

# RAC AGENDA – December 2011

## Revised 12-1-2011



- |    |  |                      |
|----|--|----------------------|
| 1. | Welcome, RAC Introductions and RAC Procedure<br>- RAC Chair              |                      |
| 2. | Approval of Agenda and Minutes<br>- RAC Chair                            |                      |
| 3. | Wildlife Board Meeting Update<br>- RAC Chair                             | <b>INFORMATIONAL</b> |
| 4. | Regional Update<br>- DWR Regional Supervisor                             | <b>INFORMATIONAL</b> |
| 5. | Bear Recommendations for 2012<br>- John Shivik, Game Mammals Coordinator | <b>ACTION</b>        |
| 6. | Falconry Guidebook and Rule R657-20<br>- Jim Parrish, Avian Coordinator  | <b>ACTION</b>        |

### Region Specific Items – to be presented in the specified region only.

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|--|--|---------------|
|  | SRO – Introduction of Bonneville Cutthroat Trout to the North Fork of Corn Creek<br>-Michael Hadley, Aquatic Biologist | <b>ACTION</b> |
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### Meeting Locations

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|---|---|
| <p><b>SR RAC</b> – Dec. 6th 7:00 PM<br/>Beaver High School<br/>195 E. Center St., Beaver</p>  | <p><b>CR RAC</b> – Dec. 13th 6:30 PM<br/>Central Region Conference Center<br/>1115 N. Main Street, Springville</p>                                  |
| <p><b>SER RAC</b> – Dec. 7th 6:30 PM<br/><b>Lion's Club</b><br/><b>San Juan County Fairgrounds</b><br/><b>901 E. Central., Monticello</b></p> | <p><b>NR RAC</b> – Dec. 14th 6:00 PM<br/>Weber State University<br/>Shepherd Union Bldg.<br/>Rooms 404A and 404B<br/>3848 Harrison Blvd., Ogden</p> |
| <p><b>NER RAC</b> – Dec. 8th 6:30 PM<br/>Bingham Entrepreneurship &amp; Energy<br/>Research Center<br/>320 North Aggie Blvd, Vernal</p>       | <p><b>Board Meeting</b> – Jan. 12<sup>th</sup> 9:00 am<br/>DNR Boardroom<br/>1594 West North Temple, SLC</p>  |

# MEMORANDUM

Date: November 29, 2011  
To: Wildlife Board and Regional Advisory Council Members  
From: John Shivik, Mammal Coordinator  
SUBJECT: 2012--2014 Bear Proclamation Recommendations

The following information summarizes the Division's recommended changes to the current Bear Guidebook Rule.

## **Bear Guidebook and Rule change recommendations:**

### **Statewide**

1. The Bear Management Plan, approved January 4, 2011, is being implemented, requiring several modifications.
2. These recommendations are for the first 3-year cycle of the Bear Management Plan.
3. Based on the dictates of the Bear Management Plan, we recommend the following changes:
  - We recommend that the units be assigned to liberal, moderate, and light management categories in the following proportions: Light = 13%, Moderate = 65% and Liberal = 22%
  - We recommend extended spring seasons be used in 12 hunt units due to nuisance bear activity
  - We recommend three units for harvest objective (quota) hunts
  - We recommend new spot and stalk hunts to increase bear hunting opportunity while minimizing conflicts between resource users

### **Southern Region Changes**

1. We recommend making the Beaver unit a female sub-quota harvest objective unit for the fall season.

### **Southeastern Region Changes**

1. We recommend continuing limited entry summer pursuit seasons, but with alterations to the San Juan and La Sal units to investigate the effect of permit numbers on nuisance complaints.
2. We recommend that spot and stalk seasons are added to the San Juan and La Sal units.
3. We recommend a split-type harvest objective hunt on the Nine Mile unit for the fall season.

### **Northeastern Region Changes**

1. We recommend using a spring harvest objective hunt on the Wasatch Mountains, Currant Creek/Avintaquin unit.

**Specific management strategies, hunt types, season dates, and permit numbers (resident and non-resident combined) by unit:**

## **NORTHERN REGION**

### **2/3/4/5, Cache/Ogden/Morgan-Rich/East Canyon**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 3 permits	Aug 25-Sept 30 AND Nov 1-20 1 permit

### **Chalk Creek/Kamas/North Slope, Summit**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Liberal	April 7-June 3 (ex) 5 permits 1 Conservation permit 1 Premium Permit	Aug 25-Sept 30 AND Nov 1-20 6 permits

## **NORTHEAST REGION**

### **North Slope, Daggett-Three Corners**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 6 permits 1 Premium permit	Aug 25-Sept 30 AND Nov 1-20 4 permits

### **South Slope, Yellowstone**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 10 permits 1 Conservation permit 2 Premium permits	Aug 25-Sept 30 AND Nov 1-20 5 permits

### **South Slope, Vernal/Diamond/Bonanza**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 19 permits 1 Conservation permits 3 Premium Permit	Aug 25-Sept 30 AND Nov 1-20 7 permits

### **Book Cliffs, Bitter Creek-South**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Light	April 7-May 29 24 permits 1 Conservation permit 3 Premium Permit	Aug 25-Sept 30 AND Nov 1-20 6 permits

**LE Summer Pursuit:** July 7-July 20 AND July 30-August 12  
Permits: 28 that are also valid on Book Cliffs, Little Creek unit.

### Book Cliffs, Little Creek (roadless)

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 5 permits 0 Conservation permit 1 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 4 permits

**LE Summer Pursuit:** July 7-July 20 AND July 30-Aug 12  
Permits: Book Cliffs, Bitter Creek Permits also valid on this unit

### Wasatch Mountains, Currant Creek/Avintaquin

<b>Strategy</b>	<b>Spring HO</b>	<b>Fall LE</b>
Liberal	April 7-June 3 Open until 10 bears Any weapon, hounds, no bait	Aug 25-Sept 30 AND Nov 1-20 9 permits

## SOUTHEAST REGION

### Nine Mile

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>	<b>Fall HO</b>
Liberal	April 7-May 29 25 permits 2 Conservation Permits	Aug 25-Sept 30 15 permits	Oct 6-Nov 20 (10, adjusted for fall take) OTC, Spot and Stalk no hounds, no bait

### La Sal

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>	<b>LE Spot &amp; Stalk</b>
Moderate	April 7-May 29 35 permits 2 Conservation permit 5 Premium Permits	Aug 20-Sept 7 AND Nov 1-20 5 permits	Oct 6-29 30 Permits

**LE Summer Pursuit:** July 7-July 20 AND July 30-August 12

Yearly Permits:

<u>Year</u>	<u>Early</u>	<u>Late</u>
2012	5	5
2013	13	13
2014	13	5

### San Juan

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>	<b>LE Spot &amp; Stalk</b>
Moderate	April 7-May 29 35 permits 2 Conservation permit 5 Premium Permits	Aug 20-Sept 7 AND Nov 1-20 5 permits	Oct 6-29 30 Permits

**LE Summer Pursuit Season:** July 7-July 20 AND July 30-Aug 12

Yearly Permits:

<u>Year</u>	<u>Early</u>	<u>Late</u>
2012	20	20
2013	8	8
2014	8	20

## CENTRAL REGION

### Central Mountains, Nebo

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 14 permits 1 Conservation permit 2 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 4 permits

### Central Mountains, Manti-North

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 19 permits 1 Conservation permit 3 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 5 permits

### Central Mountains, Manti-South

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-May 29 4 permits 1 Conservation permit 2 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 9 permits

### Wasatch Mountains, West

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Liberal	April 7-June 3 (ex) 35 permits 1 Conservation permit 5 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 10 permits

## SOUTHERN REGION

### Fillmore, Pahvant

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Light	April 7-May 29 1 permits	Aug 25-Sept 30 AND Nov 1-20 1 permit

### Beaver

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>	<b>Fall H.O.</b>
Liberal	April 7-June 3 (ex) 10 permits 1 Conservation permit	Aug 25—Sept 30 6 permits	Oct 6-Nov 20 Quota 10, Female, 4 OTC, Spot and Stalk No hounds, no bait

### Monroe

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Light	April 7-May 29 0 permits	Aug 25-Sept 30 AND Nov 1-20 1 permit

### **Mount Dutton**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-May 29 2 permits	Aug 25-Sept 30 AND Nov 1-20 1 permit

### **Plateau, Fishlake/Thousand Lakes**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-May 29 4 permits 1 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 2 permits

### **Plateau, Boulder/Kaiparowits**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-June 3 (ex) 23 permits 1 Conservation Permit 4 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 12 permits

### **Paunsaugunt**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-May 29 2 permits	Aug 25-Sept 30 AND Nov 1-20 2 permits

### **Panguitch Lake/Zion**

<b>Strategy</b>	<b>Spring LE</b>	<b>Fall LE</b>
Moderate	April 7-May 29 8 permits 1 Conservation Permit 2 Premium Permits	Aug 25-Sept 30 AND Nov 1-20 5 permits

# MEMORANDUM

Date: November 16, 2011  
To: Wildlife Board and Regional Advisory Council Members  
From: Jim Parrish, Nongame Avian Program Coordinator  
SUBJECT: R657-20 (Falconry Rule) Five-Year Review

The attached documents contain the Division's recommended changes to the Falconry Rule as part of the five-year review.

## Recommendations:

1. Recommend that editorial corrections and clarification of terms as noted in the attached copy of R657-20 be implemented.
2. Recommend lowering the minimum age for individuals to participate in the Sport of Falconry from 14 to 12 to be consistent with State Code (already in place, Section 23-19-34.5) and Federal Code.
3. Recommend revision of the Taxonomic Orders referenced in R657-20 to reflect recent action by the American Ornithologists' Union to divide Order Falconiformes into Order Accipitriformes (includes the vultures, California Condor, kites, eagles and hawks) and Order Falconiformes (name was retained; includes caracaras and falcons).
4. Recommend clarification of take and possession of raptors, particularly for Apprentice Class (entry level) falconers to be consistent with Federal rulings and to avoid confusion. More specifically, some restrictions apply to all falconry classes as well as to individual raptor species that may be used for falconry purposes. Two tables addressing these needs are attached and will appear in the Falconry Guidebook.
5. Recommend clarification concerning replacement of wild-caught raptors.
6. Recommend clarification concerning the class of falconers ato sell or barter captive-bred raptors.
7. Recommend clarification concerning procedures for falconers to request a facilities inspection.

Raptor Species Available for Use by Utah Apprentice Class Falconers\*

Common Name*	Scientific Name*	Age Class	Status** (Wild-caught, Transfer, Captive Bred, or All)	Comments
Northern Harrier	<i>Circus cyaneus</i>	Passage Only	All	Statewide
Sharp-shinned Hawk	<i>Accipiter striatus</i>	Passage Only	All	Statewide
Cooper's Hawk	<i>Accipiter cooperii</i>	Passage Only	All	Statewide
Northern Goshawk	<i>Accipiter gentilis</i>	Passage Only	All	Statewide
Harris's Hawk***	<i>Parabuteo unicinctus</i>	Passage Only	All	See Comments Below
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Passage Only	All	Statewide
Rough-legged Hawk****	<i>Buteo lagopus</i>	Passage Only	All	See Comments Below
Ferruginous Hawk*****	<i>Buteo regalis</i>	Passage Only	Transfer or Captive Bred	See Comments Below
American Kestrel	<i>Falco sparverius</i>	Passage Only	All	Statewide
Merlin	<i>Falco columbarius</i>	Passage Only	All	Statewide
Prairie Falcon	<i>Falco mexicanus</i>	Passage Only	All	Statewide
Gyrfalcon****	<i>Falco rusticolus</i>	Passage Only	All	Statewide
Peregrine Falcon*****	<i>Falco peregrinus</i>	Passage Only	Transfer or Captive Bred	See Comments Below
Great Horned Owl	<i>Bubo virginianus</i>	Passage Only	All	Statewide

\* Other resident, non-resident, MBTA and non-MBTA raptor species of the Order Accipitriformes, Falconiformes or Strigiformes not listed here require approval for use in falconry from the Falconry Program Coordinator.

\*\* An Apprentice Class falconer may not take or possess a raptor taken from the wild as an eyas (R657-20-16(3)(a)(i)(2)(b)). An Apprentice Class falconer may possess a hybrid raptor provided that the hybrid raptor is not the result of a cross involving any species listed in § 10.13 of 50 CFR 21 (Federal Migratory Bird Treaty Act) (R657-20-16 (3)(a)(i)(2)).

\*\*\* Species is not known to nest in Utah; individuals may be obtained from captive bred stock, from licensed falconers, or from other States.

\*\*\*\* Species is not known to nest in Utah; wintering individuals may be captured or individuals may be obtained from licensed falconers or from other States.

\*\*\*\*\* Authorization for possession of non-imprint Ferruginous Hawks is for captive bred stock or for individual birds obtained from licensed falconers in Utah or from other States.

\*\*\*\*\* Apprentice Class falconers may only possess non-imprint Peregrine Falcons acquired from licensed falconers or propagators in Utah or from other States.

Raptor Species Available for Use by Utah General and Master Class Falconers\*

Common Name*	Scientific Name*	Age Class (Eyas, Passage, or Both)	Status (Wild, Captive Bred, Hybrid, or All)	Comments
Northern Harrier	<i>Circus cyaneus</i>	Both	All	Statewide
Golden Eagle	<i>Aquila chrysaetos</i>	Passage Only	All	Master Class Falconers Only; See Section R657-20-11
Sharp-shinned Hawk	<i>Accipiter striatus</i>	Both	All	Statewide
Cooper's Hawk	<i>Accipiter cooperii</i>	Both	All	Statewide
Northern Goshawk	<i>Accipiter gentilis</i>	Both	All	Statewide
Harris's Hawk**	<i>Parabuteo unicinctus</i>	Both	All	See Comments Below
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Both	All	Statewide
Rough-legged Hawk***	<i>Buteo lagopus</i>	Both	All	See Comments Below
Ferruginous Hawk	<i>Buteo regalis</i>	Both	All	Statewide
American Kestrel	<i>Falco sparverius</i>	Both	All	Statewide
Merlin	<i>Falco columbarius</i>	Both	All	Statewide
Prairie Falcon	<i>Falco mexicanus</i>	Both	All	Statewide
Peregrine Falcon	<i>Falco peregrinus</i>	Both	All	Restricted****
Gyrfalcon***	<i>Falco rusticolus</i>	Passage Only	All	Statewide
Great Horned Owl	<i>Bubo virginianus</i>	Both	All	Statewide

\* Other resident, non-resident, MBTA and non-MBTA raptor species of the Order Accipitriformes, Falconiformes or Strigiformes not listed here require approval for use in falconry from the Falconry Program Coordinator.

\*\* Species is not known to nest in Utah; individuals may be obtained from captive bred stock, from licensed falconers, or from other States.

\*\*\* Species is not known to nest in Utah; wintering individuals may be captured or individuals may be obtained from licensed falconers or from other States..

\*\*\*\*Areas open for taking eyas and passage age Peregrine Falcons will be designated annually by the Falconry Program Coordinator [R657-20-11(13)(d)].

## R657. Natural Resources, Wildlife Resources.

### R657-20. Falconry.

#### R657-20-1. Purpose and Authority.

(1) Under authority of Section 23-17-7 and in accordance with 50 CFR 21 and 22, which is incorporated by reference, the Wildlife Board has established this rule for the practice of falconry in the state of Utah.

(2) Take of any raptor species for the practice of falconry must be in compliance with these regulations.

(3) Raptor species possessed under the authority of this rule must be trained in the pursuit of wild game and used in hunting, unless specifically noted otherwise in special provisions granted under this rule.

(4) A federal falconry permit is no longer required for practicing the sport of falconry in the state of Utah.

(5) The Federal Migratory Bird Treaty Act prohibits any person from taking, possessing, purchasing, bartering, selling, or offering to purchase, barter, or sell, among other things, raptors listed in § 10.13 of 50 CFR 21, unless the activities are allowed under provisions of this rule, or are permitted by other applicable state or Federal regulations.

(a) This rule covers all avian species in the ~~Order Accipitriformes (i.e., vultures, California Condor, kites, eagles and hawks), Order Order Falconiformes (i.e., vultures, kites, eagles, hawks, caracaras, and falcons) and all avian species in the Order Strigiformes such as (i.e., owls),~~ and hybrids thereof, and applies to any person who possesses one or more wild-caught, captive-bred, or hybrid raptors to use in falconry.

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

(6) Specific season dates, possession limits, open and closed areas, number of permits or CORs, and other administrative regulations for practicing falconry are published in the Utah falconry Guidebook which is available by contacting the Division of Wildlife Resources office in Salt Lake City or online at <http://wildlife.utah.gov>.

(7) Possession of any raptor, raptor egg, shell fragment, semen, or any raptor part without a valid and applicable state COR or Federal permit is prima facie evidence that the raptor, raptor egg, shell fragment, semen, or any raptor part was illegally taken and is illegally held in possession.

(8) Pursuant to Utah Code § 23-19-9, the Division has the authority to suspend or revoke any or all of the privileges granted under this rule.

(a) Upon request, a permittee whose COR has been suspended may reapply for a falconry COR, pursuant to the application procedures in this rule, at the end of the suspension period.

(9) Nothing in this rule shall be construed to allow the intentional taking of protected wildlife in violation of federal or state laws, rules, regulations, or guidebooks.

Comment [JP1]: AOU (American Ornithologists' Union) recently "split" the old Order Falconiformes into two Orders -- Accipitriformes and Falconiformes. The rule currently only has Orders Falconiformes and Strigiformes listed, so this change is reflected throughout the rule wherever the Orders are listed.

#### R657-20-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and R657-6-2.

(2) In addition:

(a) "Abatement activities" means use of trained raptors to flush, haze or take birds (or other wildlife where allowed) to mitigate depredation problems, including threats to human health and safety.

(b) "Aerie" refers to the nest of any raptor.

(2) A COR is not transferrable.

Comment [JP2]: Editorial

(c) "Bate" refers to a hawk or falcon that attempts to fly while being tethered to the falconer's fist, a block or other form of perch, whether from wildness, or for exercise, or in an attempt to chase.

(d) "Business Day" refers to any day the Division is open for business

(e) "Captive-bred" refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

(f) "CFR" means the Code of Federal Regulations.

(g) "COR" for purposes of this rule means a Certificate of Registration (permit) issued by the Division authorizing an individual to participate in the sport of falconry.

(h) "Eyas" means a young raptor not yet capable of sustained flight such as a nestling or fledgling.  
(i) "Division" means the Utah Division of Wildlife Resources.  
(j) "~~falconry~~Falconry" means, for the purposes of this rule, caring for and training raptors for pursuit of wild game, and hunting wild game with raptors. ~~falconry~~Falconry includes the taking of raptors from the wild to use in the sport of falconry; and caring for, training, and transporting raptors held for falconry.

Comment [JP3]: Editorial

(k) "Fledged" means the stage in a young raptor's life when the feathers and wing muscles are sufficiently developed for flight. A young raptor that has recently fledged but is still dependent upon parental care and feeding is called a fledgling.

(l) "Form 3-186A" means the Migratory Bird Acquisition and Disposition Report form.

(m) "Hacking" means the temporary or permanent release of a raptor held for falconry to the wild so that it may survive on its own.

(n) "Haggard" means a wild adult raptor.

(o) "Humane treatment" for purposes of this rule means to maintain raptors in accordance with accepted standards for practicing falconry, including care and treatment of a raptor so that it is physically healthy and maintaining raptors under conditions that are known to prevent predictable illness or injury.

(p) "Hybrid" means offspring of birds listed as two or more distinct species including but not limited to those listed in § 10.13 of Subchapter B of 50 CFR 21, or offspring of birds recognized by ornithological authorities as two or more distinct species including but not limited to those listed in § 10.13 of Subchapter B of 50 CFR 21.

(q) "Imping" means to graft new or additional feathers to existing feather shafts on a raptor's wing(s) or tail to repair damage or to increase flying capacity.

(r) "Imprint", for the purposes of falconry, means a bird that is hand-raised in isolation from the sight of other raptors from 2 weeks of age until it has fully feathered. An imprinted bird is considered to be so for its entire lifetime.

(s) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on a contract for sale of eligible property, or who is a lessee of the property.

(t) "Livestock depredation area" means a specific geographic location in which depredation on livestock by golden eagles has been recognized.

(u) "Marker or band" means a numbered band issued by the Service which, when affixed to a raptor's leg, identifies an individual raptor.

(v) "Meet" means, for purposes of this rule, an organized falconry event where protected wildlife may be taken and for which a 5 day non-resident meet hunting license is approved by the Wildlife Board.

(w) "Mews" refers to a protected indoor facilities-facility (a residence or non-residence) where raptors are kept for falconry purposes.-

Comment [JP4]: The FWS formally allowed falconers to house their raptors within their residence if desired, whereas before a separate facility outside the house was required. There has been some confusion with a few falconers as to whether "indoor facility" in the Utah rule is reflective of the FWS change, so I decided to clarify this even further. The allowance for housing birds in a residence appears in Section 8 – Care and Facilities Requirements with full details.

(x) "Migratory game bird" means, for the purposes of this rule, ducks, geese, swans, snipe, coot, Mourning Dove, White-winged Dove, Band-tailed Pigeon, and Sandhill Crane.

(y) "Nest" refers to the structure or place where a raptor lays eggs and shelters its young.

(z) "Passage raptor" means a first-year raptor capable of sustained flight that is no longer dependent upon parental care and/or feeding

-(aa) "Raptor" means any bird of the ~~Order Accipitriformes~~ ~~Order~~ Order Falconiformes (falcons and caracaras) or the Order Strigiformes (owls) and hybrids thereof unless defined otherwise in this rule.

Comment [JP5]: Editorial; see comment JP1

(bb) "Reasonable time of day" for inspections, or other business, at a falconers facilities refers to hours the Division is open for business, or some other prearranged time between the falconer and the Division representative.

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

(dd) "Take" means to: hunt, pursue, harass, catch, capture, possess, angle, seine, trap or kill any protected wildlife; or attempt any such action.

(ee) "Transport" means to ship, carry, export, import, receive or deliver for shipment, conveyance, carriage, exportation or importation.

(ff) "Trial" means, for purposes of this rule, an organized falconry event where European Starling (*Sturnella neglecta*), House Sparrow (*Passer domesticus*), Rock Dove/feral pigeon (*Columba livia*), pen-reared game birds, and lawfully possessed, domestic birds may be taken.

(gg) "Upland game" means, for purposes of this rule, pheasant, quail, Chukar Partridge, Hungarian

Partridge, Sage-grouse, Ruffed Grouse, Dusky ("Blue") Grouse, Sharp-tailed Grouse, cottontail rabbit, snowshoe hare, and White-tailed Ptarmigan.

(hh) "Weathering Area" refers to a protected outdoor facility where raptors are kept for falconry purposes.

(ii) "Wild" refers to an animal in its original natural state of existence; not domesticated nor cultivated.

(jj) "Year" refers to a normal calendar year of January 1 to December 31, unless defined otherwise in this rule.

#### **R657-20-3. Minimum Age Requirement.**

(1) A person who wishes to practice the sport of falconry in Utah must be at least ~~14~~12 years of age.

Comment [JP6]: The FWS rule lowered the minimum age to 12 after our rule was revised. Formal action in code to reflect the same has already been done. The change here is being made to reflect what has already taken place.

#### **R657-20-4. Falconry COR, Permits, and Licenses.**

(1) The division may deny issuing a COR or permit to any applicant, if:

(a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of practicing the sport of falconry bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(c) holding raptors at the proposed location violates federal, state, or local laws.

(3) CORs do not provide the holder with any rights of succession.

(4) Any COR issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(5) A resident must possess a valid COR issued by the Division to take, possess, hunt with, or transport raptors for the purpose of practicing the sport of falconry in Utah.

(a) A falconry COR requires up to a 30-business day processing time from the date an application is received.

(b) A falconry COR is valid at the Apprentice Class level for a 3-year period from date of issuance.

(c) A falconry COR is valid at the General and Master Class level for a 5-year period from date of issuance.

(6) The falconer must have a falconry COR or a legible copy of it in their immediate possession when not at the location of their falconry facilities and is trapping, transporting, working with, or flying raptors in falconry.

(7) A falconer must obtain a Raptor Capture Permit prior to capturing or attempting to capture any raptor from the wild in Utah. A valid falconry COR is required for a Utah resident in order to obtain a Raptor Capture Permit.

(8) The falconry COR allows a resident falconer to use a raptor for unrestricted take of unprotected wildlife including coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon, European Starling, House Sparrow, and rock dove or feral pigeon; no other license or permit is required other than the falconry COR for take of these species.

(a) A non-resident falconer is required to have a current falconry license or permit from his/her state of residence and a valid federal falconry permit, if applicable.

(9) With a falconry bird, a falconer may take any species for which a federal Depredation Order is in place under parts 21.43, 44, 45, or 46 of 50 CFR 21, at any time in accordance with the conditions of the applicable depredation order, as long as the falconer is not paid for doing so.

(10) A falconer releasing a raptor for the purpose of hunting protected wildlife, not held in private ownership, must first obtain the appropriate licenses, permits, tags, CORs and stamps as provided in the applicable rules and guide books of the Wildlife Board.

(a) The hunting of upland game shall be done in accordance with the rule and guide book of the Wildlife Board for taking upland game species.

(b) The hunting of migratory game birds shall be done in accordance with the rule and guide book of the Wildlife Board for taking migratory game species.

(c) A hunting license is not required to take pen-reared game birds with a trained raptor.

#### **R657-20-5. Application for a Resident or Nonresident Falconry COR.**

(1) Resident Applications

(a) A resident applying for or renewing a falconry COR shall:

- (i) Submit a completed falconry application to the Division; and
- (ii) Include the appropriate COR fee
- (b) At the time of renewal, the current falconry COR number must be included on the falconry COR renewal application.
- (c) A falconer claiming residency in Utah may not claim residency in, or possess a resident falconry license or falconry permit from, another state.

(2) Nonresident Applications

- (a) A six-month domicile period is required for a nonresident falconer entering Utah to establish residency.
- (b) A nonresident falconer entering Utah to establish residency may possess legally obtained raptors that were acquired prior to entering Utah during the six-month domicile period while establishing residency.
- (i) If the raptors are to be flown or exercised during the six-month domicile period, the following permits must be in possession:

- (A) a valid falconry license from the previous state; and
- (B) a valid federal falconry permit when required under federal law.

- (ii) If the raptor(s) is to be used for falconry during the six-month domicile period, the falconer must purchase all applicable Utah non-resident hunting licenses and/or permits.

(c) A copy of the previous state's valid falconry license indicating class designation, a current federal falconry permit number, if applicable, a valid health certificate, the number and species of raptors with the band number (if banded) of each raptor held in possession, and an import authorization number obtained from the Utah Department of Agriculture must be presented to the Division within 5 business days after entering Utah.

(d) A non-resident falconer establishing residency must maintain proper facilities and equipment.

(i) A facilities inspection is required and must be requested from the Division by the non-resident falconer no later than 120 days of establishing domicile in the state.

(A) ~~Inspection requests are made by calling the Division regional office where the facilities will be located to schedule an appointment, may be made in writing or via email at falconry@utah.gov.~~

Comment [JP7]: Change made to reflect updated inspection procedures

(ii) A facilities inspection will be completed by the Division within 30 business days of the date the request for an inspection is received.

(iii) A non-resident falconer establishing residency may temporarily house raptors prior to their initial facilities inspection (see Section R657-20-20).

(e) At the conclusion of the six-month domicile period, a new resident applying for a falconry COR must submit the following to the Division:

- (i) A completed falconry application indicating class designation;
- (ii) A copy of a valid falconry license from the former state of residency indicating class designation;
- (iii) A valid federal falconry permit number, if applicable;
- (iv) Proof that the applicant has passed the falconry test administered by the state, tribe, or territory where legal residence was maintained, or proof that the applicant previously held a falconry permit at the class level being requested; or:

(A) Correctly answer at least 80 percent of the questions on an examination administered by the Division.

(B) If the applicant passes the examination, the Division will decide which level of falconry permit to be issued, consistent with the class requirements outlined in Sections R657-20-16, R657-20-17, and R657-20-18 of this rule; and

(v) Submit the appropriate COR fee.

(f) A non-resident falconer entering Utah to establish residency that holds raptors in possession and fails to apply for a falconry COR within 30 days of qualifying for residency will be in violation of the law for unlawful captivity of protected wildlife under Sections 23-13-4 and 23-20-3 and may be denied a falconry COR, and any raptors in their possession may be subject to seizure.

(g) At the conclusion of the six-month domicile period outlined in Section R657-20-5, a falconer may apply for a resident Utah falconry COR.

**R657-20-6. COR Renewal and Annual Report Forms.**

(1) Resident falconers wishing to renew a valid falconry COR must submit a completed falconry COR renewal form to the Division upon or before the expiration date specified on the current falconry COR.

(a) falconry COR Renewals require up to a 30-day processing time for completion.

(2) All Resident falconers holding a valid falconry COR must submit a completed falconry Annual Report to the Division by January 31 of each year, as follows:

(a) By December 31 of each year, the Division will provide each resident falconer with an annual summary report of their falconry activities that are on file.

(b) Each resident falconer must verify the annual summary report for accuracy and return the report to the Division by the following January 31.

(3) Residents who do not hold a valid falconry COR or do not submit a COR renewal form by the date their current COR lapses and who maintain raptors in possession are in violation of unlawful captivity of protected wildlife under Sections 23-13-4 and 23-20-3.

(4) Failure to submit required records and timely, accurate, or valid reports may result in administrative action by the Division.

(a). Administrative action that may be taken by the Division include:

(i) Issuance of a probationary COR with restrictions on activities allowed; or

(ii) Non-renewal of a COR until the required records and reports are completed.

(5) A falconry COR is considered to be lapsed if the falconer has not applied for renewal within 30 calendar days of the expiration of their current COR.

(a). Disposition of raptors held under a lapsed falconry COR is at the discretion of the Division.

(b). Raptors held under a lapsed falconry COR are subject to seizure by the Division.

(6) A falconer who has allowed their COR to lapse may apply for a new COR.

(a) If a falconry COR has lapsed for fewer than 5 years, it will be reinstated at the level held previously if proof of certification at that level is provided and the applicant has appropriate facilities and equipment; and is otherwise qualified under R657-20-4(1).

(b) If a falconry COR or Permit has lapsed for 5 years or longer, an applicant must correctly answer at least 80 percent of the questions on an examination administered by the Division as required in Section R657-20-16(1)(b)(ii).

(i) If the applicant passes the examination, a falconry COR will be reinstated at the level previously held.

(ii) The applicant's facilities and equipment must also pass inspection by a Division representative before possessing a raptor for falconry as required in Sections R657-20-8, R657-20-9, and R657-20-10.

#### **R657-20-7. Nonresident Participation in Meets or Trials.**

(1) A nonresident entering Utah to participate in the sport of falconry at an organized meet must be 14 years of age or older and must obtain a nonresident falconry meet license if hunting protected wildlife.

(2) A falconry meet license may be obtained by completing an application and submitting the application and appropriate fees to the Division.

(3) A falconry meet license is valid only for nonresidents and only for five (5) consecutive calendar days as designated on the license.

(4) The holder of a nonresident falconry meet license may engage in the sport of falconry on protected wildlife during the specified five-day period in accordance with the applicable proclamations of the Wildlife Board.

(5) A nonresident participating in an organized meet for more than five consecutive calendar days must obtain appropriate nonresident licenses, permits, tags, and stamps as provided in the proclamations of the Wildlife Board if protected wildlife is pursued.

(6) A nonresident participating in an organized meet for more than five consecutive calendar days must provide a health certificate and an import authorization number obtained from the Utah Department of Agriculture, Animal Health Section, on each raptor brought into the state.

(7) A falconry meet license is not required for participation in a falconry trial.

(8) An organizer of a falconry meet must obtain prior approval from the Wildlife Board for non-residents to purchase a 5-day non-resident meet license.

(a) A falconry meet or trial may not be held on state waterfowl and wildlife management areas from April 1 through August 15, except in those areas approved by the Division.

#### **R657-20-8. Care and Facilities Requirements.**

(1) A person may not possess a raptor without first providing adequate facilities and equipment to humanely house and care for the raptor.

(2) Care Requirements.

(a) The Falconer is responsible for the maintenance and security of raptors held in his or her care.

(b) All raptors held under a falconry COR must be kept in humane and healthy conditions.

(i). The Division may impose additional requirements to insure the safe and humane handling and care of raptors when the birds are maintained in inhumane or unhealthy conditions.

(3) To obtain a falconry COR, applicants must have either an indoor mews or an outdoor weathering area, or both.

(a) The primary consideration for raptor housing facilities whether an indoor mews or outdoor weathering area is protection of the raptor from unauthorized human access and disturbance, the environment, predators (to include domestic as well as wild animals), inhumane treatment, and other undue disturbances.

(4) Before a person may obtain a falconry COR, the raptor housing facilities and equipment shall be inspected by a Division representative.

(i) Inspections must be conducted in the presence of the permittee.

(ii) In the course of this inspection, the Division representative may collect a photograph of the facilities to keep on file with the falconer's other state records.

(5) The Division should complete an inspection of falconry facilities within 30 business days of receiving a request for inspection.

(a) Detailed photos and a description of facilities and equipment, including measurements of mews or weathering areas, shall constitute a temporary inspection for purposes of issuing COR's if the Division has not physically inspected within 30 business days. The COR may be revoked if the photos and descriptions of facilities and equipment do not match the facilities in place. Any significant changes to facilities require notification to the Division.

(b). ~~Inspection rRequests for inspections may beare made by calling the Division regional office where the facilities will be located to schedule an appointment, verbally or in writing or via email.~~

~~(i) A facilities inspection will be completed by the Division within 30 business days of the date the request for an inspection is received.~~

(6) Facilities Requirements.

(a) Facilities must be adequate to house the number of raptors in possession.

(b) Only inspected and approved indoor mews and weathering areas may be used for housing raptors for falconry.

(i). In conjunction with inspected and approved facilities, raptors may also be housed inside a place of residence as provided in Section R657-20-8(6)(d)(viii).

(ii). A new facilities inspection may be required when a permittee increases the number of raptors in their possession.

(c) The Utah falconry Program Coordinator must be notified within five (5) business days of a change in the location of an individual's falconry facilities.

(d) The Mews.

(i) The mews must have a suitable perch for each raptor, at least one opening for sunlight, and must provide for a healthy environment for each raptor inside.

(ii) A mews must be large enough to allow easy access for the care and feeding of raptors kept inside.

(iii). Untethered raptors may be housed together in the mews if they are compatible with each other.

(iv). Each mews must be large enough to allow each raptor the opportunity to fly if it is untethered or, if tethered, to fully extend its wings or bate without damaging its feathers.

(v). Each raptor shall have a pan of clean water available to it at all times while in a mews, unless weather conditions, perch type used, or some other factor makes it inadvisable to have water available next to the raptor.

(vi). If raptors housed in an indoor mews that is not a place of residence are untethered, the mews must be fully enclosed with solid walls and ceiling or with bars or heavy duty netting or mesh spaced narrower than the width of the body of the smallest raptor housed in the mews.

(vii). Acceptable indoor facilities may 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 opportunity to maintain undamaged feathers.

(viii). A place of residence used for housing falconry raptors indoors is considered a mews provided each raptor is tethered to a suitable perch.

(A) A raptor may be untethered inside a place of residence when being handled.

(B) If a raptor is housed inside a place of residence, there is no need to modify windows or other openings in the residence.

(C) A raptor may be housed untethered inside a flight chamber constructed within a place of residence, provided the chamber has a source of light and is fully enclosed with solid walls and ceiling or with bars or heavy duty

Comment [JP8]: Change made to maintain consistency with other sections in the rule.

netting or mesh spaced narrower than the width of the body of the smallest raptor housed in the chamber.

(e) Weathering Area

(i) The weathering area must be totally enclosed, and can be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material capable of preventing the raptor's escape and excluding predators and other animals capable of causing harm to the raptor..

(ii) The weathering area must be covered and have at least one covered perch to protect a raptor from predators and weather.

(iii) Adequate perches must be provided within the weathering area to ensure the health, safety and protection of the raptor.

(iv) Raptors must be tethered while inside the weathering area.

(v) The weathering area must be large enough to insure that the raptor(s) cannot strike the enclosure when bating from the perch.

(vi) Raptors may be perched next to a solid or fully opaque wall in the weathering area provided the proximity of the wall to the perch will not cause injury to the raptor or feather damage.

(vii). Each raptor should have a pan of clean water available.

(A) At the discretion of the permittee, this requirement is waived if weather conditions, the perch type used, or some other factor makes it inadvisable to have water available to the raptor.

(viii). New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements of this chapter and are approved by the Division.

(ix). falconry raptors may be kept outside in the open at any location if they are under watch by an individual familiar with the handling of raptors.

(f) Approved falconry facilities may be on property owned by another person, provided the falconer submits a signed and dated statement by the falconer and the property owner agreeing that the falconry facilities, equipment, and raptors may be inspected without advance notice by the Division at any reasonable time of day.

(g) Any falconer who possesses a raptor and moves or changes the address of where the raptor is held must notify the Division in writing of the change of address within 5 business days.

(i) An inspection of facilities may be required at the new location.

(h) Raptors in transit must be provided with an adequate perch and protected from extreme temperatures, wind, and excessive disturbance to ensure the health, safety and protection of any raptor being transported.

(i) A raptor may be housed in temporary facilities for no more than 120 consecutive calendar days, provided the temporary facilities has a suitable perch for the raptor and adequately protects it from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

#### **R657-20-9. Equipment.**

(1) Prior to the facilities inspection and issuance of a falconry COR, the applicant shall possess the following items for each raptor in possession or proposed for future capture:

(a) At least one pair of Aylmeri jesses, or similar type, made from pliable, high quality leather or suitable synthetic material, or the materials and equipment to make them, or the material to be used when any raptor is flown free.

(i). Traditional one-piece jesses may be used on raptors when not being flown.

(b) At least one flexible, weather-resistant leash.

(c) At least one swivel of acceptable falconry design.

(d) At least one suitable container, two to six inches deep and wider than the length of the raptor, to hold drinking and bathing water for each raptor.

(e) At least one perch of an acceptable design will be provided for use for each raptor.

(f) A reliable scale or balance suitable for weighing the raptor held and graduated to increments of not more than one-half ounce or less.

(g) For small raptors, such as kestrels, merlins, and sharp-shinned hawks, the scale must weight in increments of at least 1 gram.

#### **R657-20-10. Inspection of Raptors, Facilities, CORs, and Documents.**

(1) A facilities inspection is required prior to initial issuance of a falconry COR and may be requested by the falconer in writing or by email at [falconry@utah.gov](mailto:falconry@utah.gov) by calling the Division regional office where the facilities will be located to schedule an appointment. Once a request is received, a facilities inspection will be completed by the

Comment [JP9]: Change made to maintain consistency with other sections in the rule.

Division within 30 business days of the date the request is received.

(2) As a condition to obtaining a falconry COR, the falconer agrees to reasonable administrative inspections of falconry raptors, facilities, equipment, CORs, and related documents.

(3) Falconry raptors, facilities, equipment, and documents may be inspected by the Division only in the presence of the permittee at a reasonable time of day.

#### **R657-20-11. Take of Wild Raptors.**

(1) A licensed falconer may take from the wild any raptor species of the ~~Order Accipitriformes, Order~~ Falconiformes or Strigiformes only as provided in this rule.

Comment [JP10]: Editorial; see comment JP1

(a) Haggard age raptors may not be taken from the wild for falconry.

(b) Any raptors taken from the wild for falconry is a "wild" raptor for the balance of the raptor's life, regardless of the length of captivity or the raptor's transfer to another permittee or permit type.

(c) A licensed falconer who wishes to take a raptor from the wild must meet all state and tribal requirements in this rule for capture of wild raptors for falconry.

(d) A raptor taken from the wild for falconry must be reported by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email, to the Division within 10 business days of the date of capture.

#### **(2) Resident Take of Wild Raptors**

(a) A Utah Resident may not take any raptor from the wild without first obtaining a COR and a Raptor Capture Permit from the Division.

(b) A Raptor Capture Permit is valid for one raptor authorized for possession in accordance with the restrictions and limitations of this rule.

(c) Raptor Capture Permits are non-transferable and non-assignable and can only be used by the person specified on the permit. However, another person can assist the permit holder pursuant to Section R657-20-21(2) and (3) as long as the permit holder is present.

(d) Raptor Capture Permits are valid only for the season specified on the permit.

(e) The Raptor Capture Permit and falconry COR (or legible copies thereof) must be in the possession of the permittee while pursuing, capturing or attempting to capture a raptor.

(f) Raptors may not be taken at any time or in any manner that violates any State, federal, tribal, or local law.

(g) While trapping, falconers shall not retain and transport more than one captured raptor per capture permit.

(3) Taking of wild raptors is prohibited within the boundaries of all National Parks in Utah and on all Utah State Parks

(4) A raptor may be taken from the wild by traps or nets that minimize the potential of physical injury and unnecessary stress to the raptor.

(a) Examples of acceptable devices are the bal-chatri, dho-gazza, harness-type, phi trap, bow net traps, or other trapping devices that are humane and acceptable as commonly used in falconry trapping procedures.

(b) Trapping devices must be constantly attended while in use.

(5) No more than two 2 raptors may be taken from the wild each calendar year to use in falconry.

(6) A raptor taken from the wild may be transferred to another permittee under the following conditions:

(a) The captured raptor will count as one of the raptors allowed for take from the wild in the calendar year it was taken by the capturing falconer;

(b) The transferred raptor will not count as a capture by the recipient.

(c) The transferred raptor will always be considered a wild bird.

(7) A permittee may not intentionally capture raptor species for falconry that their classification as a falconer does not allow them to possess.

(a) If a permittee captures a raptor he or she is not allowed to possess, it must be released immediately.

(8) A General or Master Class falconer may take no more than 1 raptor from the wild each year which belongs to a species listed as threatened or endangered under the federal Endangered Species Act if allowed under 50C CFR part 17, and if a federal endangered species permit is obtained before taking the bird.

(9) A General or Master Class falconers may take eyas raptors from a nest or aerie only during the seasons specified for taking eyas raptors in Subsection (12).

(a). At least one young must be left in any nest or aerie from which an eyas is taken.

(b) Removal of young is prohibited from a nest or aerie that contains only one eyas.

(10) An Apprentice, General or Master Class falconer may take passage age raptors from the wild only during

the seasons specified for taking passage age raptors in Subsection (12).

(11) Periods for Allowable Take Of Raptors From the Wild

(a) Eyas or passage age raptors of any allowable Strigiform species may be taken from March 1 through November 30.

(b) Eyas or passage age raptors of any allowable **Accipitriform and Falconiform** species except peregrine falcon (*Falco peregrinus*) and golden eagle (*Aquila chrysaetos*) may be taken January 1 through December 31.

Comment [JP11]: Editorial; see comment JP1

(i). Notwithstanding Subsection (12)(b):

(A) Passage age raptors that fledged from the prior year may not be taken after March 1st; and

(B) Passage age gyrfalcons (*Falco rusticolus*) may be taken at any time.

(c) Licensed falconers may take any raptor from the wild that is authorized under this rule for take for their class level.

(i). A wild caught raptor that is banded with a Federal Bird Banding Laboratory aluminum band may be taken, provided the Federal Bird Banding Laboratory is notified of the removal of the banded raptor from the wild;.

(ii) The Federal Bird Banding Laboratory aluminum band may be removed if the raptor is to be retained, after notifying the Federal Bird Banding Laboratory.

(iii). A peregrine falcon banded with a Federal Bird Banding Laboratory aluminum band may not be taken from the wild and retained.

(iv). Capture of any raptor that is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird must be reported to the Division no more than 5 business days after the capture.

(v). Capture of any raptor that is marked with any other band, research marking, or attached research transmitter attached to it must be promptly reported to the Federal Bird Banding Laboratory at 1-800-327-2263.

(d) A falconry raptor that has been lost may be recaptured at any time without the need to purchase a Raptor Capture Permit.

(i). Recapture of a lost or escaped "wild" raptor is not considered to be the taking of a raptor from the wild.

(e) A raptor wearing falconry equipment or a lost or escaped captive-bred raptor may be recaptured at any time by any other permitted falconer - even if the permittee performing the recapture is not allowed to possess the species.

(i). A recaptured raptor will not count against a permitted falconer's possession limit, nor will its recapture from the wild count against the permitted falconer's replacement limit.

(ii). Recapture of falconry raptors must be reported to the Division no more than 5 business days from the date of recapture.

(iii). A recaptured falconry raptor must be returned to the permittee who lost it if that individual may legally take possession.

(A). Disposition of a recaptured falconry raptor where the permittee's legal authority to possess the bird is in question will be determined by the Division.

(B). A recaptured falconry raptor temporarily held for return to the permittee who lost it will not count against the possession or replacement limit on take of raptors from the wild if the individual temporarily holding the raptor has reported the recapture to the Division.

**(4312)** Special provisions for take of peregrine falcons.

Comment [JP12]: Editorial

(a) Only General and Master Class falconers only may take eyas or passage age peregrine falcons in accordance with Sections R657-20-11 and R657-20-12 and as provided in this rule.

(i). Application procedures for taking eyas or passage Peregrine Falcons are provided in Section R657-20-12 and R657-20-13.

(ii). The peregrine falcon take season begins annually on May 1st and ends on August 31st.

(iii). The number of permits issued to take peregrine falcons will be set by the Division annually.

(A). One non-resident take permit will be issued annually. If that permit is not applied for, it will be made available to resident falconers.

(B). Any remaining permits that are not applied for will be made available to resident and nonresident falconers on a first-come first-served basis.

(iv). Issued permits will allow take of one eyas or passage age Peregrine Falcon.

(b). An eyas peregrine falcon may not be removed from its aerie prior to 10 days of age.

(c). Aeries of peregrine falcon may not be entered when young are 28 days or more of age.

(d) The areas open for taking eyas and passage age peregrine falcons will be designated annually by the Falconry Program Coordinator.

(e) A peregrine falcon that is marked with a research band such as a colored band with alphanumeric codes or some other research marking attached must be immediately released.

(i) Research band numbers and location and date of capture must be reported to the Division and the Federal Bird Banding Laboratory (1-800-327-2263) within 5 business days of the date of capture.

~~(H413)~~ Special provisions for take of golden eagles

Comment [JP13]: Editorial

(a) A Master Class falconer with a COR to take golden eagles may take no more than three from the wild, subject to the requirements in federal statute 50 CFR 21 and Section R657-20-18(2)(c)(i).

(i). A Master Class Falconer that is authorized to take golden eagles may take no more than two golden eagles from the wild in any calendar year and only in a livestock depredation area during the time the depredation area declaration is in effect.

(A). The establishment, boundaries, and duration of a livestock depredation area in Utah are declared by U.S.D.A. Wildlife Services and the U. S. Fish and Wildlife Service in Lakewood, CO.

(ii). A Master Class falconer authorized to take golden eagles for use in falconry may capture an immature or subadult golden eagle only in a livestock depredation area during the time the depredation area is in effect in Utah.

(A). A Master Class Falconer may capture a nesting adult golden eagle, or take an eyas from its nest, in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area has determined that the parent adult eagle is preying on livestock.

(B). A government employee who has trapped a golden eagle under Federal, State, or tribal permit may transfer the eagle to a Master Class falconer that is authorized to possess golden eagles if the eagle cannot be released in an appropriate location.

(iii). A Master Class Falconer authorized to take a golden eagle for falconry must contact USDA, Wildlife Services or the U. S. Fish and Wildlife Service in Lakewood, CO to determine the establishment and location of a livestock depredation area in Utah

(A). The Division does not provide livestock depredation area information.

(B). The Master Class falconer must have permission from the private landowner to capture a golden eagle on private lands;

~~(H514)~~ Acquiring a bird for falconry from a permitted rehabilitator.

Comment [JP14]: Editorial

(a) A licensed falconer may acquire directly from a rehabilitator a raptor of any age or species that the falconer is permitted to possess.

(i). A raptor acquired for falconry from a rehabilitator must be reported by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email, to the Division within 10 business days of the transaction.

(ii). A wild raptor acquired for falconry from a rehabilitator will count as one of the raptors the falconer is allowed to take from the wild that calendar year.

**R657-20-12. Nonresident Take of Wild Raptors.**

(1) A Nonresident may not take any raptor from the wild without first obtaining a Nonresident Raptor Capture Permit from the Division.

(b) Nonresident falconers are not required to purchase a Utah falconry COR in order to purchase a Nonresident Raptor Capture Permit.

(c) Nonresidents must show proof of a valid federal falconry permit or falconry license issued by their state of residency to purchase a Nonresident Raptor Capture Permit.

(d) Nonresident take of raptors is subject to all other applicable regulations set forth in this rule.

**R657-20-13. Application Procedures and Drawings for Capture of Peregrine Falcons, Sensitive Raptors, and Raptors Available to Nonresident Falconers.**

(1) Applications for Raptor Capture Permits must be made for:

(a) Peregrine falcons;

(b) Sensitive raptor species for which take is limited by the falconry Program Coordinator pursuant to Section R657-20-11, and

(c) Raptors designated for non-resident take.

(2) If necessary, a drawing will be held for those species that have more applicants than available permits.

(3) An individual may only draw once every 2 years for a Raptor Capture Permit to take peregrine falcons, sensitive raptor species, and nonresident legal raptors.

- (a). In the event that unclaimed permits remain after a drawing, then the 2 year restriction is waived.
- (4) If the number of applications received exceeds the number of available permits, then the Division will conduct a drawing to determine which applicants receive a permit.
- (a). Any remaining permits that are not applied for will be made available to resident and nonresident falconers of the appropriate class on a first-come first-served basis..
- (5) Application forms for Raptor Capture Permits are provided by the Division.
- (6) An applicant for a Raptor Capture Permit must submit a complete and accurate application to include the following:
  - (a) A copy of the applicant's valid Utah falconry COR, or valid license from their state of residency indicating the falconry class designation;
  - (b) A copy of the applicant's valid federal permit, when required by federal law; and
  - (c) A non-refundable application fee.
- (7) Applications for taking raptors must be received by the Division through the mail, or by email, no later than close of business on the last business day of March each year.

**R657-20-14. Importation Requirements for Residents and Nonresidents.**

- (1) A person is not required to obtain a special COR from the Division to import a raptor brought into Utah from another state when the raptor is imported and used for falconry purposes.
  - (a) Importation of a raptor used for any purposes other than falconry is governed by Rule R657-3.
  - (b) A raptor imported into Utah is required to have:
    - (i) a certificate of veterinary inspection from the state, tribe, or territory of origin; and
    - (ii) an import authorization number issued through the Utah Department of Agriculture, Animal Health Office.
  - (2) Any raptor brought into the state on a permanent basis must be reported by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email, to the Division within 10 business days of importation.
  - (3) A raptor imported into the state for falconry or any other purpose have an import permit and certificate of veterinary inspection issued by the Utah Department of Agriculture and Food pursuant to R58-1-4.

**R657-20-15. Flying a Hybrid Raptor in Falconry.**

- (1) When flown free, a hybrid raptor must have at least two attached radio transmitters for tracking.

**R657-20-16. Apprentice Class Falconer and Sponsors**

- (1) Apprentice class falconer requirements
  - (a) Applicants for an Apprentice Class falconry COR must be at least ~~44-12~~ years of age;
    - (i) Applicants for an Apprentice Class falconry COR who are under 18 years of age must have a parent or legal guardian sign their application;
    - (ii) The parents or legal guardian of a minor Apprentice Class falconer are legally responsible for the activities of their child.
  - (b) Applicants for an Apprentice Class falconry COR must correctly answer at least 80 percent of the questions on an examination administered by a Division representative.
    - (i) An individual may not take the falconry exam earlier than two months prior to their ~~44th-12th~~ birthday.
    - (ii) The examination questions will cover basic care and handling of falconry raptors, state and Federal laws and regulations relevant to falconry, raptor biology, diseases and health issues, raptor identification, trapping and training methods, and other appropriate subject matter.
    - (iii) An individual may contact any Division office for information about taking the examination.
    - (iv) Falconry examinations are administered at any Division office by appointment only during business hours.
    - (v) An individual that fails to correctly answer at least 80 percent of the questions on the exam may retake the exam after a minimum 14-day period.
  - (c) An applicant's facilities and equipment must pass inspection by the Division under R657-20-8, R657-20-9, and R657-20-10 before a falconry COR can be issued.
  - (2)(a) Applicants for an Apprentice Class falconry COR must have a sponsor to mentor and assist the Apprentice Class falconer, as necessary, in:
    - (i) Husbandry and training of raptors held for falconry;
    - (ii) Relevant wildlife laws and regulations, and

Comment [JP15]: Change made to maintain consistency with other sections in the rule.

Comment [JP16]: Change made to maintain consistency with other sections in the rule.

- (iii) Determining what species of raptor is appropriate for the Apprentice to possess.
- (b) The person applying for an Apprentice Class falconry COR must provide the Division with a letter from their chosen sponsor stating that sponsor's willingness to serve as a sponsor for the Apprentice Class falconer.
- (c) A sponsor must be:
  - (i) a Master Class Falconer who holds a valid Utah falconry COR or tribal falconry permit;
  - (ii) a General Class Falconer who is at least 18 years of age, has no less than 2 years experience at the General Class falconer level, and who holds a valid Utah falconry COR or tribal falconry permit
- (d) Unless approved by the Division in writing, the sponsor cannot reside
  - (i) greater than a 100 mile distance from the Apprentice; or
  - (ii) outside of Utah.
- (e) In the event sponsorship is terminated, the holder of an Apprentice Class falconry COR must obtain a new sponsor within 30 calendar days of termination.
- (i) Apprentice Class falconers that change sponsors must notify the Division in writing and provide a letter from the new sponsor showing compliance with the requirements in R657-20-16(2)(a) through (d).

Comment [JP17]: Changes below being implemented for clarification.

(3) Possession of Raptors at the Apprentice Class

(a) An Apprentice Class falconer may take or possess any wild-caught passage age raptor or captive-bred, or hybrid raptor species of the Order Accipitriformes, Falconiformes or Strigiformes for falconry, provided that the hybrid raptor is not the result of a cross involving any species listed in § 10.13 of 50 CFR 21 (Federal Migratory Bird Treaty Act), with the following exceptions:

- (i). An Apprentice Class falconer may not take or possess wild caught, captive-bred, or hybrid eagles, or federally listed threatened or endangered species, ~~or Utah state Sensitive Species,~~ or any wild-caught species listed as a national Species of Conservation Concern in the most recent list of "Birds of Conservation Concern" from the federal Division of Migratory Bird Management to include ~~wild, captive-bred, or hybrid individuals of any restricted species~~ individuals of any species that may be taken or possessed in accordance with the provisions in 50 CFR 21.29 and Utah regulations, with the following exceptions:

- ~~(1) Notwithstanding Subsection (3)(a)(i), an Apprentice Class falconer may take or possess raptors specified in the falconry guide book.~~
- ~~(2) An Apprentice Class falconer may possess a hybrid raptor provided that the hybrid raptor is not the result of a cross involving any species listed in § 10.13 of 50 CFR 21 (Federal Migratory Bird Treaty Act).~~
- ~~(b) An Apprentice Class falconer may not take or possess a raptor taken from the wild as an eyas.~~
- ~~(c) An Apprentice Class falconer may possess no more than one (1) wild-caught passage age raptor or captive-bred raptor for use in falconry regardless of the number of state, tribal, or territorial falconry CORs or permits that the Apprentice has been issued.~~
- ~~(d) Another falconry permittee may capture a wild raptor and transfer the raptor to an Apprentice Class falconer as provided in R657-20-11(6) and R657-20-21.~~
- ~~(e) An Apprentice Class falconer may not possess an imprint raptor.~~
- ~~(d) An Apprentice Class falconer may not take or possess a raptor taken from the wild as an eyas.~~
- ~~(e) An Apprentice Class falconer may not possess an imprint raptor.~~

**R657-20-17. General Class Falconer.**

- (1) General Class falconer requirements
  - (a) Applicants for a General Class falconry COR must be at least 16 years of age;
  - (i). Applicants for a General Class falconry COR who are under 18 years of age must have a parent or legal guardian sign their application;
  - (ii) The parents or legal guardian of a minor General Class falconer are legally responsible for the activities of their child.
  - (b) New General Class applicants must submit a request for class upgrade to the Division in writing or via email, and include a document from their General Class or Master Class sponsor stating that the General Class applicant has practiced falconry at the Apprentice Class Falconer level or equivalent for at least 2 years including maintaining, training, flying, and hunting raptors for at least 4 months in each separate 12-consecutive month period.
    - (i) For purposes of this Subsection, 2 years means two separate 12-consecutive month periods
    - (ii) A General Class applicant may not substitute any falconry school program or education to shorten the minimum period of 2 years at the Apprentice level.

(iii) Evidence that a General Class applicant has had a valid General Class level falconry license or permit in another state for at least 2 years may be substituted for the Apprentice Class falconry COR requirement.

(2) Possession of raptors at the General Class

(a) A General Class falconer may take or possess any eyas or passage age wild-caught raptor, captive-bred, or hybrid raptor species of the ~~Order~~ Order Accipitriformes, Falconiformes or Strigiformes except eagles or any wild-caught species listed as a national Species of Conservation Concern in the most recent list of "Birds of Conservation Concern" from the federal Division of Migratory Bird Management to include individuals of any species that may be taken or possessed in accordance with the provisions in 50 CFR 21.29 and Utah regulations.

Comment [JP18]: Ditto Comment JP12

(b) A General Class falconer may possess no more than 3 wild-caught eyas or passage age raptors, captive-bred raptors, or hybrid raptors, or any combination thereof, for use in falconry regardless of the number of state, tribal, or territorial falconry CORs or permits that the General Class falconer has been issued.

**R657-20-18. Master Class Falconer.**

(1) Master Class falconer requirements

(a) Applicants for a Master Class falconry COR must have 5 years of experience practicing falconry with raptor(s) held under their own state, tribal, or territorial falconry COR or permits at the General Class Falconer level.

(i) For the purposes of this Subsection, "5 years of experience" means maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each of five (5) separate 12-month periods.

(ii) Evidence that the applicant has had a valid General Class level falconry license or permit in another state for at least 5 years may be substituted for the General Class falconry COR requirement.

(iii) If an applicant has held falconry raptor(s) on an extended temporary basis, that experience may qualify for purposes of these requirements.

(2) Possession of Raptors at the Master Class

(a) A Master Class falconer may take or possess any wild-caught eyas or passage age, captive-bred raptor, or hybrid raptor species of the Order Accipitriformes, ~~Order~~ Falconiformes or Strigiformes except a bald eagle (*Haliaeetus leucocephalus*) or any wild-caught species listed as a national Species of Conservation Concern in the most recent list of "Birds of Conservation Concern" from the federal Division of Migratory Bird Management to include individuals of any species that may be taken or possessed in accordance with the provisions in 50 CFR 21.29 and Utah regulations.

Comment [JP19]: Ditto Comment [JP12]

(i) A Master Class falconer may take and possess a golden eagle only if the qualifications set forth parting Subsection (2)(c) below are met.

(b) A Master Class falconer may possess no more than 5 wild-caught eyas or passage age raptors for use in falconry, including golden eagles, regardless of the number of state, tribal, or territorial falconry CORs or permits that the Master Class falconer has been issued.

(i) A Master Class falconer may possess any number of captive-bred raptors, but they must be trained in the pursuit of wild game and used for hunting..

(c) A Master Class falconer must obtain an authorization from the Division to possess an eagle for use in falconry;

(i). Approval for a Master Class falconer to take or possess an eagle for use in falconry shall not be granted unless the following documentation is provided:

(A). A written statement documenting the experience of the Master Class falconer in handling large raptors, including information about the species handled and the type and duration of activities in which the experience was obtained.

(B). At least two letters of reference from individuals with experience in handling or flying large raptors such as eagles, ferruginous hawks (~~*Buteo regalis*~~ *Buteo regalis*), Northern goshawks, or great horned owls (*Bubo virginianus*).

Comment [JP20]: Editorial

(i). Each reference letter 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.

(ii). Each reference letter must also assess the Master Class Falconer's ability to care for eagles and fly them in falconry.

(ii) A Master Class falconer that satisfies the requirements of this rule may be authorized to take or possess no more than 3 eagles as part of the 5-wild bird maximum limitation for the Master Class level.

**R657-20-19. Unintentional Kill of a Prey Item by a Falconry Raptor.**

- (1) A falconry raptor may be allowed to feed on a prey animal taken unintentionally, provided the prey animal is not taken into the falconer's possession.
- (2) Unintentional take of any federally listed threatened or endangered species must be reported to the Division and the U. S. Fish and Wildlife Ecological Services Field Office in Salt Lake City within 5 business days of the take event.
- (3) Unintentional take of any state Sensitive Species must be reported to the Division within 5 business days of the take event.

**R657-20-20. Temporary Care of Falconry Raptors.**

- (1) Short-term handling of a raptor by a person other than the permitted falconer, such as allowing a person to handle or practice flying a permittee's raptor is not considered temporary possession for the purposes of this rule, provided the permittee is present and supervising the individual that is handling the raptor.
- (2) Temporary care of raptors by another falconry permittee
  - (a) Another falconry permittee may care for a falconer's raptors for up to 120 consecutive calendar days.
  - (b) The temporary care permittee must have a signed and dated statement from the falconer authorizing the temporary possession, in addition to a copy of the FWS Form 3-186A for that raptor.
    - (i). The signed and dated statement must identify the time period for which the temporary permittee will keep the raptors and what activities are allowed to be carried out with the raptors.
    - (ii). Falconry raptors in temporary care will remain on the original falconer's COR and will not be counted against the possession limit of the person providing the temporary care for the raptors.
    - (iii). If the permittee providing temporary care for the raptors holds the appropriate level falconry permit, then the temporary permittee may fly the raptors in whatever way authorized by the falconer, including hunting.
    - (iv) Temporary care of raptors may be extended by the Division indefinitely in extenuating circumstances such as, illness, military duty, and family emergency. The Division will consider extenuating circumstances on a case-by-case basis.
- (3) Temporary care of raptors by a non-falconer.
  - (a) A non-falconer may care for a falconer's raptors for up to 45 consecutive calendar days.
    - (i). The raptors will remain on the original falconer's COR.
    - (ii). The raptors must remain at the original falconer's facilities.
    - (iii). Temporary care of raptors by non-falconers may be extended by the Division indefinitely in extenuating circumstances such as illness, military duty, or family emergency. The Division will consider extenuating circumstances on a case-by-case basis.
    - (iv). A non-falconers caring for a falconer's raptors may not fly them for any reason.
- (4) Transfer of falconry raptors when a permittee dies.
  - (a) A surviving spouse, executor, administrator, or other legal representative of a deceased falconry permittee may transfer any raptor(s) held by the deceased permittee to another authorized permittee within 90 calendar days of the death of the original falconry permittee.
  - (b) After 90 calendar days from the death of the falconry permittee, disposition of raptors held under the permit is at the discretion of the Division.

**R657-20-21. Reporting Requirements for Acquisition of Raptors**

- (1) Take of any raptor from the wild must be reported to the Division by either entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email to [falconry@utah.gov](mailto:falconry@utah.gov), no later than 10 business days after capture of the raptor.
  - (i) No more than two wild raptors may be obtained for replacement during any 12-month period from the date of the first capture.
- (2) A permittee may receive assistance from another individual in capturing a raptor, but the permittee must be present at the capture site
  - (a). Regardless of the assistance of another person in capturing a raptor:
    - (i) The permittee is always considered to be the individual who removes the bird from the wild; and
    - (ii). the permittee is legally responsible for complying with the reporting requirements for capturing a raptor from the wild, as provided in Subsection (1).
  - (3) A permittee with a long-term or permanent physical impairment that prevents their attendance at the

Comment [JP21]: Clarification

capture of a raptor for use in falconry, or is otherwise unable to be present at the immediate location where the raptor is taken from the wild, may contact a General or Master Class falconer only to capture a raptor on their behalf.

(a) The impaired permittee is legally responsible for complying with the reporting requirements for capturing a raptor from the wild, as provided in Subsection (1).

(b) The raptor will count against the take of wild raptors that the impaired permittee is allowed in any year.

(c) The raptor will not count as one of the two replacement raptors the General or Master Class falconer who offers assistance is allowed to capture in any year.

(d) The raptor will not count as being taken from the wild by the permittee acting on behalf of the impaired permittee.

(4) ~~Individuals authorized to do so~~ General and Master Class falconers may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred raptors marked with seamless bands to other permittees who are legally authorized to possess the raptor.

Comment [JP22]: Clarification

(a) Any transfer or exchange for a raptor must be reported to the Division within 10 business days either by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A or FWS pdf i-381A via email to [falconry@utah.gov](mailto:falconry@utah.gov).

(b) A permittee may not purchase, sell, trade, or barter a wild raptor.

(i). A permittee may transfer a raptor to another permittee who is legally authorized to possess the raptor, provided there is no pecuniary consideration for the transfer.

(c) The number of wild caught or captive-bred raptors transferred to a permittee may not exceed the established possession limit for each permit class.

(5) Anytime a permittee acquires, transfers, rebands, or microchips a raptor; or a raptor in their possession is stolen; or is lost to the wild and is not recovered within 30 days; or dies; the occurrence must be reported to the Division within 10 days by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the Division or FWS pdf i-381A via email to [falconry@utah.gov](mailto:falconry@utah.gov).

(6) A permittee must retain copies of all electronic database submissions documenting take, transfer, loss, rebanding or micro chipping or any other transaction for each falconry raptor for up to 5 years after the given transaction or event has taken place.

(7) Date of capture, sex of the raptor, and location of the capture must be recorded on the Raptor Capture Permit for all species.

(a) Nest locations are held for use by the Division's sensitive species biologists and will not be made available to the public.

(8) On an annual basis, the falconry Program Coordinator shall determine the number of capture permits issued for the taking of eyas raptors listed on the most recent edition of the Utah sensitive species list.

(a) Notice of any limitations on the number of eyas capture permits available for sensitive raptors shall be available by February 1 of each year.

(b) Application procedures for taking sensitive raptor species are provided in Section R657-20-11.

#### **R657-20-22. Banding or Tagging Raptors Used in Falconry**

(1) A falconer who has captured or acquired a wild northern goshawk, wild Harris's hawk (*Parabuteo unicinctus*), wild peregrine falcon, or wild gyrfalcon must band the raptor with a permanent, nonreusable, numbered U. S. Fish and Wildlife Service leg band.

(a) A falconer must contact the Division for information on obtaining and disposing of bands.

(b) In addition to banding the raptor, a falconer may also purchase and implant an ISO (International Organization for Standardization)-compliant (1234.2 kHz) implantable microchip.

(2) Take or acquisition of any wild raptor must be reported to the Division by either entering the required information including, when required, the band number or microchip information in the electronic database at <http://permits.fws.gov/186A>, or by submitting a paper form 3-186A or FWS pdf i-381A via email no later than 10 business days after capture or acquisition of the raptor.

(3) Raptors bred in captivity must be banded with a U. S. Fish and Wildlife Service seamless metal band described in 50 CFR 21 § 21.30, or plastic, numbered U. S. Fish and Wildlife Service yellow band.

(a) Unbanded raptors, or black, or yellow banded raptors may not be sold, traded or bartered in any way.

(b) In addition to banding the raptor, a falconer may also purchase and implant an ISO (International Organization for Standardization)-compliant (1234.2 kHz) implantable microchip.

(c) Removal or loss of a seamless band must be reported to the Division within 10 business days of the event

and a replacement non-reusable band attached to the raptor.

(d) New and replacement band or microchip information must be reported to the Division by either entering the required information including the band number and microchip information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email, no later than 10 business days after banding the raptor.

(4) In the event a non-reusable band is removed or lost from a banded raptor, the removal or loss of the band must be reported to the Division within 5 business days and a replacement band requested.

(a) Immediately upon rebanding the raptor, the required information must be submitted at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email, to the Division.

(5) A band may not be altered, defaced, or counterfeited.

(6) Exemptions for banding of raptors will be considered on a case-by-case basis, as follows:

(a) Documented health or injury problems for a raptor that are caused by the band

(b) A copy of the exemption paperwork must be kept by the permittee when transporting or flying the raptor.

(c) If the raptor is a wild northern goshawk, wild Harris's hawk, wild peregrine falcon, or wild gyrfalcon, the band must be replaced with an ISO-compliant microchip.

(i). Substituting a microchip for a band on a wild goshawk, wild Harris's hawk, wild peregrine falcon, or wild gyrfalcon will not be authorized unless it has been demonstrated that a band causes an injury or a health problem for the raptor.

(7) A raptor removed from the wild may not be banded with a with a U. S. Fish and Wildlife Service seamless metal band or plastic, numbered U. S. Fish and Wildlife Service yellow band.

#### **R657-20-23. Raptors Injured Due to Falconer Trapping Efforts.**

(1) Falconers that injure a raptor during trapping efforts are responsible for the costs of care and rehabilitation of the injured raptor.

(a) An injured raptor retained by the permittee must be placed on the permittee's falconry permit.

(b). Take of the injured raptor from the wild must be reported to the Division by either entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A, or FWS pdf i-381A via email, no later than 10 business days after capture of the raptor.

(i). The injured raptor must be treated by a veterinarian or a permitted wildlife rehabilitator.

(ii). The injured raptor will count against the permittee's possession limit.

(b) An injured raptor must be immediately transported to a veterinarian, a permitted wildlife rehabilitator, or an appropriate wildlife agency employee.

(i) the injured raptor will not count against the permittee's allowed take or the permittee's possession limit.

#### **R657-20-24. Releasing a Falconry Raptor to the Wild.**

(1) A raptor that is non-native to the State of Utah or that is a hybrid of any kind, may not be permanently released into the wild.

(a) A raptor that is non-native to the State of Utah or that is a hybrid of any kind, may be transferred to another falconry permittee authorized for possession.

(2) A raptor that is native to the State of Utah and captive-bred may not be permanently released into the wild without prior authorization from the Division.

(a) Once authorization for release of a captive-bred native raptor is received, the raptor must be hacked (allow it to adjust) to the wild at an appropriate time of year and at an appropriate location as determined by the falconer.

(b) The falconry or captive-bred band must be removed and release of the bird reported to the Division by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A or FWS pdf i-381A via email.

(3) If the species to be released is native to the State of Utah and was taken from the wild, the raptor may be released only at an appropriate time of year and at an appropriate location as determined by the falconer.

(a) If the raptor is banded, the band must be removed and release of the bird reported to the Division by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A or FWS pdf i-381A via email.

#### **R657-20-25. Hacking of Falconry Raptors and other Training Techniques.**

(1) A General or Master Class Falconer only may hack a falconry raptor or raptors.

- (2) Raptors at hack count against possession limits and must be a species authorized for possession.
- (3) Hybrid raptors at hack must have two attached and functioning radio transmitters.
- (4) Raptors are not to be released at hack near the nesting area of a federally threatened or endangered bird species or in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the raptor at hack.
  - (a) The Division must be notified prior to hacking a falconry raptor.
  - (b) Information on federally-listed species can be obtained from the U. S. Fish and Wildlife Service.
  - (5) Use of other falconry training or conditioning techniques.
    - (a) Other acceptable falconry practices may be used, such as the use of tethered flying, lures, balloons, or kites in training or conditioning raptors for falconry.
    - (b) Falconry raptors may be flown at pen-raised animals or at bird species not protected under this rule or the Migratory Bird Treaty Act.

**R657-20-26. Use of Pen-Reared Game Birds for Meets, Trials and Training.**

- (1) Any falconer using pen-reared game birds for meets, trials or training must have an invoice or bill of sale or a copy thereof in their possession showing lawful personal possession or ownership of such birds.
- (2) Pen-reared game birds may be held in possession no longer than 60 calendar days unless the person possessing the pen-reared game birds first obtains a private aviculture COR as provided in Rule R657-4.
- (3) Each pen-reared game bird must be marked with an aluminum leg band or other permanent marking before being released except as provided in Subsection (c).
  - (a) Aluminum leg bands may be purchased at any Division office.
  - (b) The aluminum leg band or other permanent marking must remain attached to the pen-reared game bird.
  - (c) Each pen-reared game bird used on a commercial hunting area may be released without marking.
- (4) Pen-reared game birds used for a meet may be released only on the property specified and only during the dates approved for the falconry meet.
- (5) Released pen-reared game birds may be taken using falconry raptors, as follows:
  - (a) By the individual who released the pen-reared game birds, or by any individual participating in the meet; and
    - (b) Only during the approved dates of the meet.
  - (6) Once released, any pen-reared game birds that leave the property where the meet is held or are not retrieved at the conclusion of the meet become the property of the State of Utah and may not be recaptured or taken, except as prescribed in the Upland Game or Waterfowl proclamations of the Wildlife Board.
  - (7) Pen-reared game birds used for training raptors, or for a trial that escape or are not recovered on the day of the training, or pen-reared game birds that escape, become property of the State of Utah and may not be recaptured or taken, except as prescribed in the Upland Game and Waterfowl proclamations of the Wildlife Board and elsewhere in this rule.

**R657-20-27. Practicing Falconry in the Vicinity of a Federally Listed Threatened or Endangered Animal Species.**

- (1) Individuals practicing falconry must ensure that such activities do not result in the take of federally listed threatened or endangered wildlife.
- (2) Under the federal Endangered Species Act:
  - (a) "Take" means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct".
  - (b) "Harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering; and
  - (c) "Harm" means an act that actually kills or injures wildlife
- (3) Information about threatened or endangered species that may occur in Utah is available by contacting the U. S. Fish and Wildlife Service or the Division.

**R657-20-28. Permission to Conduct Falconry Activities on Public or Private lands.**

- (1) A falconer must comply with all applicable Federal, State, local, or tribal laws regarding falconry activities, including hunting, on private, public, and tribal lands.
  - (a) All falconry activities shall be conducted consistent with the trespass requirements in Section 23-20-14.

- (b) A person may not engage in any falconry activity on Tribal trust lands without authorization from the affected Indian tribe.
- (2) Raptor training is not allowed on state waterfowl and wildlife management areas without authorization.
- (3) Practicing the sport of falconry without permission is prohibited on all National Parks in Utah
- (4) Practicing the sport of falconry without permission is prohibited on all Utah state Parks.

#### **R657-20-29. Use of Feathers and Carcasses.**

- (1) Feathers that a falconry bird or birds molt may be used for imping.
- (a) Flight feathers for each species of raptor currently in possession or previously held may be kept for imping for as long as needed by a falconer with a valid falconry COR.
  - (i). Feathers for imping purposes may be received from or provided to other licensed falconers, wildlife rehabilitators, or propagators in the United states.
  - (ii). Licensed falconers may not buy, sell, or barter molted raptor feathers.
  - (b) Molted feathers from a falconry bird, except golden eagle feathers, may be donated to any person or institution with a valid permit for possession.
  - (c) Except for primary or secondary **flight-wing feathers or rectrices-rectrix (tail) feathers** from a golden eagle, a falconer is not required to gather feathers that are molted or otherwise lost by a falconry bird held under a valid COR.
    - (i). Molted feathers may be left where they fall, stored for imping, or destroyed.
    - (ii). A licensed falconer possessing a golden eagle must collect any molted flight feathers and rectrices.
    - (iii). Collected golden eagle feathers that are not to be retained for imping must be sent to the National Eagle Repository at U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022 (303-287-2110).
  - (d) Once a falconry COR expires and is not renewed or is revoked, the falconer must donate molted feathers of any species of falconry raptor to any person or institution authorized by permit to acquire and possess the feathers.
    - (i). Molted feathers that are not donated must be burned, buried, or otherwise destroyed.
  - (2) Disposition of carcasses of falconry birds that die.
    - (a) The entire carcass of a golden eagle held for falconry that dies, including all feathers, talons, and other parts, must be sent to the National Eagle Repository at U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022 (303-287-2110).
    - (b) The body or feathers of any other species of falconry raptor may be donated to any person or institution authorized by permit to acquire and possess raptor parts or raptor feathers.
    - (c) A falconry raptor, except a golden eagle, that was either banded or micro chipped prior to its death may be retained by the licensed falconer.
      - (i). The body of the raptor may be kept so that the feathers are available for imping, or the body may be mounted by a taxidermist.
        - (A). The mounted raptor may be used in conservation education programs.
        - (B). If the falconry raptor was banded, the band must be left in place on the mounted raptor body.
        - (C). If the falconry raptor has an implanted microchip, the microchip must be left in place on the mounted raptor body.
      - (d) The body and feathers of a deceased falconry raptor that are not donated or retained must be burned, buried, or otherwise destroyed within 10 calendar days of the death of the bird or after final examination by a veterinarian to determine cause of death.
      - (e) A licensed falconer that does not wish to donate or destroy the flight feathers of a deceased raptor or have the body mounted by a taxidermist, may possess the flight feathers for as long as they possess a valid falconry COR, **provided and provided:**
        - (i). The feathers are not be bought, sold, or bartered; and
        - (ii). The paperwork documenting lawful possession of the deceased raptor is retained.

Comment [JP23]: Clarification of terms

#### **R657-20-30. Other Uses of Raptors.**

- (1) Transfer of wild raptors captured for falconry to other permitted uses.
    - (a) A wild-caught falconry raptor may be transferred to a person authorized to possess raptors for propagation purposes only after the raptor has been used in falconry for at least:
      - (i) 12 months from the date of capture for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel;
- and

- (ii) 24 months from the date of capture for all other falconry raptors.
- (b) The time periods imposed in Subsection (1)(a) for transferring a wild-caught falconry raptor to a person authorized to possess raptors for propagation purposes may be waived by the Division if the raptor has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the raptor can no longer be flown for falconry.
- (i) In order to transfer an injured raptor to a propagation permit, the falconer must provide the Division and the Federal migratory bird permits office that administers propagation permits a certification from the treating veterinarian or rehabilitator stating that the raptor is injured and cannot be used in falconry.
- (c) Upon transfer of a wild raptor to a propagation permit, the falconer must provide a copy of the 3-186A form documenting acquisition of the raptor by the propagator to the Division and the Federal migratory bird permit office that administers propagation permits.
- (2) Transfer of captive-bred falconry raptors to other permitted uses.
- (a) Captive-bred falconry raptors may be transferred to another person if the recipient is authorized for possession .
- (i). Transfer must be reported to the Division within 10 business days by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a standard paper form 3-186A, or FWS pdf i-381A via email.
- (3) Use of raptors possessed for falconry in captive propagation
- (a) Raptors possessed for falconry may be bred in captivity if the falconer or the person overseeing the propagation has the necessary permits.
- (b) Formal transfer of a raptor from a falconry permit to a captive propagation permit is required if the raptor is to be permanently used for propagation.
- (c) Formal transfer of a raptor from a falconry permit to a captive propagation permit is not required if the raptor is used for propagation less than 8 months in a year.
- (i). The licensed propagator must have a signed and dated statement from the falconer authorizing the temporary possession, plus a copy of the falconer's original FWS Form 3-186A for that raptor.
- (4) Use of falconry raptors in conservation education programs.
- (a) A General or Master Class falconer may use a falconry raptor in conservation education programs presented in public venues.
- (i) A Federal education permit is not required to conduct conservation education activities using a falconry raptor held under a Utah falconry COR.
- (b) Conservation programs may be presented by an Apprentice Falconer who is accompanied by their General or Master Class sponsor.
- (c) Raptors used to present conservation programs must primarily be used for falconry.
- (d) A falconer may charge a fee for presentation of a conservation education program.
- (i). The fee charged may not exceed the amount required to recoup costs of presenting the conservation education program.
- (e) When presenting conservation education programs, the falconer must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation.
- (f) A falconer may not give presentations using a falconry raptor that do not address falconry and conservation education.
- (g) The falconer is responsible for all liability associated with conservation education activities undertaken.
- (5) Other educational uses of falconry raptors.
- (a) A falconer may allow photography, filming, or other similar uses of falconry raptors 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.
- (i). A falconer may not be paid or otherwise compensated for such activities..
- (b) A falconer may not use falconry raptors or permit the use of falconry raptors to make movies, commercials, or in other commercial ventures that are not related to the practice of falconry or the biology, ecological roles, and conservation needs of raptors and other migratory birds..
- (c) Falconry raptors may not be used for:
  - (i) Commercial entertainment for advertisements;
  - (ii) promoting or endorsing any business, company, corporation, or other organization; or
  - (iii) promoting or endorsing any product, merchandise, good, service, meeting, or fair, except for products

related directly to falconry, such as hoods, telemetry equipment, giant hoods, perches, and materials for raptor facilities.

(6) Assisting in rehabilitation of raptors in preparation for release.

(a) A General or Master Class Falconer may assist a permitted migratory bird rehabilitator in conditioning raptors in preparation for their release to the wild.

(i) The falconer may keep the raptor being rehabilitated in their facilities up to 180 calendar days.

(ii) The rehabilitator must provide the falconer with a letter or form that identifies the raptor and explains that the falconer is assisting in the rehabilitation of the raptor to be released.

(iii) Facilities where the raptor will be temporarily housed must adhere to standards outlined in Sections R657-20-8, R657-20-9, and R657-20-10 of this rule.

(iv) The falconer is not required to add any raptor possessed for rehabilitation to their COR; the raptor will remain under the permit of the rehabilitator.

(v) The falconer must permanently release any raptor capable of sustaining itself in the wild or return it to the rehabilitator within the 180-day timeframe in which the rehabilitator is authorized to possess the raptor, unless the Division authorizes the falconer to retain the bird for longer than 180 calendar days.

(7) Using a falconry raptors in abatement activities.

(a) Abatement activities may only be conducted with captive bred raptors.

(b) A Master Class falconer may conduct abatement activities with raptors possessed for falconry and receive compensation for such activities, if the falconer is in possession of a Special Purpose Abatement permit issued by the U.S. Fish and Wildlife Service.

(c) A General Class falconer may conduct abatement activities only as a subpermittee of a Master Class falconer that possesses an abatement permit.

(d) An Apprentice Class falconer may not conduct abatement activities.

(8) A person who possesses a raptor for any purpose other than falconry, including raptor propagation, educational uses, and rehabilitation, shall obtain the appropriate authorization from the Division as provided in Rule R657-3 and the appropriate authorization from the U.S. Fish and Wildlife Service.

**KEY: wildlife, birds, falconry**

**Date of Enactment or Last Substantive Amendment: January 13, 2010**

**Notice of Continuation: January 10, 2007**

**Authorizing, and Implemented or Interpreted Law: 23-17-7; 50 CFR 21**

Proposed

## **Introducing Native Bonneville Cutthroat Trout to the North Fork of Corn Creek**

Bonneville cutthroat trout (BCT) are the only trout native to the Bonneville Basin. Efforts to conserve and protect the subspecies include establishing self-sustaining populations in streams with adequate habitat. North Fork Corn Creek (tributary of Corn Creek near Kanosh, Millard County) currently contains no fish and is isolated from upstream movement of fish from Corn Creek by a natural barrier. A small remnant population of BCT occurs in nearby Pole Creek (tributary of Clear Creek, Sevier County). It is proposed that BCT be transferred from Pole Creek to North Fork Corn Creek in summer 2012 to provide another refuge for this population. This action is part of a joint effort by the Utah Division of Wildlife Resources and the Fishlake National Forest to help decrease threats to the subspecies, ensure long-term conservation, and preclude the listing of BCT under the Endangered Species Act. Also, sport fishing opportunities will be provided in North Fork Corn Creek where there are currently none. The proposed introduction was presented to the Millard County Commission in spring 2011 and received their full support. In addition, the project has been submitted for approval through the state Resource Development Coordinating Committee (RDCC).



Bonneville cutthroat trout.

