

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Falconry Rules and Regulations

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to promulgate rules for use of snares and amend the rules relative to Falconry.

**Title 76**

**WILDLIFE AND FISHERIES**

**PART V. WILD QUADRUPEDS AND WILD BIRDS**

**Chapter 3. Wild Birds**

**§301. Falconry**

~~— A. — 1. Raptors for use in falconry may be captured or kept in captivity in Louisiana only under permit issued by the department. Raptor as used in these regulations means a live migratory bird of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*), or of the family Falconidae, or the great horned owl (*Bubo virginianus*) of the family Strigidae. Before any falconry permit is issued, the applicant shall be required to answer correctly at least 80 percent of the questions on a federally-approved examination~~

~~provided and administrated by the department. The examination shall apply to all applicants for their first permit.~~

~~2. Applicants who show written proof of having successfully passed a federally-approved falconry examination in another state may be issued a Louisiana falconry permit.~~

~~B. Falconry permits shall be valid for a period of one year and shall be renewed on July 1 of each year. There shall be four classes of permits issued.~~

~~1. Apprentice Permit~~

~~a. An applicant for an apprentice permit shall be at least 16 years old and shall be sponsored by a person holding a general or master falconry permit. A sponsor may not have more than three apprentices at any one time.~~

~~b. Apprentice permittees may not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.~~

~~c. Apprentice permittees may take and possess only a passage American Kestrel (*Flaco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), or a red-shouldered hawk (*Buteo lineatus*). Such a bird may be taken from October 1 through February 26.~~

~~2. General Permit~~

~~\_\_\_\_\_ a. An applicant for a general falconry permit shall be at least 18 years old and shall have at least two years' experience at the apprentice level or its equivalent.~~

~~\_\_\_\_\_ b. General permittees may not possess more than two raptors and may not obtain more than two raptors for replacement during any 12-month period.~~

~~\_\_\_\_\_ c. Passage and eyas birds may be taken from October 1 through February 26 and eyases only from May 1 through May 31 by general permittees.~~

### ~~\_\_\_\_\_ 3. Master Permit~~

~~\_\_\_\_\_ a. An applicant for a master falconry permit shall have at least five years of experience in the practice of falconry at the general license level or its equivalent.~~

~~\_\_\_\_\_ b. Master permittees may not possess more than three raptors and may not obtain more than two raptors for replacement during any 12-month period.~~

~~\_\_\_\_\_ c. Passage and eyas birds may be taken from October 1 through February 26 and eyases only from May 1 through May 31 by master permittees.~~

### ~~\_\_\_\_\_ 4. Nonresident Permit~~

~~\_\_\_\_\_ a. An applicant for a nonresident falconry permit shall possess a general or master falconry permit or~~

~~license in his state of residence. A copy of this permit or license shall be submitted with the application.~~

~~b. Nonresident permittees may not import into or possess more than two raptors in Louisiana and may not obtain more than two raptors in this state for replacement during any 12-month period.~~

~~c. Passage and eyas birds may be taken from October 1 through February 26 and eyases only from May 1 through May 31 by nonresident permittees.~~

~~C. Permittees shall have in possession a falconry permit and a valid hunting license when engaged in the practice of falconry. In addition, a state game breeder's license is required to keep any raptor in captivity. This license may be obtained from the department at a cost of \$10 annually.~~

~~D. Permittees shall abide by all seasons, bag limits, and other regulations of the department when practicing falconry on game species. Protected birds and mammals taken incidentally by a raptor shall not be retained or possessed by a permittee.~~

~~E. Another person may care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are transferred. If the period of care is to exceed 30 days, the department shall be notified.~~

~~F. All raptors obtained shall be marked immediately upon acquisition by numbered nonreusable markers supplied by the United States Fish and Wildlife Service. These markers shall not be altered and shall be removed from birds which die, or are released into the wild, and surrendered immediately to the department.~~

~~G. Permittees must submit a report to the department by July 31 indicating the following information:~~

~~1. a listing of all raptors in his possession on June 30 by species, marker number, sex, age, and date and where or from whom acquired;~~

~~2. a listing of all raptors possessed or acquired since the previous annual report but no longer possessed, by species, marker number, sex, age, date and where or from whom acquired or given to, whether escaped, died, or released, and the date the event occurred;~~

~~3. a listing of all birds and mammals taken while engaged in the practice of falconry.~~

~~H. The department may deny issuance or renewal or revoke any falconry permit if the applicant or permittee has been convicted of a violation of any federal or state falconry regulation. A permittee whose permit has been denied or revoked~~

~~shall immediately dispose of any raptors possessed under the authority of the falconry permit as directed by the department.~~

~~I. All facilities and equipment shall be maintained at or above the standards established by these regulations.~~

~~1. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird'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 shall be provided.~~

~~2. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators, except that perches more than 6 1/2 feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.~~

~~3. The following items shall be in possession before a falconry permit can be issued:~~

~~a. at least one pair of aliymeri or similar type jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when the raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;~~

~~b. at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;~~

~~c. at least one suitable water container, 2 to 6 inches deep and wider than the length of the raptor for each raptor;~~

~~d. at least one weathering-area perch of acceptable design for each raptor;~~

~~e. a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than 1/2 ounce.~~

A. The Louisiana falconry regulations pertain to the use of "native" raptors (Accipitriformes - vultures, osprey, kites, harriers, accipiters, buteos, and eagles; Falconiformes - caracaras and falcons; and Strigiformes - owls) that are protected under the Migratory Bird Treaty Act, and exotic raptors, for purposes of falconry. No person may possess wild or

captive bred raptors for the purpose of falconry without a valid permit as provided in these regulations.

B. Definitions

1. Aerie - the nest of an eagle or other bird of prey, built in a high inaccessible place such as a cliff face.

2. Department - Louisiana Department of Wildlife and Fisheries

3. Eyass - a young raptor that is still in the nest.

4. Falconer - a person with a valid Louisiana Game Breeder's License for falconry or a person with a valid falconry license/permit from another state.

5. Hack - temporary release of a falconry raptor to the wild for purposes of conditioning and training.

6. Hybrid - offspring produced from the cross-breeding of two or more species of raptors or offspring of cross-bred raptors.

7. Imping - using a feather to repair or replace a broken feather of a raptor.

8. Imprinted raptor - a raptor that was hand-raised from 2 weeks of age, or younger, until it has fledged; it is considered an imprint for the duration of its life.

9. Molting weight - the heavier, non-hunting weight of a raptor, when the weight is not reduced for training and hunting.

10. Passage bird - a raptor that has left the nest and is less than one year of age.

11. Permit - Louisiana Game Breeder's License for Falconry.

12. Sponsor - a general or master falconer with a valid Louisiana falconry license who is at least 18 years old and has at least 2 years of experience at the General Falconer level who agrees to supervise the training of an apprentice falconer.

13. Take - to trap or capture a wild raptor, including removal of a nestling from a nest or aerie.

14. Wild raptor - a species of native raptor that originated in the wild. No matter how long the bird is held in captivity, or whether it was transferred to another licensee, it remains a wild bird. However, for purposes of wild take restrictions, the department does not consider the raptor to be taken from the wild by any subsequent licensee to whom it is legally transferred.

15. USFWS - U.S. Fish and Wildlife Service

C. Types of Permits, Requirements and Responsibilities

1. Apprentice Permit

a. Apprentice falconers must be at least 16 years of age.

b. An apprentice falconer under 18 years of age must have a parent or legal guardian sign the application, attesting that he or she is legally responsible for the permittee's activities.

c. An apprentice falconry applicant must have a letter from a sponsor, stating that he or she will assist the apprentice with learning about the husbandry and training of raptors held for falconry, relevant laws and regulations and deciding what species of raptor is appropriate for the apprentice.

d. Apprentice falconry applicants must correctly answer at least 80% of the questions on the falconry exam to qualify for a license. The applicant's facilities and equipment must pass an inspection before obtaining a bird.

e. Apprentice falconers may possess no more than one raptor for use in falconry, even if the permittee has a falconry permit issued in another state.

f. Apprentice falconers may take a wild raptor of any species except, a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), a Steller's sea-eagle (*Haliaeetus pelagicus*), a golden eagle (*Aquila chrysaetos*), a swallow-tailed kite (*Elanoides forficatus*), a Swainson's hawk (*Buteo swainsoni*), a peregrine falcon (*Falco peregrinus*), a flammulated owl (*Otus flammeolus*), an elf owl

(*Micrathene whitneyi*), a short-eared owl (*Asio flammeus*) or any federally listed endangered or threatened species.

g. Apprentice falconers may possess any Accipitriform, Falconiform, or Strigiform raptor species, including wild, captive-bred, or hybrid individuals, except a federally listed threatened or endangered species or a bald eagle, a white-tailed eagle, a Steller's sea-eagle, a golden eagle, or a swallow-tailed kite.

h. Apprentice falconers do not need to capture their own wild raptor; a raptor can be transferred to an apprentice falconer by another falconer.

i. Apprentice falconers may only take raptors less than one year old, except nestlings may not be taken.

j. Apprentice falconers may not possess a raptor taken from the wild as a nestling.

k. Apprentice falconers may not possess a raptor that is imprinted on humans.

l. Apprentice falconers may take passage birds from September 1 through February 28 only.

## 2. General Permit

a. General falconers must be at least 16 years of age.

b. A general permit applicant under 18 years of age must have a parent or legal guardian sign the application,

attesting that he or she is legally responsible for the permittee's activities.

c. General permit applicants must submit a document from a general falconer or master falconer (preferably the applicant's sponsor) stating that the applicant has practiced falconry at the apprentice level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year. That practice may include capture and release of falconry raptors.

d. General permit falconry applicants may not substitute any falconry school or education program to shorten the period of 2 years at the apprentice level.

e. General falconers may take and possess any Accipitriform, Falconiform, or Strigiform raptor except a bald eagle, a white-tailed eagle, a Steller's sea-eagle, a golden eagle, a swallow-tailed kite. Except peregrine falcons may only be taken by General falconers in possession of a valid Peregrine Falcon Trapping Permit. Note: The number of Peregrine Falcon Trapping Permits is very limited. Additional regulations apply to the take and possession of federally listed threatened and endangered species.

f. General falconers may use captive-bred individuals and hybrids of the species authorized for possession.

g. General falconers may possess no more than 3 raptors, even if the licensee has falconry permit issued in another state.

h. General falconers may remove nestlings from a nest or aerie, provided at least one nestling is left inside the nest or aerie.

i. General falconers may take passage birds, except peregrine falcons, from September 1 through February 28 only and eyasses year-round. General falconers may take an American kestrel (*Falco sparverius*) or a great horned owl (*Bubo virginianus*) of any age from the wild from September 1 through February 28 only. Peregrine falcons (passage birds only) may be taken by General falconers in possession of a valid Peregrine Falcon Trapping Permit from September 20 through October 20 only.

### 3. Master Permit

a. Master permit applicants must have practiced falconry with his or her raptor(s) at the General Falconer level for at least 5 years.

b. Master falconers may take and possess any Accipitriform, Falconiform, or Strigiform raptor except a bald eagle or a swallow-tailed kite. Except peregrine falcons may only be taken by Master falconers in possession of a valid Peregrine Falcon Trapping Permit. Note: The number of Peregrine

Falcon Trapping Permits is very limited. Additional regulations apply to take and possession of federally listed endangered and threatened species.

c. Master falconers may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea-eagle after obtaining authorization for eagles and sea-eagles from the department.

d. Master falconers may possess captive-bred individuals or hybrids of species authorized for possession.

e. Master falconers may possess no more than five wild raptors even if the licensee has a falconry permit issued in another state.

f. Master falconers may possess any number of captive-bred raptors, but must train them in the pursuit of wild game and use them in hunting.

g. Master falconers may remove nestlings from a nest or aerie provided at least one nestling is left inside the nest or aerie.

h. Master falconers may take passage birds, except peregrine falcons, from September 1 through February 28 only and eyasses year-round. Master falconers may take an American kestrel or a great horned owl of any age from the wild from September 1 through February 28 only. Peregrine falcons (passage birds only) may be taken by Master falconers in

possession of a valid Peregrine Falcon Trapping Permit from  
September 20 through October 20 only.

4. Nonresident Permit

a. A non-resident falconer who resides in  
Louisiana for more than 120 consecutive days but who does not  
intend to establish residency must obtain a nonresident falconry  
license.

b. Non-resident falconers shall possess a valid  
falconry permit or license from his or her state of residence.  
A copy of this permit or license shall be submitted with the  
non-resident falconry permit application.

c. Non-resident falconers may not import or  
possess more raptors than allowed by their state of residence.

d. Non-resident falconers may not take more  
than two raptors in Louisiana during the calendar year.

e. Raptors taken from the wild in Louisiana  
must be species the non-resident falconer is authorized to  
possess in their state of residence, except peregrine falcons  
may not be taken in Louisiana by non-resident falconers.

f. While in Louisiana, non-resident falconers  
must keep their raptors in facilities that have passed the  
Louisiana falconry facility inspection.

g. Non-resident falconers may take passage birds, except peregrine falcons, from September 1 through February 28 only.

h. Non-resident falconers at the General or Master level may take eyasses year-round, provided at least one nestling is left in the nest or aerie.

5. Raptor Propagator Permit: A Louisiana Game Breeder's License for Falconry and a USFWS Raptor Propagation Permit must be obtained to legally propagate raptors in Louisiana. Properly permitted propagators:

a. Shall comply with federal raptor propagation regulations and reporting requirements.

b. Shall obtain written authorization from the department before taking wild raptors or eggs.

c. Shall submit a Louisiana Raptor Harvest Report Form (available on the department website) to the department within 10 days of taking a raptor or raptor egg in Louisiana.

d. May take and possess any Accipitriform, Falconiform or Strigiform raptor except a bald eagle, a golden eagle, or a swallow-tailed kite. Except peregrine falcons may only be taken by General or Master falconers in possession of a valid Peregrine Falcon Trapping Permit. Note: The number of Peregrine Falcon Trapping Permits is very limited. Additional

regulations apply to take and possession of federally listed endangered and threatened species.

e. May possess captive-bred individuals or hybrids of species authorized for possession.

f. May possess any number of wild or captive-bred raptors.

g. May remove eggs or nestlings from a nest or aerie provided at least one egg or nestling is left.

h. May take passage birds, except peregrine falcons, from September 1 through February 28 and eggs and eyasses year-round. May take an American kestrel or a great horned owl of any age from the wild from September 1 through February 28 only. Peregrine falcons (passage birds only) may be taken September 20 through October 20 only by General or Master falconers in possession of a valid Peregrine Falcon Trapping Permit.

i. May take no more than two raptors or eggs from the wild in the calendar year.

j. May possess and propagate federally threatened or endangered raptor species only if authorized by the USFWS Regional Migratory Bird Permit office to do so.

k. May take a raptor listed by the USFWS as endangered or threatened from the wild for propagation purposes

only if authorized by the department and in possession of a  
USFWS endangered species permit authorizing this activity.

1. May use falconry training or conditioning  
practices such as, but not limited to, creance (tethered)  
flying, lures, balloons, or kites in training or conditioning  
captive-bred progeny of raptors legally possessed.

m. May use captive-bred offspring less than one  
year old for falconry as a means of training progeny of raptors  
legally possessed.

6. Temporary Permit

a. Non-U.S. residents with experience in  
falconry must correctly answer at least 80% of the questions on  
the Louisiana falconry exam to qualify for a permit. The  
department will review the applicant's documented experience and  
issue a falconry permit consistent with that experience. The  
falconer's facilities and equipment must pass an inspection  
before the falconer obtains a bird.

b. Temporary permit holders may fly legally  
imported falconry raptors provided the raptors are exported when  
the falconer leaves the U.S., and that two functioning radio  
transmitters are attached when the raptors are flown free.

c. Temporary permit holders may not take a  
raptor from the wild for use in falconry.

7. Taking falconry raptors to another country to use in falconry activities

a. A Louisiana falconry permittee may export legally possessed falconry birds to another country to use in falconry in accordance with the regulations of the destination country and all state and federal regulations governing import/export.

8. Updating a falconry permit after a move

a. A falconer who moves to a new state, tribe or territory with falconry birds must inform the falconry regulatory authorities in each jurisdiction of the address change within 30 days.

b. A falconer moving from another state to Louisiana with the intent to establish residency must obtain a Louisiana falconry permit within 120 days. The falconer may bring his or her lawfully possessed birds into the state in the interim.

9. Reinstatement of a lapsed falconry permit

a. If a falconer's permit has lapsed for fewer than 5 years, it may be reinstated at the level the falconer held previously if he or she provides proof of certification at that level.

b. If a permit has lapsed for 5 years or longer, it may be reinstated at the level previously held if the

applicant correctly answers at least 80 percent of the questions on the falconry test and the applicant's facilities and equipment pass an inspection before the permit is reinstated and before possessing a bird.

10. Permit to practice falconry at an appropriate level for experienced falconers who are new residents in the United States.

a. U.S. residents with falconry experience in another country may be issued a falconry permit commensurate with documented experience if appropriate documentation is provided detailing the applicant's experience, the applicant correctly answers at least 80 percent of the questions on the Louisiana falconry test, and the applicant's facilities and equipment pass an inspection before a permit is issued.

D. Facilities for Housing Raptors

1. Raptors held under falconry permit shall be kept in humane and healthful conditions. Housing facilities shall provide protection from adverse weather, predators and domestic animals.

2. All raptor housing facilities must pass an inspection by department personnel or others authorized by the department before a license will be issued.

3. Each facility must have at least one suitable perch for each raptor and at least one opening for sunlight.

4. Untethered raptors may be held in the same facility if they are at molting weight and compatible with each other.

5. Raptor housing facilities must provide enough room for the raptor to fly if untethered or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.

6. Facilities must contain a suitable water container, and fresh, clean water shall be provided unless weather, a medical condition, or other circumstance requires the temporary denial of water.

7. A single facility that meets the requirements of both indoor and outdoor facilities is acceptable.

8. An indoor facility must be large enough to allow easy access for the care and feeding of raptors housed therein. If raptors are free-lofted, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure. Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy

feathers. If falconry raptors are housed inside the home, the falconer does not need to modify windows or other openings of the structure provided the raptor is kept tethered.

9. An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, chain-link fencing, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material. It must be covered and have at least a covered perch to protect a raptor held in it from predators and weather. The facility must be large enough that the bird cannot strike the enclosure when flying from the perch.

10. A falconer shall notify the department within five business days of relocating a raptor housing facility to a new location.

11. A falconer shall allow Department personnel to inspect the facilities and/or raptors without advance notice.

E. Falconry facilities on property not owned by the licensee

1. Falconry facilities may be on property owned by another person. Regardless of location, falconry facilities must meet the requirements described in this rule.

2. If the facilities are on property owned by another person, the licensee must submit a signed and dated statement from the property owner authorizing Department

personnel to inspect the facilities and/or raptors without advance notice.

F. Equipment

1. At the time of the facility inspection, each applicant shall have in possession the following equipment:

a. At least one pair of jesses constructed of pliable, high-quality leather or suitable synthetic material, or materials and equipment to make them.

b. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

c. At least one weathering-area perch of acceptable design for each raptor.

d. A suitable bath container.

e. A reliable scale or balance suitable for weighing the raptors, graduated in increments of not more than 1/5 ounce or 5 grams.

2. When being transported, a falconry raptor must have a suitable perch and protection from extreme temperatures, wind and excessive disturbance.

G. Care of falconry raptors by another falconry licensee  
Any falconer may care for the birds of another falconer at either falconer's facilities. The falconer providing the care must be given a signed and dated statement from the owner of the birds describing the time period of temporary care and what

activities are authorized. The falconer providing the care must also be given a copy of the USFWS form 3-186A showing that the absent owner is the possessor of the raptors. Temporary care may not exceed 120 consecutive calendar days. Under extenuating circumstances such as illness, military service or family emergency, the department may authorize indefinite extension of temporary care.

H. Care of falconry raptors by someone without a falconry license.

a. A person without a falconry permit may care for a licensed falconer's raptors at the licensee's facilities for up to 45 consecutive days. The raptors must remain in the facilities and the caretaker may not fly them for any reason. Care may be extended indefinitely under extenuating circumstances such as illness, military service or family emergency if authorized in writing by the department.

I. Transfer of falconry raptors if a licensee dies.

a. A surviving spouse, executor, administrator, or other legal representative of a deceased falconer may transfer any bird held by the deceased falconer to another falconer within 90 days of the death of the falconer. After 90 days, disposition is at the discretion of the department.

J. Banding or tagging raptors used in falconry

1. If a falconer takes a northern goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon, or gyrfalcon (*Falco rusticolus*) from the wild or acquires one from a rehabilitator, the raptor must be banded with a permanent, non-reusable, numbered USFWS leg band provided by the Department upon request. Falconers may purchase and implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in addition to the band. The falconer must report the band number when reporting acquisition of the bird. Within 10 days from the day on which the bird is taken from the wild, it must be reported by entering the required information, including band number, in the electronic database on the appropriate USFWS website. A falconer may request an appropriate band in advance of any effort to capture a raptor. A raptor captured from the wild may not be banded with a seamless numbered band.

2. A raptor bred in captivity must be banded with a seamless metal band. If a seamless band is lost or removed from a captive bred bird, it must be reported within 10 days and a request made for a non-reusable USFWS replacement band. Immediately upon re-banding the bird, the required information, including the band number, must be entered into the electronic database on the appropriate USFWS website.

3. If a band must be removed or is lost from a wild raptor, the falconer must report this removal or loss to the department within 5 days and request a non-reusable replacement band. The falconer must file an electronic report within 10 days of re-banding at the USFWS website.

4. Birds with documented health or injury problems caused by bands may be exempted in writing from banding by the department once documentation is reviewed. If an exemption is issued, the falconer must keep the written exemption in his/her possession when flying or transporting the exempted bird. If that bird is a wild northern goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the band must be replaced with an ISO-compliant (134 kHz) microchip obtained from the department.

5. Raptor bands shall not be altered, defaced or counterfeited except that a falconer may remove the rear tab and smooth the surface without affecting the integrity or numbering of the band.

K. Additional regulations on taking, transporting and possessing of raptors for falconry.

1. A falconer who resides in another state may take raptors from the wild in Louisiana if he or she has in possession a valid falconry permit/license from his or her state of residence and if the falconer abides by all Louisiana and

federal falconry regulations. If a raptor is taken in Louisiana, the non-resident falconer must complete a Louisiana Raptor Harvest Report Form (available on the department web site) and submit it to the department within 10 days of acquiring the raptor. Non-resident falconers may not take peregrine falcons, bald eagles or swallow-tailed kites in Louisiana.

2. A falconer shall not intentionally capture a raptor that he or she is not authorized to possess. Any bird captured that is not authorized for possession shall be released immediately at the site of capture.

3. Falconers who capture raptors that are wearing research bands, research markings or transmitters shall report all band numbers and other markings to the USGS Bird Banding Laboratory.

4. Any falconer is authorized to capture a raptor trapped inside a building. The bird shall be released immediately into the wild unless it is sick or injured, in which case it shall be transferred to a licensed rehabilitator within 24 hours.

5. A falconer may recapture any raptor wearing falconry equipment and return it to the proper owner. A captured raptor that is wearing falconry equipment must be reported to the Department within five days. It does not count against the

permittee's take or possession limit while temporarily in possession.

6. Take of raptors from the wild shall be reported electronically within 10 days by entering the required information into the electronic database via the appropriate USFWS website.

7. Falconers must abide by state, tribal, territorial, and federal laws and restrictions regarding take, possession, and transfer or loss of any wild raptor.

8. No permittee may take more than two raptors from the wild per calendar year for use in falconry.

9. General and Master falconers may take no more than one bird of a federally threatened species from the wild each year. A valid federal endangered species permit must be obtained prior to taking a threatened bird.

10. If a permittee is present at the capture site for the taking of a raptor from the wild, even if another person actually captures the bird, the permittee is considered the person who removes the bird from the wild and must report the take by entering the required information into the electronic database via the appropriate USFWS website, within 10 days of the capture of the bird. This will count as one of the two wild raptors the permittee is allowed to take within the calendar year.

11. A General or Master falconer may take a raptor from the wild for another licensee who is not present during the taking, report the acquisition, and then transfer it to the other licensee. The General or Master falconer who removed the raptor from the wild must report the take within 10 days, even if it was promptly transferred to another permittee. This will count as one of the two wild raptors that the falconer who took the bird is allowed during that calendar year.

12. A falconer may acquire a raptor from a licensed rehabilitator if the falconer is authorized to possess that species of bird. A raptor acquired from a rehabilitator will count as a raptor taken from the wild and shall be reported within five days of acquisition.

13. A raptor injured during capture may be kept and properly reported as a falconry acquisition within 10 days of capture and treated by a veterinarian or licensed wildlife rehabilitator. Alternatively, the raptor may be turned over to a veterinarian, wildlife rehabilitator or department biologist if he or she agrees to accept it, in which case it will not count against the falconer's take or possession limit. In either case, the falconer who captured the bird is responsible for the costs of care and rehabilitation of the bird.

14. Any time a permittee acquires, transfers, re-bands or microchips a raptor or has a raptor stolen or loses a

raptor to the wild and does not recapture it within 30 days, or a raptor dies, the change must be properly reported via the USFWS website within 10 days.

15. Falconers may transfer, sell, purchase or barter captive bred raptors that are marked with seamless bands to other licensees who are authorized to possess them. Falconers may not purchase, sell, trade or barter wild raptors or captive bred raptors not marked with seamless bands, but they may transfer them to other permittees.

16. Falconers may transfer wild raptors to other falconers authorized to possess them.

17. A falconer may transfer a wild raptor to other permit types after the bird has been used in falconry for 2 years (or 1 year for a sharp-shinned hawk (*Accipiter striatus*), a Cooper's hawk (*Accipiter cooperii*), a merlin (*Falco columbarius*), or an American kestrel. The falconer must provide a copy of the 3-186-A form documenting the transfer to the Federal migratory bird permit office that administers the other permit type in addition to filing an electronic report. Falconers may transfer a wild raptor to another permit type in less time, provided the bird has been injured, is no longer suitable for use in falconry, and the case is documented in writing by a veterinarian or properly permitted wildlife rehabilitator. Copies of the 3-186-A and the letter from the

veterinarian or rehabilitator must be submitted to the federal office that administers that permit type in addition to filing an electronic report.

18. Falconry raptors may be used for captive propagation without transferring them to a federal raptor propagation permit provided the birds are banded and used for this purpose fewer than 8 months in a year and that the person propagating the raptors possesses a federal raptor propagation permit.

19. The theft of a raptor from a permittee must be reported to the department and to the USFWS regional law enforcement office within 48 hours of discovery of the theft of the bird.

20. Falconers must keep copies of all electronic database submissions documenting take, transfer, loss, re-banding or microchipping of each falconry raptor for 5 years after the bird was transferred, lost or died.

21. Falconers must carry legible copies of their falconry permits with them whenever conducting falconry activities away from their falconry facilities. This includes trapping, transporting, flying, working or hunting with raptors and traveling through other states, tribal lands, or territories. Falconers from other states may transport their raptors through Louisiana without any additional permits as

long as they have legible copies of their falconry permits/licenses in their possession. Falconers residing in other states may bring their raptors to Louisiana for educational purposes without any additional permits as long as they are in Louisiana less than 120 consecutive days and have a valid falconry permit/license in their possession.

22. Falconers hunting with raptors in Louisiana must abide by applicable hunting regulations including possession of hunting licenses, stamps, and permits.

L. Hybrids: When flown free, including when at hack, a hybrid raptor must have attached at least two functioning radio transmitters for use in locating the bird.

M. Use of Eagles in Falconry

1. With authorization for eagles from the department, master falconers may possess up to a total of 3 eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea-eagle. A golden eagle, white-tailed eagle, or Stellar's sea-eagle counts as a bird to be included under the falconer's possession limit. Master falconers who wish to possess native eagles or sea-eagles for use in falconry must request and receive written authorization for eagles or sea-eagles prior to obtaining one and must submit the following documentation:

a. A letter detailing experience in handling large raptors, including information about the species handled and the type and duration of the activity.

b. At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, sea-eagles, ferruginous hawks (*Buteo regalis*), northern goshawks, or great horned owls. Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the falconer's ability to care for eagles or sea-eagles and fly them in falconry.

2. A master falconer authorized by the department to possess a golden eagle may capture one under the provisions in 50 CFR 21.29 and 50 CFR part 22 for taking a golden eagle for falconry.

N. Releasing raptors into the wild

1. Wild raptors may be permanently released at any time.

2. No hybrids or exotics of any kind may be permanently released in Louisiana.

3. Captive-bred raptors may be permanently released to the wild only with written authorization from the department

and only after a suitable hacking period in a suitable location and at an appropriate time of year. The seamless band must be left on the bird. The release must be properly reported to the department and to the USFWS within 10 days of the permanent release.

O. Hacking: General and Master falconers may hack falconry raptors. Hacking is not allowed near a nesting area of a federally threatened or endangered animal or in any location where the raptor is likely to harm a federally listed threatened or endangered animal. Falconers may contact the department for information on nesting locations of federal listed species prior to hacking any falconry raptor.

P. Use of native raptors in conservation education programs

1. General and Master falconers may use their birds in conservation education programs presented in public venues. Apprentice falconers may do so only when supervised by a General or Master falconer.

2. Fees may be charged for such educational programs but only to the extent necessary to recover costs for participating.

3. Education programs must relate to the biology, ecological roles and conservation needs of raptors and other migratory birds.

Q. Other educational uses of native raptors

1. Falconers may allow their birds to be photographed or filmed to make movies or other sources of information on the practice of falconry or on the biology, ecological roles and conservation needs of raptors and other migratory birds but may not be paid for doing so.

2. Falconers may not use their birds to make movies, commercials or engage in other commercial ventures that are not related to falconry.

3. Falconers may use their birds to promote or endorse products or endeavors related to falconry provided the falconer is not paid or otherwise compensated for such usage.

R. Assisting in the rehabilitation of raptors: General and Master falconers may assist properly licensed migratory bird rehabilitators in preparing rehabilitated raptors for permanent release to the wild. While doing so, the falconer may keep the bird in his or her facility while the bird remains on the rehabilitator's permit. The rehabilitator must provide the falconer with a document that identifies the bird and states that the falconer is assisting in the bird's rehabilitation. All rehabilitation raptors shall be released or returned to the rehabilitator within 180 days, unless written authorization is obtained from the department to condition them for a longer period.

S. Abatement activities: Master falconers must have a valid federal abatement permit to use raptors in abatement activities. General falconers may do so only as a sub-permittee of the holder of the abatement permit.

T. Additional falconry practices

1. Falconry practices, such as, but not limited to, the use of creance flying, lures, balloons, or kites in training or conditioning falconry raptors is permissible.

2. Falconry birds may be used to take any bird species for which a depredation order is in place in accordance with the conditions of the applicable depredation order. The falconer must not be paid or otherwise compensated for doing so.

U. Accidental take of prey: If a prey item is killed by a falconry bird unintentionally, including an animal taken outside of a regular hunting season, the falconer may allow the raptor to feed on the kill in the field, but the animal may not be taken into possession. Accidental take of any federally listed threatened or endangered species must be reported to the USFWS Ecological Services Field Office and the department.

V. Possession and disposition of molted feathers

1. Falconers may possess flight feathers for each raptor species in possession or previously held.

2. Falconers may receive flight feathers from other falconers, wildlife rehabilitators or propagators in the United States and may give feathers to them or to other permittees allowed to possess them. Feathers may not be bought, sold or bartered. When the licensee's permit expires or is revoked, all remaining feathers shall be donated to someone authorized to possess feathers or destroyed. Molted primaries, secondaries and rectrices from golden eagles must be collected and either retained or sent to the National Eagle Repository.

W. Disposition of carcasses: The carcass of a falconry bird may be donated to someone authorized to possess it. If the bird was banded or microchipped prior to its death, the bird may be kept so the feathers are available for imping. The carcass may be mounted by a taxidermist for use in conservation programs. The band or microchip must remain in place. Carcasses not kept or donated shall be burned, buried or otherwise destroyed. Golden Eagle carcasses must be sent to the National Eagle Repository.

X. Penalties: Violation of this rule constitutes a Class 2 violation as provided in L.R.S. 56:115. Additionally, a person who is convicted of a violation of these rules may be ineligible for a falconry permit for a period of up to 3 years from the date of the conviction.

Y. Falconers are also responsible for conducting their activities in accordance with federal regulations that apply to falconry and are found in CFR 21.29.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:299 (August 1978), LR 38:.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the fiscal and economic impact statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to Mr. Kenny Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., December 6, 2012.

In accordance with Act #1183 of the 1999 regular session of the Louisiana Legislature, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Ann L. Taylor

Chairman