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13.01.14 - FALCONRY IN THE STATE OF IDAHO

000. -- 009. (RESERVED).

010. DEFINITIONS.

01. Birds of Prey or Raptors. All falcons, hawks, owls, and eagles. (7-1-93)

02. Falconry. The sport of taking quarry by means of a trained bird of prey. (7-1-93)

03. Captive-bred. Any raptor raised in captivity from eggs laid by captive raptors. (7-1-93)

04. Seamless Band. A numbered band without seam or opening that is placed on a raptor while young and cannot be removed when the bird is an adult. (7-1-93)

05. Twelve (12) month Period. Any continuous twelve (12) month period of time beginning on any calendar date. (7-1-93)

06. Form 3-186A. A Migratory Bird Acquisition/Disposition Report required by the United States Fish and Wildlife Service (USFWS) Within five (5) calendar days of the capture, transfer, sale, purchase, death or any disposition of any bird of prey, Form 3-186A must be completed and sent to the USFWS Portland office. (7-1-93)

011. -- 099. (RESERVED).

100. RESTRICTIONS ON CAPTURE, POSSESSION, TRANSFER, TRANSPORTATION, AND RELEASE OF BIRDS OF PREY.

01. Permits. No person shall capture or possess any birds of prey within the state of Idaho or import into or export from the state of Idaho any such birds without having first obtained the appropriate Idaho permit. The required permits must be in the possession of the permittee while capturing, attempting to capture, flying, or transporting birds of prey within the state of Idaho. Permits are valid ONLY when the holder is also a holder of all necessary and valid federal permits. (7-1-93)

02. Banded Birds. (7-1-93)

a. No person shall have in possession any live peregrine (Falco peregrinus), gyrfalcon (Falco rusticolus), or Harris hawk (Parabuteo unicinctus), without the bird having been banded with a seamless numbered or a permanent, nonreusable, numbered band, supplied by the U.S. Fish and Wildlife Service. The director may require any species not listed to be banded with a permanent, nonreusable, numbered band supplied by the state. (7-1-93)

b. The permittee shall notify the Department within five (5) calendar days of the loss or removal of any band required by the U.S. Fish and Wildlife Service. The lost band must be reported on Form 3-186A and replaced by a U.S. Fish and Wildlife Service permanent, nonreusable band. (7-1-93)

03. Sale, Purchase, Transfer. (7-1-93)

a. No person shall buy, sell, trade, or barter any wild bird of prey within the state of Idaho. Captive-bred birds of prey banded with seamless bands may be sold or purchased by those individuals authorized and licensed under the Federal regulations so long as such transactions are in compliance with Federal regulations. (7-1-93)

b. Transfers of birds of prey other than captive-bred birds, may be made between persons holding valid state and Federal falconry permits provided that: (7-1-93)

i. Permittees obtain an Idaho transfer permit for transfer and comply with the requirements of Form

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3-186A. (7-1-93)

ii. Neither party to such a transaction may receive anything of value other than the transferred bird(s). (7-1-93)

iii. The transfer of any bird does not result in either permittee possessing more than the number of birds indicated on her or his state or federal falconry permit. (7-1-93)

04. Loss and Release of Birds. No person shall: (7-1-93)

a. Fail to submit Form 3-186A, in accordance with Federal Regulations, within five (5) days of the loss, death, or escape of any birds of prey covered by any permit issued pursuant to these regulations A copy of this Form 3-186A shall be sent to the Regional Conservation Officer (10-26-94)

b. Intentionally return any bird of prey to the wild except at the direction of the Department. (7-1-93)

05. Housing of Birds. No person shall hold, keep, or house any bird of prey at any place other than the location specified on the permittee's falconry permit. EXCEPT, a licensed falconer may temporarily house and care for the birds of another licensed falconer, if such birds are accompanied at all times by both a properly completed Form 3-186A designating the permittee as the possessor of record, and, by a signed, dated statement from the permittee authorizing the other licensed falconer to have temporary possession. (7-1-93)

06. Propagation of Birds of Prey. No person shall propagate birds of prey without a permit obtained from the Department. Possession of birds of prey for propagation as authorized by such permit may be in addition to birds of prey held under authority of a falconer's permit. (7-1-93)

101. -- 149. (RESERVED).

150. PERMITS, QUALIFICATIONS, AND PERMITTED SPECIES.

01. Validity, Expiration, Transfer and Renewal. (10-26-94)

a. Idaho permits are valid ONLY when the holder is also a holder of all necessary and valid federal permits. (7-1-93)

b. Each permit, unless otherwise indicated on the face thereof by the Department, shall expire three (3) years from the date of issuance or renewal. A check or money order made payable to the U.S. Fish and Wildlife Service in the amount required is due upon application for a permit. The holder of any valid Idaho permit shall, at the request of the Department, make a written report to the Department indicating the number of birds of prey in possession, species, and whether wild or captive-bred, which were acquired, captured, imported, exported, lost, or released under the authority of such permit for the required period. Failure to make such report shall be grounds for denial of any request for renewal of such permit. (10-26-94)

c. Idaho permits are NOT transferable. (7-1-93)

02. Types of Permits. The following types of permits are available to persons possessing the required qualifications. (7-1-93)

a. Apprentice Falconer's Permit: An Apprentice Falconer's Permit may be issued to those persons meeting the following qualifications: (7-1-93)

i. The applicant must be a bona fide resident of the state of Idaho and at least fourteen (14) years of age. (7-1-93)

ii. The applicant must be sponsored by the holder of a Master Falconer's Permit for the first two (2) years the apprentice holds a permit. The applicant must present a letter of acceptance from his sponsor before receiving a permit. A sponsor may not have more than three (3) apprentices at any time. (10-26-94)

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iii. The applicant has correctly answered at least eighty percent (80%) of the questions on the current Department examination consisting of not less than fifty (50) questions relating to the basic biology, care, and handling of birds of prey, literature sources, laws, regulations, or other appropriate subject matter. Examinations shall be given at Department regional offices or by other persons authorized by the Department. (7-1-93)

iv. The applicant has, in the Department's determination, an assurance of an adequate food supply, proper shelter, bath facilities, and equipment; (See Subsection 150.02.v. below.) (7-1-93)

v. The applicant possesses the following equipment: Jesses, Swivels, Leashes, Gauntlet glove, Weight scales graduated to increments of not more than fifteen (15) grams or one-half (1/2) ounce, Aylmeri jesses or equivalent are required when the bird is flown free. (10-26-94)

b. Apprentice falconers may possess only the American kestrel (Falco sparverius) or red-tailed hawk (Buteo jamaicensis). No apprentice may possess more than one (1) bird of prey at any time. No apprentice may acquire more than one (1) bird of prey for replacement during any twelve (12) month period. (7-1-93)

c. General Falconer's Permit: A General Falconer's Permit may be issued to those persons meeting the following qualifications: (7-1-93)

i. The applicant is an Idaho resident at least eighteen (18) years of age or older with at least two (2) years' experience under an Apprentice Falconer's Permit; (7-1-93)

ii. The applicant has furnished the Department with a progress report from her or his sponsor recommending the applicant's permit be upgraded to "General". (10-26-94)

iii. General Falconers may possess any bird of prey EXCEPT golden eagles, gyrfalcons, or any bird of prey listed as threatened or endangered by state of Idaho or federal regulations. However, captive-bred birds of prey that have been declared exempt by federal regulation may be possessed. Not more than two (2) birds of prey may be possessed at any time, and not more than two (2) birds of prey may be captured or otherwise acquired, whether for initial stocking or for replacement of birds of prey already under permit, during any twelve (12)-month period. (7-1-93)

d. Master Falconer's Permit: A Master Falconer's Permit may be issued to persons meeting the following qualifications: (7-1-93)

i. The applicant is an Idaho resident eighteen (18) years or older with at least five (5) years' experience under a General Falconer's Permit. (7-1-93)

ii. Master Falconers may possess any bird of prey EXCEPT those listed as threatened or endangered by state of Idaho or federal regulations. However, captive-bred birds of prey that have been declared exempt by federal regulations may be possessed. Birds listed on the U.S. Department of the Interior List of Endangered Species that were legally in possession of a Master Falconer prior to the adoption of these regulations or legally obtained outside of the state of Idaho shall be permitted after notification to and verification by the Department that the birds are legally possessed. Golden eagles may be possessed ONLY under federal permit and in compliance with federal regulations. (7-1-93)

iii. Master Falconers may possess not more than three (3) birds of prey at any one time. Birds lawfully in possession may be replaced any time with captive-bred birds bearing seamless bands. Not more than two (2) wild birds of prey may be captured or acquired, whether for initial stocking or for replacement of birds of prey already under permit, during any twelve (12)-month period. A Master Falconer may not possess more than two (2) prairie falcons taken from the wild, nor more than two (2) gyrfalcon(s), taken from the wild. Not more than one (1) gyrfalcon may be taken from the wild in any twelve (12)-month period. (7-1-93)

e. Raptor Rehabilitator's Permit. A Raptor Rehabilitator's Permit may be issued to qualified persons for the purpose of care and treatment of sick or injured birds of prey. Such birds are and shall remain the property of the State, and final disposition of such birds will be determined by the Department. (7-1-93)

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f. Capture Permit. (7-1-93)

i. Holders of valid Idaho falconry permits may capture from the wild, the species and number of birds which the falconer is licensed to possess. Replacement of lost or destroyed birds will be allowed only upon submittal of a Form 3-186A to the U.S. Fish and Wildlife Service with a copy to the Regional Conservation Officer, by the falconer affirming the loss. (10-26-94)

ii. Upon payment of statutory fees, nonresidents who possess valid federal permits and a valid state permit from a state or states which have entered into a reciprocal agreement with the state of Idaho, may apply to capture one approved bird of prey during the period specified by the permit. (10-26-94)

iii. The capture of birds of prey taken under authority of a Capture Permit must be reported within five (5) days to the Department. (7-1-93)

g. Export Permit. The holder of a valid Idaho falconry permit may temporarily transport birds of prey out of and into Idaho. However, if a bird of prey is being permanently transferred to an out-of-state location, the falconer must apply for an Idaho export permit and complete a Form 3-186A. (7-1-93)

h. Import Permit. An Import Permit may be issued to the holder of any valid Idaho falconer's permit to bring into the state of Idaho, lawfully acquired birds of prey authorized by the holder's falconry permit. Imported birds must be accompanied by such export and import permits as may be required by the state of origin and Federal regulations. (7-1-93)

i. Captive Breeding Permit: A Captive Breeding Permit may be issued to the holder of a Master Falconer's Permit or a scientific institution or institution of higher education for the purposes of obtaining birds of prey for initiating and conducting captive breeding experiments. Any applicant must have secured a Special Purpose (raptor breeding) Permit from the U.S. Fish and Wildlife Service prior to application. (7-1-93)

03. Nonresidents. Nonresidents may be issued Idaho Apprentice, General Falconer, or Master Falconer permits without a waiting period upon permanently moving to the state of Idaho. The nonresident shall surrender permits issued by other states to the Idaho Department of Fish and Game, and execute a statement verifying the nonresident's intent to become an Idaho resident. The nonresident shall be issued the equivalent class license that was surrendered from the resident state. (10-26-94)

04. Nonresidents. Nonresidents may be issued Idaho Apprentice, General Falconer, or Master Falconer permits without a waiting period upon permanently moving to the state of Idaho, surrender of permits issued by other states to the Idaho Department of Fish and Game, and execution of a statement verifying the nonresident's intent to become an Idaho resident. (7-1-93)

151. -- 249. (RESERVED).

250. NONRESIDENT FALCONERS.

01. Transporting Birds. Nonresidents may transport birds of prey through or remain temporarily in the state of Idaho, for a period not to exceed thirty (30) days, without having obtained an Idaho falconry permit provided they have in their possession all required federal permits as well as all permits required by their state of residence. Nonresident licensed falconers who temporarily reside in Idaho for schooling, temporary jobs, extended visits, etc., may, at the discretion of the inspecting officer, keep birds of prey in Idaho longer than thirty (30) days when issued written permission to do so. (10-26-94)

02. Hunting. Nonresidents must have in their possession a valid Idaho hunting license of the proper class, all necessary validations (upland game, waterfowl, Migratory Game Bird Harvest Information Program), and a valid falconry permit from his or her state of residence. (8-1-97)T

251. -- 299. (RESERVED).

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300. INSPECTION OF FACILITIES.

01. Facilities Covered by Permits. All facilities covered by permits issued in accordance with these rules are subject to reasonable inspection by the Department or its designated representative. Reasonable inspection includes, but is not limited to, periodic checks to determine health of birds, condition of the facilities, and whether continued possession of birds as listed on the permits is appropriate. Any birds of prey in possession shall be produced for inspection at any time upon demand by the Department. (10-26-94)

02. Inspection Prior to Issuance of License. Prior to issuance or renewal of any falconer's permit, the applicant's facilities and equipment shall be inspected by the Department or its designated representative to determine whether the facilities are adequate for housing and handling birds of prey which the applicant intends to hold in captivity. The inspection shall be recorded on a form provided by the Department and signed by both the applicant and the Department. By his signature, the applicant agrees to bring the facilities into conformance with any requirements not met at the time of inspection and to maintain the facilities in the condition approved by the Department. (10-26-94)

301. -- 349. (RESERVED).

350. CAPTURING BIRDS OF PREY FROM THE WILD.

01. Permits. Birds of prey may be captured from the wild ONLY by the holder of a valid Idaho falconry permit or a valid nonresident capture permit and only in compliance with the conditions listed below. A form 3-186A must be completed reporting all birds of prey so captured. (7-1-93)

02. Approved Species. (7-1-93)

a. Approved species shall be determined by the Department. No person may capture any bird of prey that has been defined as a threatened or endangered species by the state of Idaho or by federal law or regulation UNLESS that species has specifically been declared exempt. Of the birds of prey defined as species of special concern by the state of Idaho, only the merlin (passage birds only) and the ferruginous hawk may be captured. (8-1-97)T

i. No person may capture more than one (1) ferruginous hawk per year. (8-1-97)T

ii. Any person intending to capture an eyass ferruginous hawk must submit a written request for preliminary authorization to the appropriate regional office thirty (30) days prior to capture. This request must include the county and anticipated date of capture. In addition, final approval for capture must be obtained from the appropriate regional office not more than seven (7) days but at least two (2) working days prior to capture. (8-1-97)T

b. All birds of prey listed in the Migratory Bird Treaty Act taken or possessed under authority of any Idaho permit are and shall remain the property of the state of Idaho. No liability shall be incurred by the state or Department for damages arising from the possession of any birds of prey under such permits. (7-1-93)

c. Permits available annually to nonresidents holding valid nonresident capture permits, on a first-come-first-served basis, include: (10-26-94)

American Kestrel	10
Cooper’s Hawk	10
Gyfalcon	2
Merlin (passage birds only)	5
Prairie Falcon	10
Red-tailed Hawk	10
Sharp-shinned Hawk	10
Goshawk	10

(8-1-97)T

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i. No person may capture more than one (1) goshawk per year. (8-1-97)T

ii. Any person intending to capture an eyass goshawk must submit a written request for preliminary authorization to the appropriate regional office at least thirty (30) days prior to capture. This request must include the county and the anticipated date of capture. In addition, final approval for capture must be obtained from the appropriate regional office not more than seven (7) days but at least two (2) working days prior to capture. (8-1-97)T

d. Any nonresident who captures a bird of prey in Idaho must have his or her capture permit validated by an Idaho Department of Fish and Game regional office prior to leaving the state and within seventy-two (72) hours of the time of capture. (8-1-97)T

03. Capture Dates. (7-1-93)

a. Immature birds (either eyass or passage) may be taken from January 1 through February 20; May 15 through July 31 on weekends and holidays (Memorial Day and Independence Day) ONLY; and, September 1 through September 30 on weekends and holidays (Labor Day) ONLY, and October 1 through December 31. (7-1-93)

04. Age of Birds That May Be Captured. (7-1-93)

a. Eyasses (young birds not capable of flight) may be taken ONLY by holders of a General or Master Falconer's Permit. At least one (1) nestling shall be left in any nest from which one or more nestlings are removed. (7-1-93)

b. No bird of prey older than one (1) year of age, EXCEPT American kestrels, may be taken from the wild for falconry purposes. (7-1-93)

05. Recapture of Lost Birds. Any licensed falconer may retrap his/her lost, captive, bird of prey. If it is not during the regular falcon trapping season, after fifteen (15) days, the falconer must obtain permission from the appropriate regional conservation officer to continue recapture efforts. If the bird is retrapped and has been reported on Form 3-186A, the falconer must comply with the requirements of Form 3-186A. (10-26-94)

351. -- 399. (RESERVED).

400. BANDING OF CAPTIVE BIRDS.
Only peregrine falcons (Falco peregrinus), gyrfalcons (Falco rusticolus) and Harris hawks (Parabuteo unicintus) possessed for falconry purposes must be banded. All such birds must be banded with a seamless or a permanent, nonreusable band, supplied by the U.S. Fish and Wildlife Service. (7-1-93)

401. -- 449. (RESERVED).

450. AREAS CLOSED TO THE TAKING OF BIRDS OF PREY.
The following areas are closed for the purpose of trapping or capturing any bird of prey for falconry purposes. (7-1-93)

01. Boise River. Within one (1) mile of the Boise River from Arrowrock Dam downstream to Boise City limits. (7-1-93)

02. Snake River. The Snake River Birds of Prey National Conservation Area. (10-26-94)

03. Other. Any federal, state or city property where such activity in prohibited. (10-26-94)

451. -- 499. (RESERVED).

500. PENALTIES.

01. Federal Regulations. All regulations pertaining to birds of prey as adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act are incorporated herein by reference and shall have full force

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and effect as state rules. (7-1-93)

02. Conviction of Violation. Conviction of a violation of these rules or federal regulations pertaining to falconry shall be grounds for revocation of Idaho falconry permits or denial of any pending applications for Idaho falconry permits. The revocation of any permit may be appealed within thirty (30) days of such revocation. Said appeal shall be made in writing to the Director of the Idaho Department of Fish and Game. (7-1-93)

03. Revoked Permits. Any birds of prey held under permits revoked pursuant to Subsection 500.02 above, may be confiscated by the Department. (7-1-93)

501. -- 549. (RESERVED).

550. SPECIAL RESTRICTIONS ON HUNTING WITH BIRDS OF PREY.

01. Permissible Species: Only species from the following families may be used for falconry: (7-1-93)

a. Accipitridae (except the bald eagle); (7-1-93)

b. Falconidae; and (7-1-93)

c. Strigidae (Great horned owl only). (7-1-93)

02. Hunting Restrictions. Persons hunting with birds of prey must comply with the following: (7-1-93)

a. Any time a hunting bird of prey kills quarry that may not be taken under established regulations, seasons, bag limits, or license requirements, the falconer must leave the dead quarry where it lies. Except, the bird of prey may be allowed to feed upon the quarry before leaving the kill site. (7-1-93)

b. Any resident hunting by falconry shall have in his or her possession a valid Idaho falconry permit, a valid hunting license of the proper class, and all necessary validations (upland game, waterfowl, Migratory Game Bird Harvest Information Program). (8-1-97)T

c. No person may carry a firearm or be accompanied by any person carrying a firearm while hunting by falconry. (7-1-93)

551. -- 599. (RESERVED).

600. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR UPLAND GAME BIRDS.
For season dates, bag and possession limits during the firearms seasons, see Game Bird Rules, IDAPA 13.01.09. The season, bag and possession limits during the falconry only seasons are as follows: (7-1-93)

01. Upland Game Birds. (pheasants -- all varieties, gray partridge, chukar partridge, bobwhite quail, California quail, forest grouse -- blue, ruffed, spruce; sage grouse, sharp-tailed grouse): (10-26-94)

a. All counties or parts of counties which have a firearms season for a certain species are also open to hunting by falconry for that species. (10-26-94)

b. Seasons: (7-1-93)

i. August 15 to the opening of the firearms season and from the close of the firearms season through March 15 annually. (10-26-94)

c. Daily bag limit: Three (3) of any kind and shall not include more than one (1) pheasant (male or female), one (1) sage grouse or one (1) sharp-tailed grouse. (7-31-96)T

d. Possession limit after the first day of the season: Six (6) of any kind and shall not include more that two (2) pheasants (male or female), two (2) sage grouse or two (2) sharp-tailed grouse. (7-31-96)T

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601. -- 609. (RESERVED).

610. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR UPLAND GAME ANIMALS.
The following seasons, bag and possession limits shall apply statewide: (10-26-94)

01. Rabbit. The cottontail rabbit and pygmy rabbit season is March 1 through August 31, annually. (10-26-94)

02. Hare. The snowshoe hare season is March 1 through August 31, annually. (10-26-94)

03. Bag Limit. Daily bag limit is two (2) of any kind. (7-31-96)T

04. Possession Limit. after the first day of the season: four (4) of any kind. (7-31-96)T

611. -- 619. (RESERVED).

620. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR MIGRATORY GAME BIRDS.

01. Ducks Including Mergansers and American Coot. (8-22-94)

a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: (8-22-94)

i. Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. (8-22-94)

ii. Area 1 season for ducks (including mergansers) and American coot: CLOSED. (8-30-97)T

b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: (8-22-94)

i. Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. (8-22-94)

ii. Area 2 season for ducks (including mergansers) and American coot: CLOSED. (8-30-97)T

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: (8-22-94)

i. Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. (8-22-94)

ii. Area 3 season for ducks (including mergansers) and American coot: CLOSED. (8-30-97)T

02. Mourning Dove. (8-22-94)

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a. All counties or portions of counties which have a mourning dove season are open to hunting by falconry. (8-22-94)

b. Season for doves: November 1 through January 16, annually. (8-19-96)T

03. Bag and Possession Limits. (8-22-94)

a. Daily bag limit is three (3) of any kind. (7-31-96)T

b. Possession limit after the first day of the season is six (6) of any kind. (7-31-96)T

621. -- 629. (RESERVED).

630. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR MIGRATORY BIRDS.
Seasons, bag and possession limits shall apply as follows: Migratory birds may be taken by falconry ONLY during the firearms season. (7-1-93)

631. -- 649. (RESERVED).

650. TRAINING FALCONS BY INDIVIDUALS USING PRIVATELY RAISED GAME BIRDS.
The Director is authorized to establish limitations and guidelines as to dates, locations, and conditions where under permits may be issued allowing the party or parties listed thereon to use and kill game birds obtained from a private source for the purpose of field training birds of prey. (7-1-93)

651. -- 999. (RESERVED).

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