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**IDAPA 13
TITLE 01
CHAPTER 14**

13.01.14 - RULES GOVERNING FALCONRY

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104 (b) and 36-1102 (c), Idaho Code, to adopt rules concerning falconry in the state of Idaho. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.14.000, et seq., Idaho Fish and Game Commission Rules, IDAPA 13.01.14, "Rules Governing Falconry." (3-29-10)

02. Scope. These rules establish a falconry program in the state of Idaho. (3-29-10)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (3-29-10)

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission." (3-29-10)

004. INCORPORATION BY REFERENCE.

Federal Regulations. All regulations pertaining to raptors as adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act (50 CFR, Parts 21 & 22) are incorporated herein by reference and shall have full force and effect as state rules, with additional state restrictions and applicability to raptors not listed in 50 CFR Part 10.13 as herein set forth. (3-29-10)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707 (3-29-10)

006. -- 009. (RESERVED).

010. DEFINITIONS.

01. Calendar Year. January 1 through December 31, as defined by the state of Idaho to address any reference to the use of the terms twelve-month (12) period, annual, or year within this rule and federal regulations. (3-29-10)

02. Captive-Bred. Any raptor raised in captivity from eggs laid by captive raptors. (3-29-10)

03. Commission. Idaho Department of Fish and Game Commissioners appointed by the governor to administer state fish and game rules and policy. (3-29-10)

04. Department. Idaho Department of Fish and Game, its employees, and designated volunteers. (3-29-10)

05. Director. Administrative head of the Idaho Department of Fish and Game, and any person authorized to act in his name. (3-29-10)

06. Falconry. Capturing, possessing, caring for, transporting, training, and using raptors to hunt wild or

artificially propagated birds and animals as a recreational sport, not to include any propagation, breeding or commercial use. (3-29-10)

07. Federal. United States Code of Federal Regulations -- CFR Title 50 Parts 21 & 22 -- administered by the United States Department of Interior and U.S. Fish and Wildlife Service. (3-29-10)

08. Form 3-186A. A Migratory Bird Acquisition and Disposition Report required by the United States Fish and Wildlife Service and the Department to track and record possession and status of raptors. (3-29-10)

09. New U.S. Resident. Any person who has legally moved into the United States or a recognized U.S. Territory to reside and who may or may not have obtained U.S. citizenship. (3-29-10)

10. Non-Resident. Any person who has not met the criteria to become an Idaho resident as stated in 36-202 (s), Idaho Code, and possesses resident status and privileges from another U.S. state, territory or tribe. (3-29-10)

11. Raptor. Any bird of prey classified under the Families *Falconidae*, *Strigidae*, *Accipitridae*, and hybrids thereof. (3-29-10)

12. Resident. Any person meeting the residency requirements set forth in 36-202 (s), Idaho Code. (3-29-10)

13. Territory. Recognized territories of the United States. (3-29-10)

14. Tribe. Any United States recognized Native American or territorial tribe, its members and federal lands designated as reservations administered under a sovereign tribal government. (3-29-10)

15. Transfer. To convey, deliver, loan, gift, give, barter, sell or move a raptor, raptor parts or any permit from one person, place or situation to another. (3-29-10)

16. Visitor. Any person not legally residing in the United States or a recognized territory, and who is temporarily in the U.S. as a visitor. (3-29-10)

17. Wild-Caught. Any raptor captured, removed or originating from the wild. Wild-caught raptors shall maintain wild-caught status throughout their life span in regard to capture, possession and transfer restrictions. (3-29-10)

011. -- 099. (RESERVED).

100. PERMITS REQUIRED, POSSESSION, IMPORTATION, AND SALE.

This Section addresses permits, importation, validity, temporary possession, expiration, transfer, renewal and the unlawful sale and possession of raptors. (3-29-10)

01. Falconry Permit Required. Except as otherwise provided by this rule, an Idaho Falconry Permit (at a fee set forth under 36-416, Idaho Code) is required before any person may possess, capture, transport, import, export or purchase any raptor for the purpose of falconry. (3-29-10)

02. Raptor Captive Breeding Permit Required. Except as otherwise provided by this rule, an Idaho Raptor Captive Breeding Permit (at a fee set forth under 36-416, Idaho Code) and a Federal Raptor Propagation Permit is required before any person may take, possess, transport, import, export, purchase, barter, sell or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes. (3-29-10)

03. Non-Residents, New U.S. Residents Permit Purchase. Non-Residents and New U.S. Residents may be issued Idaho Apprentice, General, Master Falconer, or Raptor Captive Breeding Permits without a waiting period upon permanently moving into the state of Idaho. (3-29-10)

a. Non-Resident and New U.S. Resident applicants shall surrender any permit(s) issued by another

state or country to the Department, and must provide a written and signed statement verifying intent to become an Idaho resident. (3-29-10)

b. Non-Resident applicants will be issued an equivalent Idaho class permit(s) to the permit(s) surrendered from the applicant's past resident state, territory or tribe. (3-29-10)

c. New Residents to the U.S. will be required to pass the Department Apprentice Falconry Examination and provide documentation to support the class of permit applied for. The Department, based on applicant experience, shall determine and assign the appropriate class of permit. (3-29-10)

04. Non-Resident, New U.S. Resident Permit Purchase within Thirty (30) Days. Non-Resident and New U.S. Resident falconers taking permanent residency in Idaho, shall, within thirty (30) consecutive days, purchase an Idaho Falconry Permit and a Raptor Captive Breeding Permit as required by Subsections 100.01 and 100.02 of this rule. (3-29-10)

05. Expiration of Permits. Idaho Falconry Permits and Raptor Captive Breeding Permits shall be valid three (3) years from date of issuance or renewal. (3-29-10)

06. Permit Renewal. Permit issuance or renewal shall be initiated with the completion and submission of a Department Falconry Application Form to the appropriate Department Regional Office accompanied by the appropriate fee(s) as set forth under 36-416, Idaho Code. (3-29-10)

07. Transfer of Permits. Idaho Falconry and Raptor Captive Breeding Permits are not transferable to another person, but may be updated to a new in-state location. (3-29-10)

08. Permit-Class Upgrades. (3-29-10)

a. Falconry Permit-class upgrades (e.g., moving from Apprentice to General status) shall be made at no cost to the applicant. Permit-class change requests shall be submitted to the appropriate Department Regional Office on a Department Falconry Permit Application Form with required documentation to verify that prerequisites for the permit-class upgrade have been satisfied. (3-29-10)

b. Permit Exemption for Temporary Possession. Except as otherwise provided, Non-Residents, Visitors and New U.S. Residents possessing a valid federal, territory, tribe, another state or country's equivalent Falconry or Raptor Captive Breeding/Propagation Permit, and not utilizing or possessing any Idaho resident privilege, may temporarily import, possess and transport raptors listed under their Falconry or Captive Breeding/Propagation Permits for up to thirty (30) consecutive days without purchasing an Idaho Falconry or Raptor Captive Breeding Permit. (3-29-10)

i. Visitors and New U.S. Residents shall comply with federal raptor importation and registration laws and shall obtain a Department Wildlife Importation Permit before importing any raptor. (3-29-10)

ii. Visitors and New U.S. Residents entering Idaho with a raptor(s) under an Idaho Wildlife Import Permit shall contact the nearest Department Regional Office to take the Idaho Falconry Examination. Only applicant's correctly answering at least eighty percent (80%) of the test questions will be issued a Temporary Idaho Falconry Permit. Wildlife Import and Temporary Falconry Permits shall be carried at all times when possessing raptors. (3-29-10)

iii. Exceptions to extend the thirty (30) day exemption period shall be at the Department's discretion and any temporary possession in excess of one hundred twenty (120) days shall require raptor housing in a falconry facility that has been approved by the Department under an existing Falconry or Captive Breeding Permit. (3-29-10)

iv. Non-Residents, New U.S. Residents and Visitors in addition to possessing a valid Falconry or Captive Breeding/Propagation Permit from their home state, territory, tribe or country shall comply with all other Idaho and federal rules regulating hunting and the possession of wildlife to include possession of appropriate non-resident licenses, tags, permits, stamps and validations. (3-29-10)

09. Unlawful Sale and Possession of Raptors. Except as otherwise provided by this rule, no person shall sell, purchase or barter any raptor or parts thereof, or possess raptors or parts that have been unlawfully obtained, sold, purchased or bartered. (3-29-10)

a. Only live captive-bred raptors banded or micro-chipped in compliance with Subsection 400.01 of this rule may be sold, purchased or bartered between holders of valid state, federal, tribal, territory or another country's Falconry and Raptor Captive Breeding or Propagation Permit. (3-29-10)

b. Holders of valid Idaho Raptor Captive Breeding Permits and federal Raptor Propagation Permits may only sell, purchase and barter raptor eggs and semen produced and originating from raptor propagation or captive breeding programs under valid permit. (3-29-10)

101. -- 199. (RESERVED).

200. INSPECTION OF RAPTORS, FACILITIES, POSSESSION AND RECORDS.

01. Facilities Covered by Permits. All raptors, facilities, equipment and falconry records required in accordance with federal and Idaho rules shall be subject to reasonable business-hour inspection, any day of the week, in the presence of the applicant or permit holder. All raptors, equipment, and related records required by law shall be produced for inspection upon Department request. (3-29-10)

02. Inspection Prior to Possession of Raptors. (3-29-10)

a. Except as otherwise provided by Section 100 of this rule, no person shall possess any raptor(s) under the issuance of an Idaho Falconry or Raptor Captive Breeding Permit, until holding facilities and equipment have been inspected and approved by the Department to verify that facilities and equipment meet federal and Idaho standards. (3-29-10)

b. Facility inspections shall be required any time a permit holder moves his holding facilities to any physical address location that is not recorded on his current Falconry or Raptor Captive Breeding Permits. Facility location changes shall be reported to the Department within five (5) days. (3-29-10)

03. Facilities Accepted. Either indoor, including a personal residence, or outdoor falconry facilities, or a combination of both meeting federal standards of care, shall be authorized. (3-29-10)

201. -- 299. (RESERVED).

300. APPROVED SPECIES, WILD CAPTURE, LIMITS, PERMITS, HACKING, AND REHABILITATION.

01. Approved Raptor Species. Except as otherwise provided by this rule, any species of raptor defined under Subsection 010.11 of this rule shall be authorized for use in falconry or captive breeding. (3-29-10)

02. Capture Permits Required. Raptors may only be captured from the wild by persons possessing a valid Idaho Falconry Permit, or a Non-resident federal, state, territory or tribal Falconry Permit. Non-residents must also possess an Idaho Bird of Prey Capture Permit. (3-29-10)

03. Capture of Wild Raptors, Approved Species and Limitations. (3-29-10)

a. Resident Falconers. Except as otherwise provided by this rule, residents possessing a valid Idaho Falconry Permit shall be authorized to capture no more than two (2) wild raptors, as their permit class authorizes, each calendar year. (3-29-10)

i. Not more than one (1) Golden Eagle shall be captured in any calendar year. (3-29-10)

ii. Capture and possession of any raptor classified under federal or state law as threatened or endangered is unlawful without Department approval and a special permit. (3-29-10)

- iii. The issuance of an Idaho Eagle Falconry Permit is required to capture or possess golden eagles. (3-29-10)
- iv. Capture and possession of Bald Eagles is unlawful. (3-29-10)
- v. Capture and possession of wild Peregrines, as listing status allows, shall be restricted to a limited number of resident Peregrine Capture Permits. (3-29-10)
- vi. The Commission, pursuant to Section 36-105 (3), Idaho Code, may establish capture quotas, and a capture permit allocation system by proclamation. (3-29-10)
- b. Non-Resident Falconers.** Non-resident falconers intending to capture any wild Idaho raptor shall comply with the following: (3-29-10)
 - i. Apply to the Department Licensing Bureau in Boise for a Non-Resident Bird of Prey Capture Permit at a fee set forth under 36-416, Idaho Code. Permits shall be issued on a calendar year basis. (3-29-10)
 - ii. The Commission, pursuant to Section 36-105 (3), Idaho Code, will designate raptor species approved for capture, capture quotas, and a capture permit allocation system by proclamation. (3-29-10)
 - iii. Non-residents shall be limited to the purchase of only one (1) Bird of Prey Capture Permit per calendar year. (3-29-10)
 - iv. Non-residents receiving a Bird of Prey Capture Permit shall be authorized to only capture and possess the species of raptor specified on their permit. (3-29-10)
 - v. Non-resident Capture Permit holders, successful with the capture of a raptor shall, within seventy-two (72) hours of capture, have their Capture Permit validated by the Department at any Regional Office prior to transporting any captured raptor out of Idaho. (3-29-10)
- 04. Approved Capture Dates - Resident and Non-Resident Falconers.** (3-29-10)
 - a.** Immature raptors (birds less than one (1) year of age) shall be open to capture all year with no restrictions in regard to days of the week or times of capture. (3-29-10)
 - b.** Kestrels and Great-horned Owls may be captured as immature or adult birds (birds that are one (1) year of age or older). The take of adult birds shall be prohibited from March 1st through July 31st. (3-29-10)
- 05. Capture Area Restrictions.** (3-29-10)
 - a.** No person shall capture or attempt to capture any raptor when such activity is unlawful under federal, state, tribal, county or city law or ordinance. (3-29-10)
 - b.** Raptors taken in violation of any federal, state, tribal, county or city law shall be unlawful to possess. (3-29-10)
- 06. Capture and Possession Limits.** No person shall exceed approved state and federal raptor possession and capture limits. (3-29-10)
- 07. Raptor Hacking.** Raptor hacking in compliance with federal rules, by holders of a valid Idaho Falconry or Rehabilitation Permits, is authorized. (3-29-10)
- 08. Assisting with Raptor Rehabilitation.** General or Master Class Falconers possessing a valid Idaho Falconry Permit may assist the Department and permitted raptor rehabilitators with the rehabilitation, conditioning and hacking of raptors. Any raptor taken into possession for rehabilitative conditioning or training shall be coordinated and pre-approved by the appropriate Department Regional Office. (3-29-10)

301. -- 399. (RESERVED).

400. RAPTOR BANDING, RADIO TRANSMITTERS REQUIRED, TRANSFERS, REPORTING, AND RELEASE.

01. Raptor Banding. Except as otherwise provided for temporary possession and housing under federal rule and Section 100 of this rule, falconers and captive breeders possessing raptors shall comply with all federal banding and micro-chipping regulations. (3-29-10)

a. Wild-caught Peregrines, Harris' Hawks, Gyrfalcons and Goshawks shall be banded with a black federal, non-reusable leg band or an approved micro-chip (ISO compliant at 134.2 kHz). (3-29-10)

b. All Captive-bred raptors shall be banded with a seamless band within two (2) weeks of hatching. Federally approved micro-chips or yellow federal, non-reusable leg bands may be used to replace seamless bands that are broken or have become unreadable. (3-29-10)

c. Raptors that suffer injury or develop health issues caused by leg bands, or routinely remove or damage bands, shall be micro-chipped. Based on unusual circumstances, the Department may approve a special written exemption to banding or micro-chipping. (3-29-10)

d. Bands or micro-chips shall be attached or placed on all federally required wild-caught raptors within five (5) days of acquisition or capture. (3-29-10)

e. Bands shall be provided by the Department. Micro-chips shall be provided by the falconer. (3-29-10)

02. Radio Transmitters Required. At least two (2) functioning radio transmitters shall be attached to any raptor hybrid, or any raptor not listed under CFR 50, Part 10.13, when being free flown. (3-29-10)

03. Raptor Transfers. Resident falconers/captive breeders shall not transfer any species of wild-caught raptor to a non-resident until the transfer is approved under an Idaho Wildlife Export Permit. (3-29-10)

a. Idaho Wildlife Export Permits may be purchased at a fee set forth under 36-416, Idaho Code, by submitting an application to the Department Wildlife Health Lab. (3-29-10)

b. With Department approval, wild-caught raptors, possessed less than two (2) years from date of capture, that have been injured and can no longer be flown for falconry purposes, as determined by a veterinarian or raptor rehabilitator, may be transferred to a Captive Breeding or Propagation Permit. (3-29-10)

04. Release of Birds. No raptor shall be permanently released into the wild without prior Department approval. (3-29-10)

05. Reporting Requirements. A Form 3-186A shall be completed and electronically submitted into the United States Fish and Wildlife Service electronic records data base at <http://permits.fws.gov/186A>, or a hard copy thereof, shall be completed and submitted to the appropriate Department Regional Office within five (5) days when any raptor is acquired, captured (including captures of already banded or telemetry equipped birds), re-captured, transferred, lost, escaped, stolen, released, banded, re-banded, micro-chipped or deceased. (3-29-10)

401. -- 499. (RESERVED).

500. FALCONRY HUNTING SEASONS, BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, possession limits and restrictions for take by proclamation for upland game birds, upland game animals, migratory game birds, unprotected and predatory wildlife. The proclamations are published in brochures available at Department offices and through license vendors. (3-29-10)

501. -- 599. (RESERVED).

600. TRAINING RAPTORS USING ARTIFICIALLY PROPAGATED GAME BIRDS.

01. Permit Required. A valid Idaho Falconry Training Permit is required before any person is authorized to possess, release, or use artificially propagated game birds for purposes of training raptors in the field. Training permits shall be issued at a fee set forth under 36-416, Idaho Code, currently a free permit, and are available to residents, non-residents and visitors, and all hunting license requirements apply. (3-29-10)

02. Permits Valid. Permits shall be valid two (2) years from date of issuance. (3-29-10)

03. Establishing Limitations and Guidelines. In addition to the rules set forth, the Director is authorized to establish limitations and guidelines as to dates, locations, and conditions whereupon permits may be issued allowing the party or parties listed thereon to use, release and kill game birds obtained from a private domestic source for the purpose of field training raptors. (3-29-10)

04. Raptor Field Training, Conditions of Use. Raptor field training with a valid Idaho Falconry Training Permit and the use of artificially propagated game birds is lawful when the following conditions are met: (3-29-10)

a. The owner of the raptor(s) being trained possesses a valid Idaho Falconry Training Permit, or another state, country, territory or federal Falconry Permit. (3-29-10)

b. An Idaho Falconry Training Permit and required falconry permit(s) are carried in the field and available for Department inspection at the training site. (3-29-10)

c. Artificially propagated game birds used for training purposes are certified disease free under the standards set forth by the National Poultry Improvement Program (NPIP). (3-29-10)

d. Proof of lawful game bird origin is available for inspection. (3-29-10)

e. Permit holder complies with all additional stipulations outlined on the permit at time of issuance. (3-29-10)

601. -- 699. (RESERVED).

700. FALCONRY MEETS, PERMIT REQUIRED, NON-RESIDENTS, NEW U.S. RESIDENTS, AND VISITORS.

Non-residents, new U.S. residents and visitors shall purchase and possess an Idaho Falconry Meet Permit, at a fee set forth under 36-416, Idaho Code, or an appropriate Non-Resident hunting license to fly or hunt any raptor as a participant in any sponsored falconry meet or contest. (3-29-10)

701. -- 799. (RESERVED).

800. PENALTIES.

01. Federal Regulations. All regulations pertaining to raptors as adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act (50 CFR, Parts 21 & 22) are incorporated herein by reference and shall have full force and effect as state rules, with additional state restrictions and applicability to raptors not listed in 50 CFR Part 10.13, as herein set forth. (3-29-10)

02. Conviction of Violation. Conviction of a violation of these rules or federal regulations pertaining to falconry may be grounds for revocation of an Idaho falconry permit or denial of any pending applications for an Idaho falconry permit. 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. (3-29-10)

801. -- 999. (RESERVED).

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