

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

Wildlife Bureau

13.01.14 – Rules Governing Falconry

Who does these rules apply to?

These rules apply to individuals who may engage in falconry activities. Falconry activities generally require one or more permits from the Department or federal authorities.

What is the purpose of these rules?

These rules establish a falconry program and describe permits required, possession, importation and sale of raptors, raptor eggs and raptor semen. These rules also establish approved species, wild capture, limits, permits, hacking, rehabilitation, raptor banding, radio transmitters required, transfers, reporting and release, inspection of raptors, facilities, possession requirements and record keeping. Because falconry activities are generally federally regulated under the Migratory Bird Treaty Act, a purpose of these rules is to meet federal requirements authorizing state regulation to better serve the specific needs of Idaho falconers.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Fish and Game -

Fish and Game Commission:

- [Section 36-104, Idaho Code](#) – General Powers and Duties of Commission

Licenses to Hunt, Fish and Trap:

- [Section 36-409, Idaho Code](#) – Game Tags – Permits – Fees – Penalty

Protection of Animals and Birds:

- [Section 36-1102, Idaho Code](#) – Protection of Birds

Who do I contact for more information on this rule?

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13.01.14 – RULES GOVERNING FALCONRY

000. LEGAL AUTHORITY.

Sections 36-104 (b), 36-409, and 36-1102, Idaho Code.

(4-6-23)

001. SCOPE.

These rules establish a falconry program in the state of Idaho for federal certification.

(4-6-23)

002. INCORPORATION BY REFERENCE.

The code of federal regulations, title 50, part 21, sections 21.76, 21.82, and 21.85 (effective July 1, 2022) are incorporated by reference, and are available at: <https://ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21>.

(4-6-23)

003. – 009. (RESERVED)

010. DEFINITIONS.

01. Captive-Bred. Raised in captivity from eggs laid by captive raptors.

(4-6-23)

02. Falconry. Capturing, possessing, caring for, transporting, training, or using raptors to take wild or artificially propagated animals as recreation.

(4-6-23)

03. Immature Raptor. A raptor that is less than one (1) year old.

(4-6-23)

04. New U.S. Resident. Any person who has moved legally into the United States or a recognized U.S. Territory to reside.

(4-6-23)

05. Non-Resident. Any person who does not qualify as an Idaho resident under Section 36-202(s), Idaho Code.

(4-6-23)

06. Raptor. Any bird in the Order Falconiformes or Strigiformes.

(4-6-23)

07. Transfer. To import, export, transport, convey, deliver, loan, gift, give, barter, or sell a raptor or raptor parts or any permit from one person, place, or situation to another.

(4-6-23)

08. Visitor. Any person not residing in the United States or a recognized territory, and who is temporarily in the U.S. as a visitor.

(4-6-23)

09. Wild-Caught. Bird originally captured from the wild, no matter how long held in captivity.

(4-6-23)

011. – 099. (RESERVED)

100. MIGRATORY BIRD TREATY ACT AND REGULATIONS.

As provided by Section 36-1102, Idaho Code, no person may take or possess any migratory birds, including raptors, except as provided by the Migratory Bird Treaty Act and implementing regulations (including 50 CFR, Parts 21 and 22), and in accordance with related rules and proclamations promulgated by the Commission. Falconry must comply with 50 CFR 21.82 (Falconry Standards and Falconry Permitting), 50 CFR 21.85 (Raptor Propagation Permits), and 21.76 (Rehabilitation permits); these federal regulations apply to falconry, even when this chapter 13.01.14 does not address the activity or when this chapter is construed as less restrictive.

(4-6-23)

101. TAKING WILDLIFE BY FALCONRY.

Idaho and federal laws regulating taking of wildlife, including possession of appropriate licenses, tags, permits, stamps, and validations; seasons and limits; and possession of wildlife apply to any species taken by falconry.

(4-6-23)

102. FALCONRY PERMIT.

01. Falconry Permit. No person may possess, capture, or transfer, any raptor for the purpose of falconry, or use a raptor for taking other wildlife, unless that person has an Idaho Falconry Permit. Idaho Falconry Permits are not transferable to another person.

(4-6-23)

02. Permit Classification. Three (3) classes of Idaho Falconry Permit are available: Apprentice,

General, and Master. Only holders of Master Falconry permits are eligible to obtain Eagle Falconry or Peregrine Capture permits. Permits may be obtained by completing application on a form prescribed by the Department. Permit issuance is subject to the Department's verification the applicant meets federal age, experience, and other prerequisites for the respective permit class. Passage of the Idaho Falconry Examination administered by the Department by a score of at least eighty percent (80%) is a permit prerequisite for persons who have not held an Idaho falconry permit or equivalent authorization within the past five (5) years, or who are a new U.S. resident or visitor. The numbers and species authorized for possession by each class of Idaho Falconry Permit are subject to federal restrictions. (4-6-23)

03. Exemption for Temporary Use. Nonresident falconers who do not intend to become Idaho residents, who have valid authorization from a federal, tribal, or another state, territory, or country's agency equivalent to an Idaho Falconry or federal Raptor Propagation Permit, may temporarily import from another state, possess, or transport raptor(s) listed under such authorization: (4-6-23)

a. For not more than thirty (30) days in a calendar year, without purchasing an Idaho Falconry Permit. (4-6-23)

b. For more than thirty (30) days in a calendar year, provided they have passed the Idaho Falconry Examination administered by the Department within the past five (5) years with a score of at least eighty percent (80%) and obtain a Temporary Idaho Falconry Permit (which is valid for up to four (4) months, and may be renewed). (4-6-23)

04. Falconers Moving to Idaho. Any nonresident falconer moving into Idaho who intends to become an Idaho resident must: obtain an Idaho Falconry Permit within thirty (30) days of such move; provide signed verification of intent to become an Idaho resident; and surrender any equivalent permit issued by another state. The Department will determine the appropriate class of Idaho Falconry Permit equivalent to the non-Idaho authorization held by the falconer, based on the documentation provided in the permit application. (4-6-23)

103. INTERNATIONAL IMPORT.

No person may import into Idaho a raptor originating from a foreign country without first obtaining an Idaho Wildlife Import Permit, and complying with federal laws for raptor importation or pet passports under the Conference on International Trade in Endangered Species. (4-6-23)

104. – 149. (RESERVED)

150. CAPTURE OF WILD RAPTORS.

01. Capture Permits. No person may capture a raptor from the wild unless that person has a valid Idaho Falconry Permit; or is a nonresident who has both: an equivalent falconry authorization from a federal, state, territorial, or tribal authority; and an Idaho Nonresident Falconry Capture Permit (valid on a calendar year basis). (4-6-23)

02. Approved Species and Limitations. The Commission, pursuant to Section 36-105 (3), Idaho Code, may establish seasons, geographic areas, and limits for capture of wild raptors by proclamation, including limitations on permits available to nonresidents. (4-6-23)

a. No person may capture or possess any wild-caught bald or golden eagle, any raptor classified under federal or state law as threatened or endangered, or any peregrine falcon without obtaining an individual species-specific capture/possession permit from the Department in addition to complying with federal permit regulations and limits. Bald eagles may not be used for falconry. (4-6-23)

b. Subject to federal restrictions for the holder's permit class, an Idaho Falconry Permit authorizes the holder to capture (with subsequent possession) not more than a total of two (2) wild raptors each calendar year, which may be adult American kestrels or great horned owls; or immature raptors of species that are not referenced in the preceding Subsection 02.a. or that are otherwise closed or limited by Commission proclamation. (4-6-23)

c. Non-resident falconers intending to capture any wild Idaho raptor using authorization from a non-

Idaho Falconry Permit/Authorization are eligible to purchase only one (1) Nonresident Falconry Capture Permit for each calendar year and are authorized to only capture and possess the species of raptor specified on the permit.

(4-6-23)

d. A nonresident who successfully captures a raptor for intended removal from Idaho must notify the Department Regional Office of the capture location before transporting the raptor out of Idaho, not later than ten (10) days after capture.

(4-6-23)

03. Approved Capture Dates.

(4-6-23)

a. Immature raptors open to capture may be captured year-round.

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b. American kestrels and great-horned owls that are one (1) year of age or older are only open to capture from August 1 through the last day of February.

(4-6-23)

151. – 159. (RESERVED)

160. CAPTIVE PROPAGATION PERMIT.

No person may propagate raptors in captivity, or take, possess, or transfer any raptor, raptor egg, or raptor semen for propagation purposes without a valid federal Raptor Propagation Permit. Holders of a federal Raptor Propagation Permit may only sell, purchase and barter raptor eggs and semen produced and originating from raptor propagation or captive breeding programs under valid permit.

(4-6-23)

161. TRANSFER OR SALE.

01. **Lawfully Obtained.** No person may sell, purchase, or barter any raptor or parts thereof, or possess raptors or parts unless the bird or parts have been lawfully obtained.

(4-6-23)

02. **Captive-bred.** Only live captive-bred raptors banded or micro-chipped in compliance with Section 400 of this rule and 50 CFR 21.82 may be sold, purchased or bartered. Any party to the transaction must hold a valid state, federal, tribal, territory or another country's Falconry or Raptor Propagation Permit.

(4-6-23)

03. Transfers.

(4-6-23)

a. Resident falconers/captive breeders may not transfer any raptor wild-caught in Idaho to a nonresident unless they obtain an Idaho Wildlife Export Permit from the Department.

(4-6-23)

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 federal Raptor Propagation Permit.

(4-6-23)

04. **Temporary Care.** An authorized person may temporarily care for the raptor of another in compliance with federal regulations.

(4-6-23)

162. – 199. (RESERVED)

200. FACILITIES AND INSPECTIONS.

01. **Appropriate Holding Facilities.** No person may begin possession of any raptor(s) under authority of an Idaho Falconry Permit or Propagation Permit unless the Department has inspected holding facilities and equipment to verify compliance with federal (50 CFR 21.82) and Idaho standards. Appropriate facilities may be indoor, including a personal residence, outdoor falconry facilities, or a combination of both. Persons changing the location of raptor holding facilities to any physical address other than that recorded on the Falconry permit must notify the Department before or within five (5) business days of any such move.

(4-6-23)

02. **Temporary Housing.** The Department has discretion to authorize temporary housing for not more than one hundred twenty (120) days.

(4-6-23)

03. Inspections. All raptors, facilities, equipment, falconry, and captive propagation records are subject to reasonable inspection during business hours in the presence of the permit holder or facility owner, or as arranged with the permit holder. (4-6-23)

201. – 299. (RESERVED)

300. RAPTOR HACKING AND REHABILITATION.

01. Hacking. Idaho Falconry Permits authorize the holder to conduct hacking, subject to federal laws and landowner permission. (4-6-23)

02. Rehabilitation. Persons with valid General or Master Falconry permits may assist the Department, or Department-licensed raptor rehabilitators, with rehabilitation activities, provided the taking of any raptor into possession for rehabilitative conditioning or training is pre-approved by the appropriate Department Regional Office. (4-6-23)

301. – 349. (RESERVED)

350. EXEMPTION FROM RELEASE RESTRICTIONS.

Permanent release of wild-caught raptors of species native to Idaho by Idaho Falconry permit holders complying with 50 CFR are exempt from release restrictions of IDAPA 13.01.10.200, "Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife." (4-6-23)

351. – 399. (RESERVED)

400. RAPTOR BANDING AND RADIO-TRANSMITTERS.

Falconers and captive breeders must use bands, microchips, or radio-transmitters, singly or in combination, that comply with federal regulations (50 CFR 21.82) for any raptor possessed. (4-6-23)

401. – 499. (RESERVED)

500. REPORTING.

A person owning or otherwise responsible for a raptor must complete and submit a Form 3-186A (federal Migratory Bird Acquisition and Disposition Form) into the United States Fish and Wildlife Service electronic records database not later than ten (10) days after any raptor is acquired, captured, re-captured, transferred, lost, escaped, stolen, released, banded, re-banded, micro-chipped, or deceased. (4-6-23)

501. – 599. (RESERVED)

600. TRAINING WITH CAPTIVELY PROPAGATED GAME BIRDS.

IDAPA 13.01.10.500, "Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife," applies to anyone who possesses, releases, or uses artificially propagated game birds for field training raptors. (4-6-23)

601. – 799. (RESERVED)

800. REVOCATION.

In addition to penalties set forth in Chapter 14, Title 36, conviction of a violation of these rules is grounds for revocation of an Idaho falconry permit or denial of any pending applications for an Idaho falconry permit, and corresponding seizure of raptor(s) identified in the permit. (4-6-23)

801. – 999. (RESERVED)