

17       (1) The completed application form from your State, tribal, or territorial agency that regulates  
18 falconry permits.

19       (2) Proof that you have passed the falconry test administered by the State, tribe, or territory  
20 where you maintain your legal residence, or proof that you have previously held a falconry  
21 permit at the level you seek.

22       (3) For an Apprentice permit, you must provide the following:

23       (i) A letter from a General or Master Falconer stating that he or she has agreed to assist you  
24 in learning about the husbandry and training of raptors held for falconry and about relevant  
25 wildlife laws and regulations, and in deciding what species of raptor is appropriate for you to  
26 possess while an Apprentice.

27       (ii) An original, signed certification that you are particularly familiar with §10.13 of this  
28 subchapter, the list of migratory bird species to which the Migratory Bird Treaty Act applies;  
29 part 13 of this subchapter, general permit regulations; part 21 of this subchapter, migratory bird  
30 permits; and part 22 of this subchapter, eagle permits. The certification can be incorporated into  
31 tribal and State application forms, and must be worded as follows:

1        *I certify that I have read and am familiar with the regulations in title 50, part 13, of the Code*  
2 *of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50,*  
3 *and that the information I have submitted is complete and accurate to the best of my knowledge*  
4 *and belief. I understand that any false statement herein may subject me to the criminal penalties*  
5 *of 18 U.S.C. 1001.*

6        (4) For an Apprentice or General Falconry permit, a parent or legal guardian must co-sign  
7 your application if you are under 18.

8        (5) For a General Falconer permit:

9        (i) Information documenting your experience maintaining falconry raptors, including a  
10 summary of what species you held as an Apprentice Falconer and how long you possessed each  
11 bird, and

12        (ii) A letter from a General Falconer or Master Falconer (preferably your sponsor) attesting  
13 that you have practiced falconry with raptor(s) at the Apprentice Falconer level for at least 2  
14 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in  
15 each year.

16        (6) For a Master Falconer permit, you must attest that you have practiced falconry at the  
17 General Falconer level for at least 5 years.

18        (h) *Updating a falconry permit after a move.* If you move to a new State or outside the  
19 jurisdiction of your tribe or territory and take falconry birds with you, within 30 days you must  
20 inform both your former State, tribe, or territory and the permitting authority for your new place  
21 of residence of your address change. To obtain a new falconry permit, you must follow the  
22 permit application procedures of the authority under which you wish to acquire a new permit.  
23 You may keep falconry birds you hold while you apply for a new falconry permit. However, the  
24 State, tribe, or territory into which you move may place restrictions on your possession of  
25 falconry birds until you meet the residency requirements there.

26        (i) *Restoration of revoked permits* . Upon request of the person whose permit has been  
27 revoked, the State, tribe, or territory may restore the person's falconry permit at the end of the  
28 revocation period.

29        (j) *Information collection requirements* . The information collection required for falconry  
30 applications and for falconry bird disposition on FWS Form 3-186A is approved by the Office of  
31 Management and Budget under control number 1018-0022. The information is necessary to  
32 determine take of raptors from the wild for falconry.

1 (k) *Database required of States, tribes, and territories.* Each State, tribe, or territory that  
2 permits falconry must maintain information in a database. The information will enable  
3 enforcement of this section.

4 (1) The State, tribal, or territorial database must be compatible with the database that we  
5 maintain. The State, tribal, or territorial database must contain the following information:

6 (i) The current address of each person with a falconry permit.

7 (ii) The classification of each person with a falconry permit - Apprentice Falconer, General  
8 Falconer, or Master Falconer.

9 (iii) The address of the falconry facilities of each person with a falconry permit.

10 (iv) The Federal falconry identifier number assigned via the 3-186A system to each person  
11 with a falconry permit.

12 (v) Whether each permittee is authorized to possess eagles.

13 (vi) Information on the status of each person's permit: whether it is active, suspended, or  
14 revoked.

15 (2) Information on each permit granted, including changes in status from Apprentice  
16 Falconer to General Falconer or General Falconer to Master Falconer, and moves of falconers or  
17 their facilities must be entered into the State's, tribe's, or territory's database within 30 days of the  
18 granting of the permit or a falconer's change in status. New additions to the State, tribal, or  
19 territorial database must be forwarded to us monthly.

20  
21 [73 FR 59465, Oct. 8, 2008, as amended at 74 FR 64640, Dec. 8, 2009; 75 FR 931, Jan. 7,  
22 2010; 75 FR 3395, Jan. 21, 2010; 75 FR 81141, Dec. 27, 2010]