

WYOMING GAME AND FISH COMMISSION

CHAPTER 25

FALCONRY REGULATION

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302, §23-2-101 and §23-2-105.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation. This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission adopts the following definitions:

(a) "Adult golden eagle" means a golden eagle without any immature or sub-adult feathers in either the wings or the tail.

(b) "Eyas raptors" mean young raptors not capable of flight.

(c) "Falcon" means raptor.

(d) "Falconry" means the sport of taking quarry by means of a trained raptor.

(e) "Falconry permit" means a permit to take, possess or transport, sell, purchase, barter, offer to sell, purchase or barter raptors for falconry purposes.

(f) "General Falcon Capture license" means a license to take only one (1) of the following: American kestrel, Cooper's hawk, ferruginous hawk, goshawk, gyrfalcon, harrier, merlin, prairie falcon, red-tailed hawk, rough-legged hawk, sharp-shinned hawk and Swainson's hawk. Golden eagles shall only be taken in accordance with Section 5(f)(vii) of this regulation.

(g) "License to hunt with falcon" means a license to hunt, pursue and kill game birds and small game animals with raptors.

(h) "Limited Quota Falcon Capture license" means a license valid only to take one (1) Peregrine falcon.

(i) "Passage raptors" mean first year raptors taken by properly permitted falconers from January 1 through February 5 and from September 5 through December 31.

(j) "Permittee" means a person who has been issued a valid joint Wyoming-Federal falconry permit or a falconry permit from another state that complies with federal falconry standards.

(k) "Raptor" means a live migratory bird of the Order Falconiformes (commonly called vultures, hawks, falcons and eagles), other than a vulture (Cathartes aura), an osprey (Pandion haliaetus), or a bald eagle (Haliaeetus leucocephalus).

(l) "Service" means the U.S. Fish and Wildlife Service.

Section 4. Falconry Regulation Established. The practice of falconry and the taking of raptors shall be permitted as set forth in this Chapter.

Section 5. General Regulation. Persons desiring to take, transport, receive or possess any raptor(s) shall make written application for and receive a falconry permit or a capture license from the Department in accordance with the following provisions:

(a) Falconry Permit Conditions.

(i) A joint Wyoming-Federal falconry permit or a falconry permit from another state meeting federal falconry standards shall be required before any person may take, possess or transport any raptor for falconry purposes or practice falconry in Wyoming. A permit to practice falconry shall be valid upon issuance and expires three (3) years from the date of issuance or renewal unless otherwise restricted or revoked in writing by the Service or the Department. Upon completion of the permit application requirements as described in this Section, the Department shall forward a copy of the completed application on a form approved by the Service; an original signed certification that the information provided in the application is valid as required by Title 50, Code of Federal Regulations (CFR) Part 21.28 revised October 1, 2003, and which does not include any later amendments or editions of the incorporated matter; the facilities inspection form indicating at least minimum standards are met; the applicant's check or money order for the federal permit fees; and, a copy of the issued Wyoming falconry permit to the appropriate issuing office of the Service. The facilities inspection form shall not be required on permit renewals. A copy of 50 CFR Part 21.28 can be viewed at any Department Regional Office or the Headquarters Office.

(ii) A permit to practice falconry shall not allow the permittee to take, transport or possess a golden eagle (Aquila chrysaetos) unless authorized in writing by the Service as provided in Title 50, CFR Part 22.24, revised as of October 1, 2003, and which does not include any later amendments or editions of the incorporated matter. Golden eagles possessed for falconry purposes are considered raptors and shall be maintained in accordance with Federal falconry standards as described in Title 50, CFR Parts 21.28 and 21.29 revised as of October 1, 2003, and which do not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 21.28, 21.29 and 22.24 can be viewed at any Department Regional Office or the Headquarters Office.

(iii) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer or otherwise dispose of any raptor unless such permittee submits a Service Form 3-186A (Migratory Bird Acquisition/Disposition Report) completed in accordance with the instructions on the form, to the issuing office of the Service within five (5) calendar days of any such transaction.

(iv) No raptor shall be possessed under authority of a falconry permit unless the permittee has a properly completed Service form 3-186A (Migratory Bird Acquisition/Disposition Report) for each raptor possessed, except as provided in subsection (iii) of this section.

(v) A raptor possessed under authority of a falconry permit may be held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor shall be accompanied at all times by a properly completed Service Form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the person caring for the raptor as the possessor of record and by a signed dated statement from the permittee authorizing the temporary possession.

(vi) A permittee shall not take, possess or transport any peregrine falcon (Falco peregrinus), Gyrfalcon (Falco rusticolus), Harris hawk (Parabuteo unicinctus), or golden eagle (Aquila chrysaetos) unless such raptor is banded either by a seamless numbered band or by a permanent, non-reusable band provided by the Service.

(vii) A permittee shall not sell, purchase, barter or offer to sell, purchase or barter any raptor unless the raptor is marked on the raptor's leg (metatarsus) by a seamless numbered band supplied by the Service.

(viii) A permittee shall not propagate raptors without prior acquisition of a valid raptor propagation permit issued under Title 50, CFR Part 21.30 - Raptor Propagation Permits, revised as of October 1, 2003, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 21.30 can be viewed at any Department Regional Office or the Headquarters Office.

(b) Classes of Falconry Permits.

(i) Apprentice Falconer (or equivalent).

(A) An apprentice falconer shall be at least fourteen (14) years of age and be sponsored by a person holding a General or Master Falconry Permit for the first two (2) years in which an Apprentice Permit is held, regardless of the age of the permittee. A sponsor shall not have more than three (3) apprentices at any one (1) time. The applicant shall furnish a letter signed by the sponsor indicating the sponsorship, class of permit held by the sponsor, and the number of apprentices.

(B) An apprentice falconer shall not possess more than one (1) raptor and shall not obtain more than one (1) raptor for replacement during any twelve (12) month period.

(C) An apprentice falconer shall possess only an American kestrel (Falco sparverius) or a red-tailed hawk (Buteo jamaicensis) which shall be taken from the wild.

(D) Apprentice falconers shall not take eyas raptors.

(ii) General Falconer (or equivalent).

(A) A general falconer shall be at least eighteen (18) years of age and have at least two (2) years experience in the practice of falconry at the apprentice level or equivalent.

(B) A general falconer shall not possess more than two (2) raptors and shall not apply for or obtain more than two (2) raptors for replacement birds during any twelve (12) month period.

(C) A general falconer shall not take, transport or possess any golden eagle or any species listed as threatened or endangered in Title 50, CFR Part 17.11, revised as of October 1, 2003, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 17.11 can be viewed at any Department Regional Office or the Headquarters Office.

(iii) Master Falconer (or equivalent).

(A) An applicant shall have at least five (5) years of experience in the practice of falconry at the general class level or its equivalent.

(B) A master falconer shall not possess more than three (3) raptors and shall not obtain more than two (2) raptors taken from the wild for replacement birds during any twelve (12) month period.

(C) A master falconer shall not take any species listed as endangered in Title 50, CFR 17.11, but may transport or possess such species in accordance with Title 50, CFR Part 17-32, revised as of October 1, 2003, and which do not include any later amendments or editions of the

incorporated matter. A copy of 50 CFR Part 17.11 can be viewed at any Department Regional Office or the Headquarters Office.

(D) A master falconer shall not take, transport or possess any golden eagle for falconry purposes unless authorized in writing under Title 50, CFR Part 22.24, revised as of October 1, 2003, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 22.24 can be viewed at any Department Regional Office or the Headquarters Office.

(E) A master falconer shall not take, in any twelve (12) month period, as part of the three(3) raptor limitation, more than one (1) raptor listed as threatened in Title 50, CFR Part 17.11, revised as of October 1, 2003, and which does not include any later amendments or editions of the incorporated matter, and then only in accordance with those regulations. A copy of 50 CFR Part 17.11 can be viewed at any Department Regional Office or the Headquarters Office.

(c) Examinations.

(i) Prior to issuance of a falconry permit, applicants shall answer correctly at least eighty (80) percent of the questions on a supervised examination provided by or approved by the Service and administered by the Department. Examinations shall be available at the Regional Offices of the Department and shall be given during normal business hours. An applicant holding a valid state-federal falconry permit from another state shall submit a letter from that state verifying that the individual has taken and passed the examination in lieu of taking the examination in Wyoming.

(ii) Applicants failing the examination may retake it after notification of their score by the Headquarters Office of the Department.

(d) Facilities and Equipment Requirements.

(i) No permittee shall be in possession of any raptor and no permit to practice falconry shall be issued until an applicant's housing facilities for raptors and equipment to handle raptors have been inspected and approved by the Department. The applicant shall be sent a Facilities and Inspection Report Form which shall be completed and approved by a Department enforcement officer and forwarded to the Headquarters Office of the Department.

(ii) A permittee who moves to a new address and intends to house raptors at the new address shall have thirty (30) days to comply with the facility(ies) requirements. A permittee shall notify the Department of the change in address within five (5) days of the change.

(iii) Indoor facilities (mews) shall be large enough to allow easy access for caring for raptors housed in the facility. If more than one (1) raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each raptor shall be large enough to allow the raptor to fully extend its wings. There shall be at least one (1) window, protected on the inside with vertical bars, spaced narrower than the width of the raptor's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches for the species being kept shall be provided.

(iv) Equipment shall include, but not be limited, to the following:

(A) Jesses - at least one (1) pair of Alymeri jesses or similar type construction of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free (traditional 1-piece jesses may be used on raptors when not being flown).

(B) Leashes and swivels - at least one (1) flexible weather resistant leash and one (1) swivel of acceptable falconry design.

(C) Bath container - at least one (1) suitable container, two (2) to six (6) inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

(D) Weighing device - a reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than fifteen (15) grams (one-half (1/2) ounce) shall be provided.

(v) All equipment and facilities shall be kept at or above the preceding standards at all times.

(vi) A raptor may be transported or held in temporary facilities for a period not to exceed thirty (30) days. Temporary facilities shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance.

(e) Marking. Raptors possessed under a falconry permit shall be marked in accordance with the following provisions:

(i) Any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), Harris hawk (Parabuteo unicinctus), or golden eagle (*Aquila chrysaetas*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the Service, shall be banded within five (5) days of taking with a permanent, non-reusable, numbered band issued by the Service. Gyrfalcons, peregrine falcons and golden eagles obtained from the wild in Wyoming shall be banded with black permanent non-reusable bands provided by the Service.

(ii) Any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), Harris hawk (Parabuteo unicinctus), or golden eagle (*Aquila chrysaetas*) possessed for falconry purposes shall be banded at all times in accordance with these standards.

(iii) The loss or removal of any band shall be reported to the issuing office of the Service within five (5) working days of the loss. The lost band shall be replaced with a permanent, non-reusable band supplied by the Service. Black permanent, non-reusable bands shall be used for raptors originating from the wild and yellow permanent, non-reusable bands for captive bred raptors. No raptor removed from the wild shall be banded with a seamless numbered band. A Form 3-186A (Migratory Bird Acquisition/Disposition Report) completed in accordance with the instructions on the form, shall be submitted to the issuing office of the Service within five (5) calendar days, reporting the loss and rebanding.

(iv) No person shall remove, alter, counterfeit or deface the numbered, non-reusable adjustable permanent marker (band), except that the permittee may remove the rear tab on the non-reusable band and may smooth any imperfect surface provided the integrity of the band or the numbering is not altered. A band that is causing damage to a raptor may be removed and another band replaced on the other leg of the raptor. Removal of any band and the rebanding shall be reported to the issuing office of the Service within five (5) working days as described in (e)(iii) of this section.

(f) Taking of Raptors.

Any person with a valid falconry permit desiring to take any raptor shall make written application for and receive a general or limited quota falcon capture license in accordance with the following provisions:

(i) Eyas raptors shall only be taken by a properly permitted general or master falconer between June 10 and July 5. When taking eyas raptors, at least one (1) eyas raptor shall be left in the nest by the falconer.

(ii) Passage raptors may be taken by a properly permitted falconer from January 1 - February 5 and from September 5 - December 31, except as provided for in subsection (v) of this section. Banded raptors may be retrapped any time by the permittee who formerly possessed the raptor. Raptors, excluding American kestrels (*Falco sparverius*), taken that are older than one (1) year of age shall be released immediately.

(iii) No person shall receive more than two (2) general falcon capture licenses or one (1) general falcon capture license and one (1) limited quota falcon capture license in any consecutive twelve (12) month period. No person shall receive more than one (1) limited quota falcon capture license in any consecutive twelve (12) month period.

(iv) Applications for general falcon capture licenses for raptors shall be submitted during the calendar year in which the licensee intends to take a raptor. Separate applications and fees shall be submitted for each general falcon capture license for which applied. The capture area shall be the entire State of Wyoming. In accordance with the conditions contained in this Chapter, the following raptor species may be taken under the authority of a general falcon capture license: American kestrel, Cooper's hawk, ferruginous hawk, goshawk, gyrfalcon, harrier, merlin, prairie falcon, red-tailed hawk, rough-legged hawk, sharp-shinned hawk and Swainson's hawk. Golden eagles shall only be taken in accordance with subsection (vii) of this section.

(v) A completed application and proper fee shall be submitted for limited quota falcon capture licenses for peregrine falcons and shall be submitted to the License Section at Cheyenne Headquarters not later than March 1 during the calendar year in which the licensee intends to take a peregrine falcon. The Department on a drawing basis may issue a maximum of five (5) limited quota falcon licenses to capture peregrine falcons annually. In the drawing, four (4) licenses shall be reserved for residents and one (1) license shall be reserved for non-residents. To establish the number of leftover licenses, the Department may continue to alternately draw from the list of unsuccessful applicants of each the resident and non-resident drawing against the established quota, until there are no unissued licenses for which there are applications. In the event there are more limited quota licenses available than applications received, the licenses shall be issued on a first come, first served basis beginning March 15. The capture area shall be the entire State of Wyoming, except the lands within the Middle Fork of the Popo Agie River, Baldwin Creek or Sawmill Creek drainages in Fremont County are closed to the take of peregrine and prairie falcons. Peregrine falcons may be taken under the authority of a limited quota falcon capture license in accordance with the conditions contained in this Chapter.

(vi) Raptors taken from the wild shall be presented at a Department Regional Office during normal business hours within five (5) days immediately following the date of capture, except marked or jessed raptors that are recaptured. The permittee shall furnish to the Department the legal description to include 1/4 Sec.; Sec.; Twn.; Rng. or UTM coordinates; of the nest site or location of capture at the time the raptor is presented at the Regional Office. Failure to provide accurate and verifiable data shall be a violation of this regulation. Upon presentation by the permittee of a lawfully captured raptor, the Department shall complete and provide the permittee with a Falcon Shipping and Possession Permit.

(vii) Golden eagles may be taken by properly permitted master falconers within designated depredation areas anytime of the year in accordance with federal regulation 50 CFR 22.24, revised as of October 1, 2003, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 22.24 can be viewed at any Department Regional Office or the Headquarters Office. Adult golden eagles shall not be taken, and, if captured, shall be immediately released on site.

(g) Other restrictions.

(i) Any person who possesses a lawfully acquired raptor before January 1, 1977, and who fails to meet the permit requirement shall be allowed to retain the raptor(s). All such birds shall be identified with markers (bands) supplied by the Service and cannot be replaced if death, loss, release or escape occurs.

(ii) A person who possesses raptors before January 1, 1977, in excess of the number allowed under his/her class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers (bands) supplied by the Service and no replacement can occur, nor may an additional raptor be obtained until the number in possession is at least one (1) less than the total number authorized by the class of permit held by the permittee.

(iii) No falconry permit holder shall intentionally release any non-indigenous raptor to the wild in Wyoming, except during hunting or training activities. The marker or band from an intentionally released raptor which is indigenous to Wyoming shall be removed and surrendered to the Department. A standard federal bird band shall be attached to such raptor(s) by the Department or Service authorized federal bird bander whenever possible.

(iv) Feathers that are molted or those feathers from raptor(s) held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

(h) It shall be unlawful to take or possess from any dead raptor, vulture, osprey, or bald eagle, or any part thereof, at any time, except as provided in this regulation.

Section 6. Sale of Raptors. Except for captive-bred raptors, no person shall take, possess, purchase, barter or sell or offer to purchase, barter or sell any raptor, raptor eggs or raptor semen within Wyoming. A person with a valid state wildlife agency raptor propagation permit or falconry license may purchase or acquire by barter a captive-produced falcon as provided for in Wyoming Game and Fish Commission Regulation, Chapter 37, Raptor Propagation Regulation, revised as of December 6, 1999, and which does not include any later amendments or editions of the incorporated matter.

Section 7. Hunting with Raptors. Persons holding a valid hunting license for game birds or small game animals and a license to hunt with falcon may hunt, pursue and kill game birds and small game animals in and during any of the established hunting areas and seasons in accordance with existing regulations under the following provisions:

(a) While hunting game birds or small game animals with a raptor, no person shall carry a firearm.

(b) Persons hunting with raptors may hunt, pursue and kill game birds without distinction as to sex.

Section 8. Most Restrictive State or Federal Regulation. State and federal regulations govern the taking, possession and transportation of all raptors. In all cases, the most restrictive regulation, whether Federal or State shall apply.

Section 9. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

Section 10. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect

without the illegal or unconstitutional provision; and, to this end, the provisions of the regulation are severable.

WYOMING GAME AND FISH COMMISSION

By:  
Bill Williams, DVM, President

Dated: September 7, 2007