Certification Page
Regular and Emergency Rules

Revised June 2013

☐ Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)* ☑ Regular Rules

1. General Information

a. Agency/Board Name
Wyoming Game and Fish Department

b. Agency/Board Address	c. City	d. Zip Code
3030 Energy Lane	Casper	82604

e. Name of Contact Person	f. Contact Telephone Number
Mike Choma	307-473-3417

g. Contact Email Address	h. Adoption Date
	January 22, 2014

i. Program
Game and Fish Commission - Possession of Wildlife

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Short Title:			
25	Falconry and Raptor Propagation Regulation	☐ New	☑ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed

d. ☑ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:	November 15, 2013
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:	November 15, 2013
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:	November 15, 2013

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☑ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☑ Yes ☐ No

If "Yes:"	Date:	Time:	City:	Location:
	See attached.			

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:	January 23, 2014
b. Date on which final rules were sent to the **Legislative Service Office:**	January 23, 2014
c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:	January 23, 2014

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual *(Blue ink as per Rules on Rules, Section 7)*	Mike Healy
Printed Name of Signatory	Mike Healy
Signatory Title	President, Wyoming Game and Fish Commission
Date of Signature	January 22, 2014

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 25

FALCONRY REGULATION

W.S. §23-1-302(a)(i) directs and empowers the Commission to fix season and bag limits, open, shorten or close seasons on any species or sex of wildlife for any type of legal weapon, except predatory animals, predacious birds, protected animals and protected birds, in any specified locality of Wyoming, and to give notice thereof.

W.S. §23-1-302(a)(xxii) provides the Commission the authority to promulgate such orders as the commission considers necessary to carry out the intent of this act.

The title of this regulation is being changed to "Falconry and Raptor Propagation Regulations" to incorporate raptor propagation into existing falconry regulations. A new Section 13 is being added to incorporate raptor propagation rules.

"Old" Sections 2, 14, 15 and 16 have been deleted from this regulation in compliance with the Governor's rules initiative and direction to reduce the number and length of rules where possible.

Edits were made to new Section 7(n)(i) and (ii). These two subsections were incorrectly located under Section 7(n) and have been moved to correlate to the two (2) permittee options for dealing with a raptor injured by their trapping efforts under Section 7(m).

Minor grammatical and formatting edits have been incorporated to provide additional clarity but do not change the intent of the rules and regulations.

Public Information Gathering Meeting Dates and Times

Chapter 3, Black Bear Hunting Seasons – Only

December 10, 2013	6:30 p.m.	Jackson	Jackson Regional Office

Chapters 10, 25, 33, 37 and 45

December 3, 2013	6:30 p.m.	Jackson	Jackson Regional Office

Chapters 3, 10, 25, 33, 37 and 45

November 26, 2013	6:00 p.m.	Lander	Lander Regional Office
December 3, 2013	6:00 p.m.	Cody	Cody Bighorn Federal Bank
December 5, 2013	4:00 p.m.	Sheridan	Sheridan Regional Office
December 11, 2013	6:00 p.m.	Casper	Casper Regional Office
December 10, 2013	7:00 p.m.	Green River	Green River Regional Office
December 16, 2013	7:00 p.m.	Laramie	Laramie Regional Office
December 17, 2013	6:00 p.m.	Pinedale	Pinedale Regional Office

The State of Wyoming supports the ADA. Anyone requesting auxiliary aids should contact the Wyoming Game and Fish Department at 307-777-4501. Every effort will be made for reasonable accommodations.

WYOMING GAME AND FISH COMMISSION

CHAPTER 25

FALCONRY AND RAPTOR PROPAGATION REGULATION

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-103, §23-1-302, §23-2-101 and §23-2-105.

Section 2. Definitions. Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission adopts the following definitions:

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

(c) "Aerie" means the nest of any raptor.

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

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

(f) "Department" means the Wyoming Game and Fish Department whose mailing address is: 5400 Bishop Boulevard, Cheyenne, WY 82006.

(g) "Eyas Raptor" means a young raptor not yet capable of flight.

(h) "Falconry" means taking wild quarry by means of a trained raptor. Falconry includes the taking of raptors from the wild to use in falconry and caring for, training, and possessing raptors held for falconry.

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

(j) "General Raptor Capture License" means a license to capture one (1) raptor, except peregrine falcons (*Falco peregrinus*), from the wild in accordance with this regulation.

(k) "Hacking" means the temporary release to the wild of a raptor held for falconry for conditioning or for the preparation of permanent release of a raptor to the wild.

(l) "Hybrid" means offspring produced by crossing species.

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

(n) "Imprint" means a raptor that is hand-raised from two weeks of age until it is fully feathered

and has identified itself with humans rather than its own species. An imprinted raptor is considered to be so for its entire lifetime.

(o) "License to Hunt with Falcon" means a license to take game birds and small game animals with raptors.

(p) "Limited Quota Raptor Capture License" means a license to capture one (1) peregrine falcon (*Falco peregrinus*) from the wild.

(q) "Livestock Depredation Area" means a specific geographic location in which depredation by golden eagles has been recognized. The boundaries and duration of a livestock depredation area are declared by the United States Department of Agriculture (U.S.D.A.) Wildlife Services or by the governor.

(r) "Permittee" means a person who has been issued a valid Wyoming falconry permit or a falconry permit from another state, tribe, or territory that complies with federal falconry standards.

(s) "Raptor" means any bird of the Order Accipitriformes, Falconiformes or Strigiformes listed in 50 CFR 10.13, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; to be used in falconry. A copy of 50 CFR Part 10.13 can be viewed at any Department Regional Office or the Headquarters Office.

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

(u) "Wild Raptor" means a non-captive bred raptor taken from its natural environment.

Section 3. Falconry Permit. Persons desiring to take, transport, receive or possess any raptor(s) shall make written application for a falconry permit to the Department in accordance with the following provisions:

(a) An application for a falconry permit shall include proof of successful completion of a falconry examination administered by the Department or proof of a previously held falconry permit for the class applied for.

(b) Falconry Permit Conditions.

(i) A Wyoming falconry permit or a falconry permit from another state, tribe, or territory meeting federal falconry standards shall be required before any person may take, transport, receive or possess any raptor for falconry purposes or practice falconry in Wyoming. A falconry permit expires five (5) years from the date of issuance or renewal unless otherwise restricted or revoked in writing by the Department or suspended by court action. The Department may revoke any falconry permit for failure to comply with any condition of the permit or this regulation. A permittee dissatisfied with the Department's decision to revoke a permit may request a hearing before the Wyoming Game and Fish Commission. A request for hearing shall be made in writing to the Chief of the Wildlife Division within ten (10) business days after receipt of the notice from the Department revoking the permit. The hearing shall be conducted in accordance with commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission, revised as of January 22, 2014, and which does not include any later amendments or editions of the incorporated matter. A copy of all Commission regulations can be viewed at any Department Regional Office or the Headquarters Office.

(A) If a falconry permit has lapsed for less than five (5) years, it may be reinstated at the previous class the permittee held if proof of falconry certification for that class is furnished to the Department.

(B) If a falconry permit has lapsed for five (5) years or more, it may be reinstated at the previous class the permittee held if proof of certification at that class is furnished to the Department and the permittee correctly answers at least eighty percent (80%) of the questions on a supervised falconry examination administered by the Department. The permittee's facilities shall pass inspection by the Department prior to possessing any raptor(s).

(C) In cases where a permit has been revoked or suspended by the Department for failing to comply with conditions of the permit or this regulation, the Department shall reissue a permit after the applicant has provided satisfactory documentation that the conditions which resulted in the revocation or suspension have been corrected and the revocation/suspension period has ended.

(ii) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer or otherwise dispose of any raptor unless such permittee enters the required information, including band number or microchip information, in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department within ten (10) calendar days of any such transaction.

(iii) Permittee(s) shall be in immediate possession of their falconry permit(s) or legible copies of their falconry permit(s), if not at the location of their falconry facilities while trapping, transporting, working with, or flying falconry raptor(s).

(iv) Applicants who have experience in falconry and are visiting the United States or are a new resident in the United States shall qualify for a falconry permit appropriate for their experience. To demonstrate knowledge of U.S. falconry laws and regulations, applicants must correctly answer at least eighty percent (80%) of the questions on the supervised examination for falconers administered by the Department. The Department shall determine which class of falconry permit the applicant is qualified for, consistent with the class requirements in Sections 3 and 4. To do so, the Department shall base its decision on the applicant's documentation of his experience. The applicant's falconry facilities shall meet the standards in Section 6 (a) before keeping any raptors for falconry.

(A) A visitor may use any raptor for falconry that he possesses legally in his country of residence for that purpose, provided import of that species to the United States is not prohibited and provided he has met all permitting requirements of his country of residence.

(B) If a raptor brought into the United States dies or is lost while in Wyoming, the visitor shall report the loss to the Department before leaving Wyoming.

(C) When flown free, any raptor brought to this country temporarily shall have two (2) attached radio transmitters that will allow the falconer to locate it.

(v) A permittee shall notify the Department within thirty (30) days of moving outside of the state of Wyoming with raptors in possession.

(vi) A falconer permitted in another state or jurisdiction who moves to Wyoming with raptors in possession shall notify the Department within thirty (30) days.

Section 4. Classes of Permits to Practice Falconry. The Department shall issue three (3) classes of falconry permits: Apprentice, General and Master, based upon their experience in falconry as follows:

(a) Apprentice Falconer Permit Requirements and Provisions.

(i) Shall be at least twelve (12) years of age and if less than eighteen (18) years of age, shall have a parent or legal guardian who is legally responsible for the apprentice's activities, sign the permittee's application.

(ii) Shall correctly answer at least eighty percent (80%) of the questions on a supervised falconry examination administered by the Department.

(iii) Shall submit a letter from a Master Falconer or a General Falconer with a valid state, tribal, or territorial falconry permit who is at least eighteen (18) years old and has at least two (2) years experience as a General Falconer or equivalent, stating that he shall assist the permittee as necessary, in: learning about husbandry and training of raptors held for falconry; relevant wildlife laws and regulations; and deciding what species of raptor is appropriate for the permittee to possess while an Apprentice.

(iv) Shall possess no more than one (1) raptor for use in falconry in accordance with 50 CFR 21.29, revised as of October 1, 2012, and does not include any later amendments or editions of the incorporated matter; including wild, captive-bred, or hybrid raptors. A copy of 50 CFR Part 21.29 can be viewed at any Department Regional Office or the Headquarters Office.

(v) May take any wild raptor less than one (1) year old, except an eyas.

(vi) Shall not possess a raptor taken from the wild as an eyas.

(vii) Shall not possess an imprinted raptor.

(b) General Falconer Permit Requirements and Provisions.

(i) Shall be at least sixteen (16) years of age and if less than eighteen (18) years of age, shall have a parent or legal guardian who is legally responsible for their activities, sign the permittee's application.

(ii) Shall submit documentation to the Department from a General Falconer or Master Falconer stating that the permittee has practiced falconry at the Apprentice Falconer class or equivalent for at least two (2) years, including maintaining, training, flying and hunting the raptor(s) for at least four (4) months in each year.

(iii) Shall have practiced falconry at the apprentice class with his own raptor for at least two (2) years.

(iv) May take and possess any wild, captive-bred or hybrid raptor, except a golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucephalus*), white-tailed eagle (*Haliaeetus albicilla*) or Steller's sea-eagle (*Haliaeetus pelagicus*).

(v) Shall possess no more than three (3) raptors.

(vi) Shall not sponsor more than two (2) Apprentice Falconers at one time.

(c) Master Falconer Permit Requirements and Provisions.

(i) Shall have practiced falconry at the General Falconer class with his own raptor(s) for at least five (5) years and submit documentation attesting to such experience.

(ii) May take and possess any wild, captive-bred, or hybrid raptor, except a bald eagle. Shall only take and possess a golden eagle, white-tailed eagle or Steller's sea eagle by meeting the qualifications as set forth in subsection (c)(iv) of this section.

(iii) Shall possess no more than five (5) wild raptors.

(iv) May take and possess up to three (3) eagles of the following species: golden eagle, white-tailed eagle or Steller's sea eagle. In order for the Department to approve a request to possess an eagle for use in falconry, the permittee shall provide the following documentation to the Department:

(A) The permittee's experience in handling large raptors, including information about species handled and the type and duration of the activity in which the experience was gained.

(B) At least two (2) letters of reference from people with experience handling or flying large raptors such as eagles, ferruginous hawks (*Buteo regalis*), northern goshawks (*Accipiter gentilis*) or great horned owls (*Bubo virginianus*). Each 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. Each letter must also assess the permittee's ability to care for eagles and fly them in falconry.

(v) May possess any number of captive-bred raptors as long as they have been trained in the pursuit of wild game or used in hunting.

Section 5. Falconry Examination.

(a) The examination administered by the Department shall cover care and handling of raptors, federal and state laws and regulations relevant to falconry and other appropriate subject matter.

(b) Any applicant failing to correctly answer at least eighty percent (80%) of the questions on the examination shall be allowed to retake the examination at thirty (30) day intervals.

Section 6. Facilities, Care, and Equipment Requirements. No person may possess a raptor without first providing adequate facilities and equipment to humanely house and care for the raptor under the following provisions:

(a) All raptors held under a falconry permit shall be kept in humane and healthy conditions.

(i) Raptor facilities shall protect raptors from the environment, excessive disturbance, predators, domestic animals and other raptors. The permittee is responsible for the maintenance and security of raptors in his possession.

(A) Raptors may be housed together untethered if they are compatible with each other.

(ii) Raptor facilities shall be inspected and approved by the Department before a permittee may obtain a raptor to use in falconry. The Department shall certify that a permittee's facilities and equipment meet the following standards:

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

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

(C) Each raptor shall have access to a pan of clean water available unless weather conditions, the perch type or some other factor makes it unsafe for the raptor.

(D) The facility shall be large enough to allow easy access for the care and feeding of raptors.

(E) If raptors are not tethered, all walls that are not solid must be covered in such a manner as to protect the bird from striking or injuring itself against them. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure or heavy-duty netting.

(F) Other innovative housing systems may be acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(iii) A permittee may keep raptors outside in the open if they are under constant watch by a designated individual.

(iv) A permittee shall inform the Department within five (5) business days after a permanent change in location of their facilities.

(b) A permittee's falconry facilities may be located on property owned by another individual.

(i) A permittee shall submit to the Department a signed and dated statement showing that the property owner agrees that the falconry facilities, equipment, and raptors may be inspected without advance notice by Department personnel during reasonable hours on any day of the week. Permittees shall be present during inspections.

(c) A permittee shall have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptor(s) possessed.

(d) When transporting the raptor or using it for hunting, the permittee shall ensure that the raptor has a suitable perch and is protected from the environment and excessive disturbance.

(e) Permittees may house raptors, when not transporting or hunting, in temporary facilities for no more than one-hundred twenty (120) consecutive calendar days provided the raptor has a suitable perch and is protected from the environment, excessive disturbance, predators, domestic animals, and each other. Temporary facilities utilized in excess of one-hundred twenty (120) days shall be deemed permanent facilities and shall meet the requirements set forth in Section 6 (a).

(f) Another falconry permittee may care for a raptor(s) at the original permittee's facilities or at their own facilities for no more than one-hundred (120) consecutive calendar days. The permittee providing such care must have a signed and dated statement authorizing the temporary possession, plus a copy of Service Form 3-186A that shows the original permittee is the owner of the raptor(s). The statement must include information about the time period for which he will keep the raptor(s) and what he is allowed to do with the raptor(s).

(i) The raptor(s) will remain on the original permittee's falconry permit and will not be counted against the possession limit of the person caring for the raptor(s).

(ii) If the person caring for the raptor(s) holds the appropriate class falconry permit, he may fly the raptor(s) in whatever way authorized by the owner.

(iii) Temporary care of another permittee's raptor(s) may be extended indefinitely in extenuating circumstances such as illness, military service, or for a family emergency. The Department shall consider such instances on a case-by-case basis.

(g) A person who does not have a falconry permit may care for falconry raptor(s) at the permittee's facilities for no more than forty-five (45) consecutive calendar days.

(i) The raptor(s) shall remain on the permittee's falconry permit.

(ii) The raptor(s) shall remain in the permittee's facilities.

(iii) Temporary care of raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The Department shall consider such instances on a case-by-case basis.

(iv) The person(s) caring for the raptor(s) shall not fly them for any reason.

(h) Permittees may keep raptor(s) inside their residence. Facilities shall meet the standards in Section **6** (a) except that permittees are not required to modify windows or other openings of the structure. Raptors kept in the home shall be tethered when they are not being moved into or out of the residence.

(i) Raptor(s), facilities, equipment and records may be inspected in the presence of the permittee during reasonable hours on any day of the week by Department Law Enforcement personnel.

Section 7. Raptor Capture Licenses. Any person with a valid falconry permit desiring to take raptors from the wild shall make written application for a general or limited quota raptor capture license from the Department in accordance with the following provisions:

(a) A permittee shall not receive more than two (2) general raptor capture licenses or one (1) general raptor capture license and one (1) limited quota raptor capture license in any calendar year. No person shall receive more than one (1) limited quota raptor capture license in any calendar year.

(b) For a general raptor capture license, an applicant shall submit a separate application and fee for each license applied for. The general raptor license capture area shall be the entire State of Wyoming. In accordance with the conditions contained in this Chapter, any species of raptor, except peregrine falcons (*Falco peregrinus*), may be taken from the wild under the authority of a general raptor capture license. Golden eagles shall only be taken in accordance with subsection (k)(iii) of this section.

(c) For a limited quota raptor capture license, a completed application and proper fee shall be submitted for limited quota raptor capture licenses for peregrine falcons (*Falco peregrinus*) to Headquarters not later than March 1 during the calendar year in which the licensee intends to take a peregrine falcon. If the deadline date occurs on a day when Headquarters has been closed to mail delivery or for license sales (weekends, holidays, etc.), applications received on the next business day by 5:00 pm mountain standard time shall be accepted as meeting the application deadline. The Department may issue a maximum of five (5) limited quota raptor capture licenses to capture peregrine falcons annually by drawing. In the drawing, four (4) licenses shall be reserved for residents and one (1) license shall be reserved for a nonresident. To establish the number of leftover licenses, the Department may continue to alternately draw from the list of unsuccessful applicants of each the resident and nonresident drawing against the established quota, until there are no unissued licenses for which there are applications. In the event there are more limited quota

licenses available than applications received, the licenses shall be issued on a first come, first served basis beginning March 15 at 8:00am. The capture area shall be the entire state of Wyoming, except the lands within the Middle Fork of the Popo Agie River, Baldwin Creek or Sawmill Creek drainages in Fremont County are closed.

(d) Any wild raptor captured in the field shall be counted as one of the raptors the permittee is allowed to take from the wild that calendar year, unless the raptor is immediately released at the capture site.

(e) A permittee may not intentionally capture a raptor species that their classification as a falconer does not allow them to possess for falconry. If a permittee captures a raptor they are not allowed to possess, it shall be released immediately.

(f) A Master Falconer authorized by the Department shall take no more than two (2) golden eagles in any year from the wild and only in a livestock or wildlife depredation area during the time the depredation area is in effect. A livestock depredation area is declared by U.S.D.A. Wildlife Services and permitted under 50 CFR 22.23, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; or upon the request of the governor and authorized by the Service Director pursuant to 50 CFR 22.31, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter, and 50 CFR 22.32, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 22.23, 50 CFR Part 22.31 and 50 CFR Part 22.32 can be viewed at any Department Regional Office or the Headquarters Office.

(g) All traps used for capturing raptors for falconry purposes shall be legibly marked or tagged with the permittee's name and address or current raptor capture license number. All raptor capture devices and setups shall be checked at least once per day while in use, except that all devices and setups used for capturing golden eagles shall be checked every thirty (30) minutes while in use.

(h) A permittee may take no more than two (2) raptors from the wild in any calendar year to use in falconry.

(i) If a permittee transfers a raptor taken from the wild to another permittee in the same year in which he captured it, the raptor shall count as one of the raptors the permittee is allowed to take from the wild that year; it will not count as a capture by the recipient.

(i) General or Master Falconers may remove eyas raptors from a nest or aerie.

(j) At the first opportunity to do so, but no later than ten (10) days after the capture of a wild raptor, the permittee shall report the capture by entering the required information, including band number or microchip information, in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department. The permittee shall include the legal description to include 1/4 Sec.; Sec.; Twn.; Rng. or UTM coordinates using map datum NAD 83; of the nest site or location of capture.

(k) Other restrictions on taking raptors from the wild for falconry.

(i) An Apprentice Falconer may take any raptor less than one (1) year old from the wild at any time of the year, except eyas raptors and the following: any species listed as a national Species of Conservation Concern in the most recent list of "Birds of Conservation Concern" from the Service, a bald eagle, a white-tailed eagle, a Steller's sea-eagle, a golden eagle, or a federally listed threatened or endangered species. However, American kestrels and great horned owls may be taken from the wild that are over one (1) year of age.

(ii) General or Master Falconers may only take raptors less than one (1) year of age from the wild, at any time of the year, except American kestrels and great horned owls of any age may be taken from the wild.

(iii) Master Falconers authorized to possess golden eagles for use in falconry may capture an immature or subadult golden eagle in a livestock depredation area during the time the depredation area and associated depredation permit or depredation control order are in effect.

(A) A permittee may take an eyas golden eagle from its nest in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area has determined that the adult golden eagle is preying on livestock.

(B) A permittee may take a nesting adult golden eagle only if a biologist representing the agency responsible for declaring the depredation area has determined that the adult golden eagle is preying on livestock and that any eyas of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to an individual authorized to possess it.

(C) A permittee shall determine the locations of the livestock depredation areas declared by U.S.D.A. Wildlife Services, or published in the Federal Register by the Service in response to the governor's request.

(D) Before a permittee begins any eagle trapping activities, he shall inform the Regional U.S. Fish and Wildlife Service Law Enforcement office responsible for the area of the permittee's capture plans. The permittee shall notify the office in person, in writing, or via facsimile or email at least three (3) business days before the permittee begins trapping.

(E) A government employee who has trapped a golden eagle under federal, state, or tribal permit authority may transfer the bird to a permittee authorized to possess golden eagles for use in falconry.

(F) All devices and setups used for capturing golden eagles shall be checked every thirty (30) minutes while in use.

(iv) The permittee may recapture a lost raptor at any time. Recapture of a wild raptor is not considered to be taking a raptor from the wild.

(v) The permittee may capture a lost raptor wearing falconry equipment or a captive-bred raptor at any time, even if he is not allowed to possess the species. The raptor will not count against his possession limit, nor will the take from the wild count against his limit. The permittee must report the recapture of the raptor to the Department no more than five (5) working days after the capture. The raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor whose legal ownership cannot be determined will be at the discretion of the Department.

(vi) A permittee may take any raptor that he is authorized to possess from the wild, even if the raptor is banded with a federal Bird Banding Laboratory aluminum band, except that banded peregrine falcons shall not be taken from the wild.

(A) If a captured raptor, including a peregrine falcon, is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, the raptor shall be reported to the Department no more than five (5) business days after the capture. A recaptured falconry raptor shall be returned to the permittee who lost it. If the permittee does not desire to possess the raptor, the permittee capturing the raptor may keep the raptor. Otherwise, disposition of a raptor whose legal ownership cannot

be determined shall be at the discretion of the Department. While a permittee keeps a raptor for return to the person who lost the raptor, the raptor shall not count against his possession limit or his limit on take of raptors from the wild if he reported possessing the raptor to the Department.

(B) If a permittee captures a peregrine falcon that has a research band, such as a colored band with alphanumeric codes, or a research marking attached to the peregrine falcon, the peregrine falcon shall be immediately released, except that if the peregrine falcon has a transmitter attached to it, the permittee is authorized to possess the peregrine falcon up to thirty (30) days if he wishes to contact the researcher to determine if the researcher wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his designee can make the change or allow the permittee to do so before releasing it. If the researcher does not wish to keep the transmitter on the falcon, the permittee may keep the falcon if he captured the falcon in circumstances in which capture of wild peregrines is allowed.

(C) If a captured raptor has any other band, research marking, or transmitter attached to it, the permittee shall promptly report the band numbers and all other relevant information to the federal Bird Banding Laboratory at 1-800-327-2263. The permittee shall contact the researcher and determine if he wishes to replace a transmitter attached to the raptor. If so, the permittee is authorized to possess the raptor up to thirty (30) days until the researcher, his designee, or the permittee can replace the transmitter. Disposition of the raptor will be at the discretion of the researcher and the Department. If the permittee possesses such a raptor temporarily, it will not count against his possession limit for falconry raptors.

(vii) At least one (1) young raptor shall be left in any nest or aerie from which a permittee takes an eyas raptor.

(viii) General or Master Falconers may take no more than one (1) raptor of a threatened species from the wild each year if the regulations in 50 CFR 21.29, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; allows it and if the falconer obtains a federal endangered species permit to do so before taking the raptor. A copy of 50 CFR Part 21.29 can be viewed at any Department Regional Office or the Headquarters Office.

(l) A permittee shall not take a raptor recently removed from the federal List of Endangered and Threatened Wildlife to use in falconry unless a management plan allowing for take of that species has been published. If take is allowed in the management plan, a permittee may do so in accordance with the provisions for take in the plan.

(m) Raptors injured due to falconer trapping efforts. Permittees have two (2) options for dealing with a raptor injured by their trapping efforts. In either case, the permittee is responsible for the costs of care and rehabilitation of the raptor.

(i) A permittee may put the raptor on his falconry permit. He shall report the take by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department at the first opportunity to do so, but no more than ten (10) days after capture of the raptor. The permittee shall then have it treated by a veterinarian or a permitted wildlife rehabilitator. The raptor shall count against the permittee's possession limit.

(ii) A permittee may give the raptor directly to a veterinarian or a permitted Wyoming wildlife rehabilitator and report it to the Department within ten (10) business days. If reported properly, the raptor shall not count against capture or possession limits.

(n) If a permittee is present at a capture site, another permittee may capture the raptor for him and immediately give possession of the raptor to him The permittee taking possession of the raptor shall be required to file Service Form 3-186A and shall have the raptor count against their own possession limit.

Section 8. Acquisition, Transfer, Release, Loss or Rebanding of a Raptor.

(a) If a permittee acquires, transfers, rebands, or microchips a raptor; or if a raptor a permittee possesses is stolen; or if a permittee loses a raptor to the wild and does not recover it within thirty (30) consecutive days; or if a raptor possessed for falconry dies; the permittee must report the change within ten (10) days by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department. The permittee of a stolen raptor shall also report such theft to the Department and to the U.S. Fish and Wildlife Service Law Enforcement special agent in charge for the area.

(b) Permittees shall keep copies of all electronic database submissions documenting take, transfer, loss, rebanding, theft or micro-chipping of each falconry raptor until five (5) years after the raptor is transferred, lost or has died.

(c) Permittees shall adhere to the following regulations prior to permanently releasing a raptor to the wild;

(i) If the species is not native to Wyoming, or is a hybrid of any kind, it shall not be released to the wild.

(ii) If the species to be released is native to Wyoming and is captive-bred, a permittee shall not release the raptor to the wild unless he has written permission from the Department. If permitted to do so, the raptor shall be hacked (allowed to adjust) to the wild at an appropriate time of year and an appropriate location. The permittee shall remove any falconry band and report release of the raptor by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(iii) If the species to be released is native to Wyoming and was taken from the wild, it may be released at an appropriate time of year and an appropriate location. The permittee shall remove any falconry band and report release by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(d) There is no limit on the number of wild-caught or captive-bred raptors that may be transferred to a permittee, but a permittee shall not exceed their possession limit.

(e) No person shall enter upon the private property of any person to take a raptor without the written permission of the owner or person in charge of the property.

Section 9. Banding, Tagging or Implanting Micro-chips in Raptors Used in Falconry.

(a) When flown free, a hybrid raptor shall have at least two (2) attached radio transmitters to help locate it.

(b) A captive-bred raptor shall be banded with a seamless metal band in accordance with 50 CFR 21.30, revised as of October 1, 2012, and which does not include any later amendments of the incorporated matter. If a seamless band is removed or lost, within ten (10) days from the day it is removed or noted missing, the permittee shall report it and request a replacement U.S. Fish and Wildlife Service nonreusable band from the Department. The permittee shall submit the required information electronically immediately

upon rebanding or micro-chipping the raptor at http://permits.fws.gov/186A, or by submitting Service Form 3-186A to the Department. The permittee shall replace a band that is removed or lost, or may implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in the raptor and report the microchip information at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department. A copy of 50 CFR Part 21.30 can be viewed at any Department Regional Office or the Headquarters Office.

(c) A permittee shall not band a raptor removed from the wild with a seamless numbered band.

(d) Any wild caught northern goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon or gyrfalcon (*Falco rusticolus*) possessed must be banded with a permanent, nonreusable, numbered U.S. Fish and Wildlife Service leg band that the Department will supply. A permittee may purchase and implant an ISO -compliant (134.2 kHz) microchip in the raptor in addition to the band. Contact the Department for information on obtaining and disposing of bands. Permittees may request bands from the Department in advance of any effort to capture a raptor.

(e) If the band must be removed or is lost from a raptor obtained from the wild it shall be reported within five (5) days to the Department and the permittee shall then do at least one of the following:

(i) Request a U.S. Fish and Wildlife Service nonreusable band from the Department. Immediately upon rebanding the raptor, the permittee shall report it by entering the required information (including band number and microchip information) in the electronic database at http:// permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(ii) Obtain and implant an ISO-compliant (134.2 kHz) microchip in the raptor and report the microchip information at http://permits.fws.gov/186A or by submitting Service Form 3-186A form to the Department.

(f) Permittees shall not alter, deface or use counterfeit bands. The rear tab on a band may be removed, and surface imperfections may be smoothed if it does not affect the integrity of the band or the numbering on it.

(g) If a permittee documents health or injury problems for a raptor that are caused by the band, the Department may provide an exemption to the banding requirement for that raptor. In that case, the permittee shall possess a copy of the exemption paperwork when transporting or flying the raptor. If the raptor is a wild northern goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) the band must be replaced with an ISO-compliant (134.2 kHz) microchip that the U.S. Fish and Wildlife Service will supply. The U.S. Fish and Wildlife Service will not provide a microchip for a wild northern goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless a permittee demonstrates that a band caused an injury or health problem for the raptor.

Section 10. Additional Provisions for the Practice of Falconry.

(a) Raptors removed from the wild for falconry are always considered wild raptors.

(b) General Falconers or Master Falconers may hack falconry raptors.

(i) Any raptor a permittee is hacking counts against his possession limit and shall be a species the permittee is authorized to possess.

(ii) Any hybrid or raptor not native to Wyoming shall have two (2) attached functioning radio transmitters during hacking.

(iii) Permittees shall not hack raptors near nesting areas of a federally threatened or endangered bird species or any other locations where raptors are likely to harm Federally listed, threatened or endangered animal species.

(c) Permittees may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons or kites in training or conditioning raptors.

(d) Selling or trading raptors under a falconry permit.

(i) A permittee may sell, purchase, barter or offer to sell, purchase or barter captive-bred raptors marked with seamless bands to other permittees who are authorized to possess raptors.

(ii) Permittees shall not purchase, sell, trade or barter wild raptors. Wild raptors shall only be transferred.

(e) A permittee may transfer a raptor to another permit type.

(i) A permittee shall not transfer a wild-caught raptor to a raptor propagation permit unless the raptor has been used in falconry for at least two (2) years, or at least one (1) year for a sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or an American kestrel (*Falco sparverius*). Within ten (10) days of transferring the raptor, the permittee shall report the transfer by entering the required information in the electronic database at http://permits.fws.gov/186A or provide a copy of Service Form 3-186A documenting acquisition of the raptor by the propagator to the Federal migratory bird permit office that administers the propagation permit.

(ii) A permittee may transfer a wild-caught raptor to another permit type at any time, if it has been injured and a licensed veterinarian has determined that the raptor can no longer be flown for falconry. Within ten (10) days of transferring the raptor, the permittee shall provide a copy of Service Form 3-186A documenting acquisition of the raptor and shall also provide a copy of the certification from the veterinarian that the raptor is not useable in falconry, to the federal migratory bird permits office that administers the other permit type.

(f) Permittees may transfer captive-bred raptors if the holder of the other permit type is authorized to possess the raptor(s). Within ten (10) days the permittee must report the transfer by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(g) Permittees may use raptors possessed for falconry in captive propagation if the permittee or the person overseeing the propagation, has the required propagation permit in accordance with 50 CFR 21.30, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter. If a permittee uses a raptor for eight (8) or more months in a year in captive propagation, the raptor shall be transferred for propagation. The raptor shall then be banded as required in 50 CFR 21.30. A copy of 50 CFR Part 21.30 can be viewed at any Department Regional Office or the Headquarters Office.

(h) Apprentice, General or Master Falconers may use raptor(s) they possess under their falconry permit in conservation education programs presented in public venues.

(i) A permittee does not need a Wyoming or federal education permit to conduct conservation education programs using a raptor held under a Wyoming falconry permit.

(ii) A permittee may present conservation education programs as an Apprentice Falconer if he is under the direct supervision of a General or Master Falconer during presentation of the program.

(iii) Permittees shall use their raptors primarily for falconry.

(iv) Permittees may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup the permittee's costs.

(v) In conservation education programs, permittees shall 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. Permittees shall not give presentations that do not address falconry and conservation education.

(vi) Permittees shall be responsible for all liability associated with conservation education programs as per 50 CFR 13.50, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 13.50 can be viewed at any Department Regional Office or the Headquarters Office.

(i) Permittees shall not receive payment for photography, filming or other such uses of 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) Permittees shall not use raptors to make movies, commercials or in other commercial ventures that are not related to falconry.

(ii) Permittees shall not use raptors for entertainment, advertisements, as a representation of any business, company, corporation or other organization, or for promotion or endorsement of any products, merchandise, goods, services, meetings or fairs, with the following exceptions:

(A) Raptors may be used to promote or endorse a nonprofit falconry organization or association.

(B) Raptors may be used to promote or endorse products or endeavors related directly to falconry, such as hoods, telemetry equipment, giant hoods, perches and materials for raptor facilities.

(j) General or Master Falconers may assist permitted Wyoming wildlife rehabilitators to condition raptors in preparation for release to the wild and may keep raptors in their facilities.

(i) The rehabilitator shall provide the permittee with a letter or form that identifies the raptor and explains that the permittee is assisting in rehabilitation.

(ii) Public contact with any raptor being rehabilitated under these provisions shall be minimized.

(iii) A permittee does not have to add any raptor held for this purpose to their falconry permit; the raptor shall remain under the permit of the rehabilitator.

(iv) Permittees shall return all raptors to the rehabilitator for final disposition.

(k) Using a falconry raptor in abatement activities.

(i) A Master Falconer may conduct and receive payment for abatement activities with raptors possessed for falconry if he has a Special Purpose Abatement permit issued by the U.S. Fish and Wildlife Service or is a sub-permittee of an abatement permittee. A General Falconer may conduct and receive payment for abatement activities only as a sub-permittee of the holder of the abatement permit.

(l) Feathers that raptors molt.

(i) A permittee may possess flight feathers for imping for each species of raptor the permittee possesses or previously held, for as long as the permittee has a valid falconry permit. The permittee may receive feathers for imping from other permitted falconers or propagators in the United States, and may give feathers to them. No permittee shall buy, sell or barter such feathers.

(ii) Permittees may donate feathers from a raptor, except golden eagle feathers, to any person or institution with a valid permit to have the feathers, or to anyone exempt from the permit requirement under 50 CFR 21.12, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 21.12 can be viewed at any Department Regional Office or the Headquarters Office.

(iii) Except for primary or secondary flight feathers or retrices from a golden eagle, permittees shall not be required to gather feathers that are molted or otherwise lost by raptors. Permittees may leave the feathers where the feathers fall, store the feathers for imping or destroy the feathers. Permittees shall collect molted flight feathers and retrices from golden eagles for imping, or shall send the feathers to the National Eagle Repository at: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the Repository is 303-287-2110.

(iv) If a permittee's permit expires or is revoked, he shall donate the feathers of any raptor, except a golden eagle, to any person or institution exempt from the permit requirement under 50 CFR 21.12, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; or authorized by permit to acquire and possess the feathers. If the permittee does not donate the feathers, the permittee shall burn, bury, or otherwise destroy the feathers. A copy of 50 CFR Part 21.12 can be viewed at any Department Regional Office or the Headquarters Office.

(m) Disposition of carcasses of falconry raptors.

(i) A permittee shall send the entire body of a golden eagle held for falconry, including all feathers, talons and other parts, to the National Eagle Repository.

(ii) A permittee may donate the body or feathers of any other raptor they were permitted to possess to any person or institution exempt under 50 CFR 21.12, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; or authorized by permit to acquire and possess such parts or feathers. A copy of 50 CFR Part 21.12 can be viewed at any Department Regional Office or the Headquarters Office.

(iii) If the raptor was banded or micro-chipped prior to its death, a permittee may keep the body of any raptor, except that of a golden eagle, and the band and microchip shall be left in place. The permittee may keep the body so that the feathers are available for imping or may have the body mounted by a taxidermist. The mount may be used in giving conservation education programs.

(iv) If a permittee does not wish to keep the raptor body or feathers or donate the body or feathers, he shall burn, bury or otherwise destroy the body or feathers within ten (10) consecutive days of the death of the raptor or after final examination by a veterinarian to determine cause of death.

(v) If a permittee does not donate the raptor body or feathers or have the body mounted by a taxidermist, he may possess the flight feathers for as long as he has a valid falconry permit. Permittee's shall not buy, sell, or barter the feathers. Permittee's shall keep the paperwork documenting their acquisition of the raptor.

(n) Permittee's falconry activities shall not cause the take of federally listed, threatened or endangered wildlife.

(o) A permittee may use a raptor to take any species listed in parts 50 CFR 21.43, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; 50 CFR 21.44, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; 50 CFR 21.45, revised as of October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; or 50 CFR 21.46, revised as of August October 1, 2012, and which does not include any later amendments or editions of the incorporated matter; at any time in accordance with the conditions of the applicable depredation order, as long as the permittee is not monetarily compensated. A copy of 50 CFR Part 21.43, 50 CFR Part 21.44, 50 CFR Part 21.45 and 50 CFR Part 21.46 can be viewed at any Department Regional Office or the Headquarters Office.

(p) A surviving spouse, executor, administrator or other legal representative of a deceased falconry permittee shall transfer any raptor held by the permittee to another authorized permittee within ninety (90) consecutive days of the death of the falconry permittee. After ninety (90) consecutive days, disposition of a raptor held under the permit is at the discretion of the Department.

Section 11. Hunting with Raptors. A person holding a valid Wyoming hunting license for game birds or small game animals and a license to hunt with falcon may take game birds and small game animals in and during any of the established hunting areas and seasons in accordance with existing Wyoming Game and Fish Commission regulations under the following provisions:

(a) Persons hunting with raptors may take game birds without distinction as to sex.

(b) A permittee may allow a raptor to feed on a prey animal taken unintentionally, provided that the prey animal is not taken into the falconer's possession.

(i) Unintentional take of any federally listed threatened or endangered species shall be reported to the Department and the U.S. Fish and Wildlife Ecological Services Field Office in Cheyenne within five (5) business days of the take event.

Section 12. Most Restrictive State or Federal Regulation. State and federal regulations govern the taking, possession and transportation of all raptors. In all cases, the most restrictive regulation, whether federal or state, shall apply.

Section 13. Raptor Propagation. For the purpose of raptor propagation, the Wyoming Game and Fish Commission hereby adopts Title 50, Code of Federal Regulations (CFR) Part 21.30 entitled Raptor Propagation Permits, revised as of October 1, 2012. These regulations govern the propagation of raptors in captivity, the permitting criteria and regulatory requirements to maintain raptors in captivity for captive propagation, including annual reporting for raptors propagated within the State of Wyoming. Violations of the federal regulation pertaining to raptor propagation shall be considered violations of Commission regulations. Any future amendments, additions or revisions in the federal regulations governing raptor propagation shall be adopted by the Wyoming Game and Fish Commission prior to becoming law in Wyoming. A copy of Title 50 CFR Part 21.30 may be viewed at Department Regional Offices and Headquarters.

Section 14. Violations of Commission Regulations.

(a) A violation of federal regulations or of Commission regulations pertaining to the maintenance or use of a falconry permit issued to an applicant under Sections 3 and 4 of this Chapter shall not be grounds, in and of itself, for revocation of any raptor propagation permit issued to an applicant under Section 13 of this Chapter.

(b) A violation of federal regulations or of Commission regulations pertaining to the maintenance and use of a raptor propagation permit issued to an applicant under Section 13 of this Chapter shall not be grounds, in and of itself, for revocation of any falconry permit issued to an applicant under Sections 3 and 4 of this Chapter.

WYOMING GAME AND FISH COMMISSION

By: Mike Healy
Mike Healy, President

Dated: January 22, 2014

DRAFT 1-2-14.5

WYOMING GAME AND FISH COMMISSION

CHAPTER 25

~~FALCONRY REGULATION~~FALCONRY AND RAPTOR PROPAGATION REGULATION

Section 1. Authority. This regulation is promulgated by authority of W.S. **§W.S. 23-1-103,** §23-1-302, §23-2-101 and §23-2-105.

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

Section ~~3~~2. Definitions. ~~For the purpose of this regulation, definitions~~**Definitions** shall be as set forth in Title 23, Wyoming Statutes, **Commission regulations,** and the Commission adopts the following definitions:

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

(c) "Aerie" means the nest of any raptor.

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

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

(f) "Department" means the Wyoming Game and Fish Department whose mailing address is: 5400 Bishop Boulevard, Cheyenne, WY 82006~~, or 3030 Energy Lane, Casper, WY 82604~~.

(g) "Eyas Raptor" means a young raptor not yet capable of flight.

(h) "Falconry" means taking wild quarry by means of a trained raptor. Falconry includes the taking of raptors from the wild to use in falconry and caring for, training, and possessing raptors held for falconry.

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

(j) "General Raptor Capture License" means a license to capture one (1) raptor, except peregrine falcons (*Falco peregrinus*), from the wild in accordance with this regulation.

(k) "Hacking" means the temporary release to the wild of a raptor held for falconry for conditioning or for the preparation of permanent release of a raptor to the wild.

(l) "Hybrid" means offspring produced by crossing species.

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

(n) "Imprint" means a raptor that is hand-raised from two weeks of age until it is fully feathered and has identified itself with humans rather than its own species. An imprinted raptor is considered to be so for its entire lifetime.

(o) "License to Hunt with Falcon" means a license to take game birds and small game animals with raptors.

(p) "Limited Quota Raptor Capture License" means a license to capture one (1) peregrine falcon (*Falco peregrinus*) from the wild.

(q) "Livestock Depredation Area" means a specific geographic location in which depredation by golden eagles has been recognized. The boundaries and duration of a livestock depredation area are declared by the United States Department of Agriculture (U.S.D.A.) Wildlife Services or by the governor.

(r) "Permittee" means a person who has been issued a valid Wyoming falconry permit or a falconry permit from another state, tribe, or territory that complies with federal falconry standards.

(s) "Raptor" means any bird of the Order Accipitriformes, Falconiformes or Strigiformes listed in 50 CFR 10.13, revised ~~March 1, 2010~~**as of October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; to be used in falconry. A copy of 50 CFR Part 10.13 can be viewed at any Department Regional Office or the Headquarters Office.

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

(u) "Wild Raptor" means a non-captive bred raptor taken from its natural environment.

Section 4~~3~~. Falconry Permit. Persons desiring to take, transport, receive or possess any raptor(s) shall make written application for a falconry permit to the Department in accordance with the following provisions:

(a) An application for a falconry permit shall include proof of successful completion of a falconry examination administered by the Department or proof of a previously held falconry permit for the class applied for.

(b) Falconry Permit Conditions.

(i) A Wyoming falconry permit or a falconry permit from another state, tribe, or territory meeting federal falconry standards shall be required before any person may take, transport, receive or possess any raptor for falconry purposes or practice falconry in Wyoming. A falconry permit expires five (5) years from the date of issuance or renewal unless otherwise restricted or revoked in writing by the Department or suspended by court action. The Department may revoke any falconry permit for failure to comply with any condition of the permit or this regulation. A permittee dissatisfied with the Department's decision to revoke a permit may request a hearing before the Wyoming Game and Fish Commission. A request for hearing shall be made in writing to the Chief of the Wildlife Division within ten (10) business days after receipt of the notice from the Department revoking the permit. The hearing shall be conducted in accordance with commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before

the Wyoming Game and Fish Commission, revised as of ~~July 29, 2010~~**January 22, 2014**, and which does not include any later amendments or editions of the incorporated matter. A copy of all Commission regulations can be viewed at any Department Regional Office or the Headquarters Office.

(A) If a falconry permit has lapsed for less than five (5) years, it may be reinstated at the previous class the permittee held if proof of falconry certification for that class is furnished to the Department.

(B) If a falconry permit has lapsed for five (5) years or more, it may be reinstated at the previous class the permittee held if proof of certification at that class is furnished to the Department and the permittee correctly answers at least eighty percent (80%) of the questions on a supervised falconry examination administered by the Department. The permittee's facilities shall pass inspection by the Department prior to possessing any raptor(s).

(C) In cases where a permit has been revoked or suspended by the Department for failing to comply with conditions of the permit or this regulation, the Department shall reissue a permit after the applicant has provided satisfactory documentation that the conditions which resulted in the revocation or suspension have been corrected and the revocation/suspension period has ended.

(ii) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer or otherwise dispose of any raptor unless such permittee enters the required information, including band number or microchip information, in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department within ten (10) calendar days of any such transaction.

(iii) Permittee(s) shall be in immediate possession of their falconry permit(s) or legible copies of their falconry permit(s), if not at the location of their falconry facilities while trapping, transporting, working with, or flying falconry raptor(s).

(iv) Applicants who have experience in falconry and are visiting the United States or are a new resident in the United States shall qualify for a falconry permit appropriate for their experience. To demonstrate knowledge of U.S. falconry laws and regulations, applicants must correctly answer at least eighty percent (80%) of the questions on the supervised examination for falconers administered by the Department. The Department shall determine which class of falconry permit the applicant is qualified for, consistent with the class requirements in ~~Section 4~~**Sections 3 and 4**. To do so, the Department shall base its decision on the applicant's documentation of his experience. The applicant's falconry facilities shall meet the standards in Section ~~5~~**6** (a) before keeping any raptors for falconry.

(A) A visitor may use any raptor for falconry that he possesses legally in his country of residence for that purpose, provided import of that species to the United States is not prohibited and provided he has met all permitting requirements of his country of residence.

(B) If a raptor brought into the United States dies or is lost while in Wyoming, the visitor shall report the loss to the Department before leaving Wyoming.

(C) When flown free, any raptor brought to this country temporarily shall have two (2) attached radio transmitters that will allow the falconer to locate it.

(v) A permittee shall notify the Department within thirty (30) days of moving outside of the state of Wyoming with raptors in possession.

(vi) A falconer permitted in another state or jurisdiction who moves to Wyoming with raptors in possession shall notify the Department within thirty (30) days.

Section ~~5~~4. Classes of Permits to Practice Falconry. The Department shall issue three (3) classes of falconry permits: Apprentice, General and Master, based upon their experience in falconry as follows:

(a) Apprentice Falconer Permit Requirements and Provisions.

(i) Shall be at least twelve (12) years of age and if less than eighteen (18) years of age, shall have a parent or legal guardian who is legally responsible for the apprentice's activities, sign the permittee's application.

(ii) Shall correctly answer at least eighty percent (80%) of the questions on a supervised falconry examination administered by the Department.

(iii) Shall submit a letter from a Master Falconer or a General Falconer with a valid state, tribal, or territorial falconry permit who is at least eighteen (18) years old and has at least two (2) years experience as a General Falconer or equivalent, stating that he shall assist the permittee as necessary, in: learning about husbandry and training of raptors held for falconry; relevant wildlife laws and regulations; and deciding what species of raptor is appropriate for the permittee to possess while an Apprentice.

(iv) Shall possess no more than one (1) raptor for use in falconry in accordance with 50 CFR 21.29, revised as of ~~December 27, 2010~~**October 1, 2012**, and does not include any later amendments or editions of the incorporated matter; including wild, captive-bred, or hybrid raptors. A copy of 50 CFR Part 21.29 can be viewed at any Department Regional Office or the Headquarters Office.

(v) May take any wild raptor less than one (1) year old, except an eyas.

(vi) Shall not possess a raptor taken from the wild as an eyas.

(vii) Shall not possess an imprinted raptor.

(b) General Falconer Permit Requirements and Provisions.

(i) Shall be at least sixteen (16) years of age and if less than eighteen (18) years of age, shall have a parent or legal guardian who is legally responsible for their activities, sign the permittee's application.

(ii) Shall submit documentation to the Department from a General Falconer or Master Falconer stating that the permittee has practiced falconry at the Apprentice Falconer class or equivalent for at least two (2) years, including maintaining, training, flying and hunting the raptor(s) for at least four (4) months in each year.

(iii) Shall have practiced falconry at the apprentice class with his own raptor for at least two (2) years.

(iv) May take and possess any wild, captive-bred or hybrid raptor, except a golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucephalus*), white-tailed eagle (*Haliaeetus albicilla*) or Steller's sea-eagle (*Haliaeetus pelagicus*).

(v) Shall possess no more than three (3) raptors.

(vi) Shall not sponsor more than two (2) Apprentice Falconers at one time.

(c) Master Falconer Permit Requirements and Provisions.

(i) Shall have practiced falconry at the General Falconer class with his own raptor(s) for at least five (5) years and submit documentation attesting to such experience.

(ii) May take and possess any wild, captive-bred, or hybrid raptor, except a bald eagle. Shall only take and possess a golden eagle, white-tailed eagle or Steller's sea eagle by meeting the qualifications as set forth in subsection (c)(iv) of this section.

(iii) Shall possess no more than five (5) wild raptors.

(iv) May take and possess up to three (3) eagles of the following species: golden eagle, white-tailed eagle or Steller's sea eagle. In order for the Department to approve a request to possess an eagle for use in falconry, the permittee shall provide the following documentation to the Department:

(A) The permittee's experience in handling large raptors, including information about species handled and the type and duration of the activity in which the experience was gained.

(B) At least two (2) letters of reference from people with experience handling or flying large raptors such as eagles, ferruginous hawks (*Buteo regalis*), northern goshawks (*Accipiter gentilis*) or great horned owls (*Bubo virginianus*). Each 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. Each letter must also assess the permittee's ability to care for eagles and fly them in falconry.

(v) May possess any number of captive-bred raptors as long as they have been trained in the pursuit of wild game or used in hunting.

Section ~~6~~5. Falconry Examination.

(a) The examination administered by the Department shall cover care and handling of raptors, federal and state laws and regulations relevant to falconry and other appropriate subject matter.

(b) Any applicant failing to correctly answer at least eighty percent (80%) of the questions on the examination shall be allowed to retake the examination at thirty (30) day intervals.

Section ~~7~~6. Facilities, Care, and Equipment Requirements. No person may possess a raptor without first providing adequate facilities and equipment to humanely house and care for the raptor under the following provisions:

(a) All raptors held under a falconry permit shall be kept in humane and healthy conditions.

(i) Raptor facilities shall protect raptors from the environment, excessive disturbance, predators, domestic animals and other raptors. The permittee is responsible for the maintenance and security of raptors in his possession.

(A) Raptors may be housed together untethered if they are compatible with each other.

(ii) Raptor facilities shall be inspected and approved by the Department before a permittee may obtain a raptor to use in falconry. The Department shall certify that a permittee's facilities and equipment meet the following standards:

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

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

(C) Each raptor shall have access to a pan of clean water available unless weather conditions, the perch type or some other factor makes it unsafe for the raptor.

(D) The facility shall be large enough to allow easy access for the care and feeding of raptors.

(E) If raptors are not tethered, all walls that are not solid must be covered in such a manner as to protect the bird from striking or injuring itself against them. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure or heavy-duty netting.

(F) Other innovative housing systems may be acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(iii) A permittee may keep raptors outside in the open if they are under constant watch by a designated individual.

(iv) A permittee shall inform the Department within five (5) business days after a permanent change in location of their facilities.

(b) A permittee's falconry facilities may be located on property owned by another individual.

(i) A permittee shall submit to the Department a signed and dated statement showing that the property owner agrees that the falconry facilities, equipment, and raptors may be inspected without advance notice by Department personnel during reasonable hours on any day of the week. Permittees shall be present during inspections.

(c) A permittee shall have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptor(s) possessed.

(d) When transporting the raptor or using it for hunting, the permittee shall ensure that the raptor has a suitable perch and is protected from the environment and excessive disturbance.

(e) Permittees may house raptors, when not transporting or hunting, in temporary facilities for no more than one-hundred twenty (120) consecutive calendar days provided the raptor has a suitable perch and is protected from the environment, excessive disturbance, predators, domestic animals, and each other. Temporary facilities utilized in excess of one-hundred twenty (120) days shall be deemed permanent facilities and shall meet the requirements set forth in Section ~~7~~**6** (a).

(f) Another falconry permittee may care for a raptor(s) at the original permittee's facilities or at their own facilities for no more than one-hundred (120) consecutive calendar days. The permittee

providing such care must have a signed and dated statement authorizing the temporary possession, plus a copy of Service Form 3-186A that shows the original permittee is the owner of the raptor(s). The statement must include information about the time period for which he will keep the raptor(s) and what he is allowed to do with the raptor(s).

(i) The raptor(s) will remain on the original permittee's falconry permit and will not be counted against the possession limit of the person caring for the raptor(s).

(ii) If the person caring for the raptor(s) holds the appropriate class falconry permit, he may fly the raptor(s) in whatever way authorized by the owner.

(iii) Temporary care of another permittee's raptor(s) may be extended indefinitely in extenuating circumstances such as illness, military service, or for a family emergency. The Department shall consider such instances on a case-by-case basis.

(g) A person who does not have a falconry permit may care for falconry raptor(s) at the permittee's facilities for no more than forty-five (45) consecutive calendar days.

(i) The raptor(s) shall remain on the permittee's falconry permit.

(ii) The raptor(s) shall remain in the permittee's facilities.

(iii) Temporary care of raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The Department shall consider such instances on a case-by-case basis.

(iv) The person(s) caring for the raptor(s) shall not fly them for any reason.

(h) Permittees may keep raptor(s) inside their residence. Facilities shall meet the standards in Section ~~7~~**6** (a) except that permittees are not required to modify windows or other openings of the structure. Raptors kept in the home shall be tethered when they are not being moved into or out of the residence.

(i) Raptor(s), facilities, equipment and records may be inspected in the presence of the permittee during reasonable hours on any day of the week by Department Law Enforcement personnel.

Section ~~8~~7. Raptor Capture Licenses. Any person with a valid falconry permit desiring to take raptors from the wild shall make written application for a general or limited quota raptor capture license from the Department in accordance with the following provisions:

(a) A permittee shall not receive more than two (2) general raptor capture licenses or one (1) general raptor capture license and one (1) limited quota raptor capture license in any calendar year. No person shall receive more than one (1) limited quota raptor capture license in any calendar year.

(b) For a general raptor capture license, an applicant shall submit a separate application and fee for each license applied for. The general raptor license capture area shall be the entire State of Wyoming. In accordance with the conditions contained in this Chapter, any species of raptor, except peregrine falcons (*Falco peregrinus*), may be taken from the wild under the authority of a general raptor capture license. Golden eagles shall only be taken in accordance with subsection (k)(iii) of this section.

(c) For a limited quota raptor capture license, a completed application and proper fee shall be submitted for limited quota raptor capture licenses for peregrine falcons (*Falco peregrinus*) to Headquarters not later than March 1 during the calendar year in which the licensee intends to take a peregrine falcon. If

the deadline date occurs on a day when Headquarters has been closed to mail delivery or for license sales (weekends, holidays, etc.), applications received on the next business day by 5:00 pm mountain standard time shall be accepted as meeting the application deadline. The Department may issue a maximum of five (5) limited quota raptor capture licenses to capture peregrine falcons annually by drawing. In the drawing, four (4) licenses shall be reserved for residents and one (1) license shall be reserved for a nonresident. To establish the number of leftover licenses, the Department may continue to alternately draw from the list of unsuccessful applicants of each the resident and nonresident drawing against the established quota, until there are no unissued licenses for which there are applications. In the event there are more limited quota licenses available than applications received, the licenses shall be issued on a first come, first served basis beginning March 15 at 8:00am. The capture area shall be the entire state of Wyoming, except the lands within the Middle Fork of the Popo Agie River, Baldwin Creek or Sawmill Creek drainages in Fremont County are closed.

(d) Any wild raptor captured in the field shall be counted as one of the raptors the permittee is allowed to take from the wild that calendar year, unless the raptor is immediately released at the capture site.

(e) A permittee may not intentionally capture a raptor species that their classification as a falconer does not allow them to possess for falconry. If a permittee captures a raptor they are not allowed to possess, it shall be released immediately.

(f) A Master Falconer authorized by the Department shall take no more than two (2) golden eagles in any year from the wild and only in a livestock or wildlife depredation area during the time the depredation area is in effect. A livestock depredation area is declared by U.S.D.A. Wildlife Services and permitted under 50 CFR 22.23, revised as of ~~September 11, 2009~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; or upon the request of the governor and authorized by the Service Director pursuant to 50 CFR 22.31, revised as of ~~January 4, 1974~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter, and 50 CFR 22.32, revised as of ~~January 4, 1974~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 22.23, 50 CFR Part 22.31 and 50 CFR Part 22.32 can be viewed at any Department Regional Office or the Headquarters Office.

(g) All traps used for capturing raptors for falconry purposes shall be legibly marked or tagged with the permittee's name and address or current raptor capture license number. All raptor capture devices and setups shall be checked at least once per day while in use, except that all devices and setups used for capturing golden eagles shall be checked every thirty (30) minutes while in use.

(h) A permittee may take no more than two (2) raptors from the wild in any calendar year to use in falconry.

(i) If a permittee transfers a raptor taken from the wild to another permittee in the same year in which he captured it, the raptor shall count as one of the raptors the permittee is allowed to take from the wild that year; it will not count as a capture by the recipient.

(i) General or Master Falconers may remove eyas raptors from a nest or aerie.

(j) At the first opportunity to do so, but no later than ten (10) days after the capture of a wild raptor, the permittee ~~must~~**shall** report the capture by entering the required information, including band number ~~and/~~or microchip information, in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department. The permittee shall include the legal description to include 1/4 Sec.; Sec.; Twn.; Rng. or UTM coordinates using map datum NAD 83; of the nest site or location of capture.

(k) Other restrictions on taking raptors from the wild for falconry.

(i) An Apprentice Falconer may take any raptor less than one (1) year old from the wild at any time of the year, except eyas raptors and the following: any species listed as a national Species of Conservation Concern in the most recent list of "Birds of Conservation Concern" from the Service, a bald eagle, a white-tailed eagle, a Steller's sea-eagle, a golden eagle, or a federally listed threatened or endangered species. However, American kestrels and great horned owls may be taken from the wild that are over one (1) year of age.

(ii) General or Master Falconers may only take raptors less than one (1) year of age from the wild, at any time of the year, except American kestrels and great horned owls of any age may be taken from the wild.

(iii) Master Falconers authorized to possess golden eagles for use in falconry may capture an immature or subadult golden eagle in a livestock depredation area during the time the depredation area and associated depredation permit or depredation control order are in effect.

(A) A permittee may take an eyas golden eagle from its nest in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area has determined that the adult golden eagle is preying on livestock.

(B) A permittee may take a nesting adult golden eagle only if a biologist representing the agency responsible for declaring the depredation area has determined that the adult golden eagle is preying on livestock and that any eyas of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to an individual authorized to possess it.

(C) A permittee shall determine the locations of the livestock depredation areas declared by U.S.D.A. Wildlife Services, or published in the Federal Register by the Service in response to the governor's request.

(D) Before a permittee begins any eagle trapping activities, he shall inform the Regional U.S. Fish and Wildlife Service Law Enforcement office responsible for the area of the permittee's capture plans. The permittee shall notify the office in person, in writing, or via facsimile or email at least three (3) business days before the permittee begins trapping.

(E) A government employee who has trapped a golden eagle under federal, state, or tribal permit authority may transfer the bird to a permittee authorized to possess golden eagles for use in falconry.

(F) All devices and setups used for capturing golden eagles shall be checked every thirty (30) minutes while in use.

(iv) The permittee may recapture a lost raptor at any time. Recapture of a wild raptor is not considered to be taking a raptor from the wild.

(v) The permittee may capture a lost raptor wearing falconry equipment or a captive-bred raptor at any time, even if he is not allowed to possess the species. The raptor will not count against his possession limit, nor will the take from the wild count against his limit. The permittee must report the recapture of the raptor to the Department no more than five (5) working days after the capture. The raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor whose legal ownership cannot be determined will be at the discretion of the Department.

(vi) A permittee may take any raptor that he is authorized to possess from the wild, even if the raptor is banded with a federal Bird Banding Laboratory aluminum band, except that banded peregrine falcons shall not be taken from the wild.

(A) If a captured raptor, including a peregrine falcon, is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, the raptor shall be reported to the Department no more than five (5) business days after the capture. A recaptured falconry raptor shall be returned to the permittee who lost it. If the permittee does not desire to possess the raptor, the permittee capturing the raptor may keep the raptor. Otherwise, disposition of a raptor whose legal ownership cannot be determined shall be at the discretion of the Department. While a permittee keeps a raptor for return to the person who lost the raptor, the raptor shall not count against his possession limit or his limit on take of raptors from the wild if he reported possessing the raptor to the Department.

(B) If a permittee captures a peregrine falcon that has a research band, such as a colored band with alphanumeric codes, or a research marking attached to the peregrine falcon, the peregrine falcon ~~must~~**shall** be immediately released, except that if the peregrine falcon has a transmitter attached to it, the permittee is authorized to possess the peregrine falcon up to thirty (30) days if he wishes to contact the researcher to determine if the researcher wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his designee can make the change or allow the permittee to do so before releasing it. If the researcher does not wish to keep the transmitter on the falcon, the permittee may keep the falcon if he captured the falcon in circumstances in which capture of wild peregrines is allowed.

(C) If a captured raptor has any other band, research marking, or transmitter attached to it, the permittee ~~must~~**shall** promptly report the band numbers and all other relevant information to the federal Bird Banding Laboratory at 1-800-327-2263. The permittee shall contact the researcher and determine if he wishes to replace a transmitter attached to the raptor. If so, the permittee is authorized to possess the raptor up to thirty (30) days until the researcher, his designee, or the permittee can replace the transmitter. Disposition of the raptor will be at the discretion of the researcher and the Department. If the permittee possesses such a raptor temporarily, it will not count against his possession limit for falconry raptors.

(vii) At least one (1) young raptor shall be left in any nest or aerie from which a permittee takes an eyas raptor.

(viii) General or Master Falconers may take no more than one (1) raptor of a threatened species from the wild each year if the regulations in 50 CFR 21.29, revised as of ~~December 27, 2010~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; allows it and if the falconer obtains a federal endangered species permit to do so before taking the raptor. A copy of 50 CFR Part 21.29 can be viewed at any Department Regional Office or the Headquarters Office.

(l) A permittee shall not take a raptor recently removed from the federal List of Endangered and Threatened Wildlife to use in falconry unless a management plan allowing for take of that species has been published. If take is allowed in the management plan, a permittee may do so in accordance with the provisions for take in the plan.

(m) Raptors injured due to falconer trapping efforts. Permittees have two (2) options for dealing with a raptor injured by their trapping efforts. In either case, the permittee is responsible for the costs of care and rehabilitation of the raptor.

(i) A permittee may put the raptor on his falconry permit. He shall report the take by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting

Service Form 3-186A to the Department at the first opportunity to do so, but no more than ten (10) days after capture of the raptor. The permittee shall then have it treated by a veterinarian or a permitted wildlife rehabilitator. The raptor shall count against the permittee's possession limit.

(ii) A permittee may give the raptor directly to a veterinarian or a permitted Wyoming wildlife rehabilitator and report it to the Department within ten (10) business days. If reported properly, the raptor shall not count against capture or possession limits.

(n) If a permittee is present at a capture site, another permittee may capture the raptor for him and immediately give possession of the raptor to him The permittee taking possession of the raptor shall be required to file Service Form 3-186A and shall have the raptor count against their own possession limit.

~~(i) A permittee may put the raptor on his falconry permit. He shall report the take by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department at the first opportunity to do so, but no more than ten (10) days after capture of the raptor. The permittee shall then have it treated by a veterinarian or a permitted wildlife rehabilitator. The raptor shall count against the permittee's possession limit.~~

~~(ii) A permittee may give the raptor directly to a veterinarian or a permitted Wyoming wildlife rehabilitator and report it to the Department within ten (10) business days. If reported properly, the raptor shall not count against capture or possession limits.~~

Section ~~9~~8. Acquisition, Transfer, Release, Loss or Rebanding of a Raptor.

(a) If a permittee acquires, transfers, rebands, or microchips a raptor; or if a raptor a permittee possesses is stolen; or if a permittee loses a raptor to the wild and does not recover it within thirty (30) consecutive days; or if a raptor possessed for falconry dies; the permittee must report the change within ten (10) days by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department. The permittee of a stolen raptor shall also report such theft to the Department and to the U.S. Fish and Wildlife Service Law Enforcement special agent in charge for the area.

(b) Permittees shall keep copies of all electronic database submissions documenting take, transfer, loss, rebanding, theft or micro-chipping of each falconry raptor until five (5) years after the raptor is transferred, lost or has died.

(c) Permittees shall adhere to the following regulations prior to permanently releasing a raptor to the wild;

(i) If the species is not native to Wyoming, or is a hybrid of any kind, it shall not be released to the wild.

(ii) If the species to be released is native to Wyoming and is captive-bred, a permittee shall not release the raptor to the wild unless he has written permission from the Department. If permitted to do so, the raptor shall be hacked (allowed to adjust) to the wild at an appropriate time of year and an appropriate location. The permittee shall remove any falconry band and report release of the raptor by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(iii) If the species to be released is native to Wyoming and was taken from the wild, it may be released at an appropriate time of year and an appropriate location. The permittee shall remove any

falconry band and report release by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(d) There is no limit on the number of wild-caught or captive-bred raptors that may be transferred to a permittee, but a permittee shall not exceed their possession limit.

(e) No person shall enter upon the private property of any person to take a raptor without the written permission of the owner or person in charge of the property.

Section ~~10~~9. Banding, Tagging or Implanting Micro-chips in Raptors Used in Falconry.

(a) When flown free, a hybrid raptor shall have at least two (2) attached radio transmitters to help locate it.

(b) A captive-bred raptor shall be banded with a seamless metal band in accordance with 50 CFR 21.30, revised as of October 1, ~~1998~~**2012**, and which does not include any later amendments of the incorporated matter. If a seamless band is removed or lost, within ten (10) days from the day it is removed or noted missing, the permittee shall report it and request a replacement U.S. Fish and Wildlife Service nonreusable band from the Department. The permittee shall submit the required information electronically immediately upon rebanding or micro-chipping the raptor at http://permits.fws.gov/186A, or by submitting Service Form 3-186A to the Department. The permittee shall replace a band that is removed or lost, or may implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in the raptor and report the microchip information at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department. A copy of 50 CFR Part 21.30 can be viewed at any Department Regional Office or the Headquarters Office.

(c) A permittee shall not band a raptor removed from the wild with a seamless numbered band.

(d) Any wild caught northern goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon or gyrfalcon (*Falco rusticolus*) possessed must be banded with a permanent, nonreusable, numbered U.S. Fish and Wildlife Service leg band that the Department will supply. A permittee may purchase and implant an ISO -compliant (134.2 kHz) microchip in the raptor in addition to the band. Contact the Department for information on obtaining and disposing of bands. Permittees may request bands from the Department in advance of any effort to capture a raptor.

(e) If the band must be removed or is lost from a raptor obtained from the wild it ~~must~~**shall** be reported within five (5) days to the Department and the permittee ~~must~~**shall** then do at least one of the following:

(i) Request a U.S. Fish and Wildlife Service nonreusable band from the Department. Immediately upon rebanding the raptor, the permittee shall report it by entering the required information (including band number and microchip information) in the electronic database at http:// permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(ii) Obtain and implant an ISO-compliant (134.2 kHz) microchip in the raptor and report the microchip information at http://permits.fws.gov/186A or by submitting Service Form 3-186A form to the Department.

(f) Permittees shall not alter, deface or use counterfeit bands. The rear tab on a band may be removed, and surface imperfections may be smoothed if it does not affect the integrity of the band or the numbering on it.

(g) If a permittee documents health or injury problems for a raptor that are caused by the band, the Department may provide an exemption to the banding requirement for that raptor. In that case, the permittee ~~must~~**shall** possess a copy of the exemption paperwork when transporting or flying the raptor. If the raptor is a wild northern goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) the band must be replaced with an ISO-compliant (134.2 kHz) microchip that the U.S. Fish and Wildlife Service will supply. The U.S. Fish and Wildlife Service will not provide a microchip for a wild northern goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless a permittee demonstrates that a band caused an injury or health problem for the raptor.

Section ~~11~~10. Additional Provisions for the Practice of Falconry.

(a) Raptors removed from the wild for falconry are always considered wild raptors.

(b) General Falconers or Master Falconers may hack falconry raptors.

(i) Any raptor a permittee is hacking counts against his possession limit and shall be a species the permittee is authorized to possess.

(ii) Any hybrid or raptor not native to Wyoming shall have two (2) attached functioning radio transmitters during hacking.

(iii) Permittees shall not hack raptors near nesting areas of a federally threatened or endangered bird species or any other locations where raptors are likely to harm Federally listed, threatened or endangered animal species.

(c) Permittees may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons or kites in training or conditioning raptors.

(d) Selling or trading raptors under a falconry permit.

(i) A permittee may sell, purchase, barter or offer to sell, purchase or barter captive-bred raptors marked with seamless bands to other permittees who are authorized to possess raptors.

(ii) Permittees shall not purchase, sell, trade or barter wild raptors. Wild raptors shall only be transferred.

(e) A permittee may transfer a raptor to another permit type.

(i) A permittee shall not transfer a wild-caught raptor to a raptor propagation permit unless the raptor has been used in falconry for at least two (2) years, or at least one (1) year for a sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or an American kestrel (*Falco sparverius*). Within ten (10) days of transferring the raptor, the permittee shall report the transfer by entering the required information in the electronic database at http://permits.fws.gov/186A or provide a copy of Service Form 3-186A documenting acquisition of the raptor by the propagator to the Federal migratory bird permit office that administers the propagation permit.

(ii) A permittee may transfer a wild-caught raptor to another permit type at any time, if it has been injured and a licensed veterinarian has determined that the raptor can no longer be flown for falconry. Within ten (10) days of transferring the raptor, the permittee shall provide a copy of Service Form 3-186A documenting acquisition of the raptor and shall also provide a copy of the certification from the veterinarian that the raptor is not useable in falconry, to the federal migratory bird permits office that administers the other permit type.

(f) Permittees may transfer captive-bred raptors if the holder of the other permit type is authorized to possess the raptor(s). Within ten (10) days the permittee must report the transfer by entering the required information in the electronic database at http://permits.fws.gov/186A or by submitting Service Form 3-186A to the Department.

(g) Permittees may use raptors possessed for falconry in captive propagation if the permittee or the person overseeing the propagation, has the required propagation permit in accordance with 50 CFR 21.30, revised as of October 1, ~~1998~~**2012**, and which does not include any later amendments or editions of the incorporated matter. If a permittee uses a raptor for eight (8) or more months in a year in captive propagation, the raptor shall be transferred for propagation. The raptor shall then be banded as required in 50 CFR 21.30~~, revised as of October 1, 1998, and which does not include any later amendments or editions of the incorporated matter~~. A copy of 50 CFR Part 21.30 can be viewed at any Department Regional Office or the Headquarters Office.

(h) Apprentice, General or Master Falconers may use raptor(s) they possess under their falconry permit in conservation education programs presented in public venues.

(i) A permittee does not need a Wyoming or federal education permit to conduct conservation education programs using a raptor held under a Wyoming falconry permit.

(ii) A permittee may present conservation education programs as an Apprentice Falconer if he is under the direct supervision of a General or Master Falconer during presentation of the program.

(iii) Permittees shall use their raptors primarily for falconry.

(iv) Permittees may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup the permittee's costs.

(v) In conservation education programs, permittees shall 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. Permittees shall not give presentations that do not address falconry and conservation education.

(vi) Permittees shall be responsible for all liability associated with conservation education programs as per 50 CFR 13.50, revised as of ~~June 17, 1999~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 13.50 can be viewed at any Department Regional Office or the Headquarters Office.

(i) Permittees shall not receive payment for photography, filming or other such uses of 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) Permittees shall not use raptors to make movies, commercials or in other commercial ventures that are not related to falconry.

(ii) Permittees shall not use raptors for entertainment, advertisements, as a representation of any business, company, corporation or other organization, or for promotion or endorsement of any products, merchandise, goods, services, meetings or fairs, with the following exceptions:

(A) Raptors may be used to promote or endorse a nonprofit falconry organization or association.

(B) Raptors may be used to promote or endorse products or endeavors related directly to falconry, such as hoods, telemetry equipment, giant hoods, perches and materials for raptor facilities.

(j) General or Master Falconers may assist permitted Wyoming wildlife rehabilitators to condition raptors in preparation for release to the wild and may keep raptors in their facilities.

(i) The rehabilitator shall provide the permittee with a letter or form that identifies the raptor and explains that the permittee is assisting in rehabilitation.

(ii) Public contact with any raptor being rehabilitated under these provisions shall be minimized.

(iii) A permittee does not have to add any raptor held for this purpose to their falconry permit; the raptor shall remain under the permit of the rehabilitator.

(iv) Permittees shall return all raptors to the rehabilitator for final disposition.

(k) Using a falconry raptor in abatement activities.

(i) A Master Falconer may conduct and receive payment for abatement activities with raptors possessed for falconry if he has a Special Purpose Abatement permit issued by the U.S. Fish and Wildlife Service or is a sub-permittee of an abatement permittee. A General Falconer may conduct and receive payment for abatement activities only as a sub-permittee of the holder of the abatement permit.

(l) Feathers that raptors molt.

(i) A permittee may possess flight feathers for imping for each species of raptor the permittee possesses or previously held, for as long as the permittee has a valid falconry permit. The permittee may receive feathers for imping from other permitted falconers or propagators in the United States, and may give feathers to them. No permittee shall buy, sell or barter such feathers.

(ii) Permittees may donate feathers from a raptor, except golden eagle feathers, to any person or institution with a valid permit to have the feathers, or to anyone exempt from the permit requirement under 50 CFR 21.12, revised as of October ~~5, 2007~~**1, 2012**, and which does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR Part 21.12 can be viewed at any Department Regional Office or the Headquarters Office.

(iii) Except for primary or secondary flight feathers or retrices from a golden eagle, permittees shall not be required to gather feathers that are molted or otherwise lost by raptors. Permittees may leave the feathers where the feathers fall, store the feathers for imping or destroy the feathers. Permittees shall collect molted flight feathers and retrices from golden eagles for imping, or shall send the feathers to the National Eagle Repository at: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the Repository is 303-287-2110.

(iv) If a permittee's permit expires or is revoked, he shall donate the feathers of any raptor, except a golden eagle, to any person or institution exempt from the permit requirement under 50 CFR 21.12, revised as of October ~~5, 2007~~**1, 2012**, and which does not include any later amendments or editions of the incorporated matter; or authorized by permit to acquire and possess the feathers. If the permittee does not donate the feathers, the permittee shall burn, bury, or otherwise destroy the feathers. A copy of 50 CFR Part 21.12 can be viewed at any Department Regional Office or the Headquarters Office.

(m) Disposition of carcasses of falconry raptors.

(i) A permittee shall send the entire body of a golden eagle held for falconry, including all feathers, talons and other parts, to the National Eagle Repository.

(ii) A permittee may donate the body or feathers of any other raptor they were permitted to possess to any person or institution exempt under 50 CFR 21.12, revised as of October ~~5, 2007~~**1, 2012**, and which does not include any later amendments or editions of the incorporated matter; or authorized by permit to acquire and possess such parts or feathers. A copy of 50 CFR Part 21.12 can be viewed at any Department Regional Office or the Headquarters Office.

(iii) If the raptor was banded or micro-chipped prior to its death, a permittee may keep the body of any raptor, except that of a golden eagle, and the band and microchip shall be left in place. The permittee may keep the body so that the feathers are available for imping or may have the body mounted by a taxidermist. The mount may be used in giving conservation education programs.

(iv) If a permittee does not wish to keep the raptor body or feathers or donate the body or feathers, he shall burn, bury or otherwise destroy the body or feathers within ten (10) consecutive days of the death of the raptor or after final examination by a veterinarian to determine cause of death.

(v) If a permittee does not donate the raptor body or feathers or have the body mounted by a taxidermist, he may possess the flight feathers for as long as he has a valid falconry permit. Permittee's shall not buy, sell, or barter the feathers. Permittee's shall keep the paperwork documenting their acquisition of the raptor.

(n) Permittee's falconry activities shall not cause the take of federally listed, threatened or endangered wildlife.

(o) A permittee may use a raptor to take any species listed in parts 50 CFR 21.43, revised as of ~~December 2, 2010~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; 50 CFR 21.44, revised as of ~~April 24, 1990~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; 50 CFR 21.45, revised as of ~~January 4, 1974~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; or 50 CFR 21.46, revised as of August ~~24, 1974~~**October 1, 2012**, and which does not include any later amendments or editions of the incorporated matter; at any time in accordance with the conditions of the applicable depredation order, as long as the permittee is not monetarily compensated. A copy of 50 CFR Part 21.43, 50 CFR Part 21.44, 50 CFR Part 21.45 and 50 CFR Part 21.46 can be viewed at any Department Regional Office or the Headquarters Office.

(p) A surviving spouse, executor, administrator or other legal representative of a deceased falconry permittee shall transfer any raptor held by the permittee to another authorized permittee within ninety (90) consecutive days of the death of the falconry permittee. After ninety (90) consecutive days, disposition of a raptor held under the permit is at the discretion of the Department.

Section ~~12~~11. Hunting with Raptors. A person holding a valid Wyoming hunting license for game birds or small game animals and a license to hunt with falcon may take game birds and small game animals in and during any of the established hunting areas and seasons in accordance with existing Wyoming Game and Fish Commission regulations under the following provisions:

(a) Persons hunting with raptors may take game birds without distinction as to sex.

(b) A permittee may allow a raptor to feed on a prey animal taken unintentionally, provided that the prey animal is not taken into the falconer's possession.

(i) Unintentional take of any federally listed threatened or endangered species shall be reported to the Department and the U.S. Fish and Wildlife Ecological Services Field Office in Cheyenne within five (5) business days of the take event.

Section ~~13~~12. Most Restrictive State or Federal Regulation. State and federal regulations govern the taking, possession and transportation of all raptors. In all cases, the most restrictive regulation, whether federal or state, shall apply.

Section 13. Raptor Propagation. For the purpose of raptor propagation, the Wyoming Game and Fish Commission hereby adopts Title 50, Code of Federal Regulations (CFR) Part 21.30 entitled Raptor Propagation Permits, revised as of October 1, 2012. These regulations govern the propagation of raptors in captivity, the permitting criteria and regulatory requirements to maintain raptors in captivity for captive propagation, including annual reporting for raptors propagated within the State of Wyoming. Violations of the federal regulation pertaining to raptor propagation shall be considered violations of Commission regulations. Any future amendments, additions or revisions in the federal regulations governing raptor propagation shall be adopted by the Wyoming Game and Fish Commission prior to becoming law in Wyoming. A copy of Title 50 CFR Part 21.30 may be viewed at Department Regional Offices and Headquarters.

~~**Section 14. Effective Date.** These regulations will become effective on January 1, 2012.~~

Section 14. Violations of Commission Regulations.

(a) A violation of federal regulations or of Commission regulations pertaining to the maintenance or use of a falconry permit issued to an applicant under Sections 3 and 4 of this Chapter shall not be grounds, in and of itself, for revocation of any raptor propagation permit issued to an applicant under Section 13 of this Chapter.

(b) A violation of federal regulations or of Commission regulations pertaining to the maintenance and use of a raptor propagation permit issued to an applicant under Section 13 of this Chapter shall not be grounds, in and of itself, for revocation of any falconry permit issued to an applicant under Sections 3 and 4 of this Chapter.

~~**Section 15. Violation of Commission Regulations.** Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.~~

~~**Section 16. Savings Clause.** If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.~~

WYOMING GAME AND FISH COMMISSION

By: _____
~~Fred Lindzey~~**Mike Healy**, President

Dated: ~~July 7, 2011~~**January 22, 2014**