STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH AND WILDLIFE

RI FALCONRY REGULATIONS FOR THE ~~2013 – 2014~~ 2014 - 2015 SEASON

~~September 13, 2013~~
July 30, 2014 / AS

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1 "DEM", 42-17.6, 42-35 Administrative Procedures Act, and §§ 20-1-4; 20-1-12; 20-1-13; of the Rhode Island General Laws of 1956, as amended.

State of Rhode Island and Providence Plantations
Department of Environmental Management
Division of Fish and Wildlife

RI Falconry Regulations for the ~~2013 – 2014~~ 2014 – 2015 Season

TABLE OF CONTENTS

RULE 1: PURPOSE……..3

RULE 2: AUTHORITY ……3

RULE 3: BACKGROUND……... 3

RULE 4: APPLICATION……. 3

RULE 5: SEVERABILITY……...3

RULE 6: SUPERSEDED RULES AND REGULATIONS……..4

RULE 7: DEFINITIONS……...4

RULE 8: VIOLATIONS……6

RULE 9: APPEAL AND HEARING PROCEDURES…….7

RULE 10: CONFORMANCE WITH FEDERAL RULES AND REGULATIONS..7

RULE 11: REGULATIONS……7-27

RULE 12: EFFECTIVE DATE……...28

State of Rhode Island and Providence Plantations
Department of Environmental Management
Division of Fish and Wildlife

RI Falconry Regulations for the ~~2013 – 2014~~ 2014 – 2015 Season

RULE 1 PURPOSE

The purpose of these rules and regulations is to establish regulations for the practice of falconry in the State of Rhode Island.

RULE 2 AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42-17.1, "DEM", 42-17.6, 42-35 Administrative Procedures Act, and §§ 20-1-4; 20-1-12; 20-1-13; of the Rhode Island General Laws of 1956, as amended.

RULE 3 BACKGROUND

Raptors are highly regulated species under various International, National, and State Agreements, Laws, and Regulations. In the United States, the U.S. Fish and Wildlife Service (the "Service") has been delegated authority for the protection of raptors.

As raptors are used for the sport of "Falconry" the Service has exercised its obligation under the law, through strict regulations. A dual State/Federal permitting system has been in place since implementation of Federal regulations governing falconry in 1995.

Beginning January 1, 2014, the Service will discontinue issuing permits for individuals to possess raptors in order to engage in "Falconry" but will continue to enforce its oversight and enforcement responsibilities through individual State falconry programs, provided the State programs have met Federal approval.

The following revised **Rhode Island Falconry Regulations** were reviewed and certified by the U.S. Fish and Wildlife Service on (**APPROVAL DATE**) as meeting the revised federal standards. In many instances these regulations are more restrictive than federal regulations.

RULE 4 APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

RULE 5 SEVERABILITY

If any provisions of these Rules and Regulations, or application thereof to any person or circumstances, are held invalid by a court of competent

jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 6 SUPERSEDED RULES AND REGULATIONS

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of RIGL Sections 20-1-4, 20-1-12, 20-1-13, and in accordance with Chapter 42-35 Administrative Procedures Act shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

RULE 7 DEFINITIONS

(a) **Anklet(s)** – The leather strap which goes around the bird's leg. The jesses are attached to this. Sometimes also called a bracelet.

(b) **Bal-chatri trap** – a hemispherical cage on which many nooses are tied and which is baited with a bird or mammal and placed in view of a wild raptor.

(c) **Bow net trap** – a circular hoop hinged in the middle and covered with netting which is usually attached to the ground so one side can swing freely.

(d) **Captive Bred** – refers to raptors (including eggs) raised in captivity and which are imprinted to humans.

(e) **Department** – means the Department of Environmental Management

(f) **Director** – means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents.

(g) **Dho-gazza trap -** a square or rectangular net of various dimensions suspended vertically next to a bait.

(h) **Eyass -** a young raptor not yet capable of flight.

(i) **Falconer -** a person who engages in the sport of falconry

(j) **Falconry** – the sport of taking, or attempting to take wild quarry in its natural state and habitat by means of a trained raptor and includes all associated acts including, but not limited to the act(s) of capturing, transporting, training, housing, caring for and maintaining (a) raptor(s) held for falconry. It shall also include the secondary practice of using a raptor for conducting conservation and education programs for the general public.

(k) **Falconry License** – issued by the Director in recognition of an individual's attainment of a "Class" of falconer, and therefore the

privilege to take, possess, train, care for, maintain, and/or transport certain eagles, hawks, owls, and/or falcons, and hybrids thereof, for falconry purposes.

(l) **Falconry Special Purpose Permit** – issued by the Director to allow a licensed falconer to *take* certain hawks, owls, and/or falcons-from the wild.

(m) **Hacking** – the temporary release of a raptor held for falconry to the wild so that it must survive on its own.

(n) **Harness trap** – a light leather or cloth saddle covered with nooses which is placed on tethered bait.

(o) **Hood** - the leather head covering used on hawks and falcons.

(p) **Hybrid** – ~~a raptor that is the offspring of species that are listed as distinct species in~~ any bird that results from a cross of genetic material between two separate taxa when one or both are included in the list of migratory birds at 50 CFR Section 10.13, and any progeny of those birds. ~~or offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 CFR. Section 10.~~13.

(q) **Imping** – the process of grafting new feathers onto the wing or tail of a bird to repair damage or to increase flying capacity.

(r) **Import** – to bring a raptor into the State and house for more than 30 days per calendar year (need not be consecutive).

(s) **Imprint** – a bird that is hand-raised in isolation from the sight of other raptors from 2 weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

(t) **Indigenous** – those species occurring naturally, either presently or historically within the boundaries of the State of Rhode Island.

(u) **Jesses** - leather strips which go through the anklets so the falconer can hold the bird or attach the leash.

(v) **Leash** - attaches the bird to the perch or falconer's glove.

(w) **Lure** - A fake quarry used to train a bird.

(x) **Mews and Weathering Facilities** – are for housing raptors. Mews are indoor facilities; a weathering facility would be outdoors.

(y) **Pigeon Harness** - a rig which fits snugly around a live bird allowing for complete freedom of movement including flight or total immobilization.

(z) **Possess/possession** – the exercise of dominion or control over a raptor starting when the decision is made not to immediately return the raptor to the immediate vicinity from which it was taken, and lasting up until the raptor's ultimate disposition. The short-term handling, such as letting another hold or practice flying a raptor possessed by a licensed falconer is not considered "possession" if the falconer is present and the person is under the falconer's supervision.

(aa) **Raptor** – a live migratory bird of the order Falconiformes, Strigiformes, Accipitriformes, or listed in CFR 50 10.13. This includes the Bald Eagle (*Haliaeetus leucocephalus)*, the Golden eagle (*Aquila chrysaetos)*, and the Osprey (*Pandion haliaetus)*.

(bb) **Swedish goshawk trap** – a humane, predator-safe, stationary box trap.

(cc) **Take** – to trap or capture, or attempt to trap or capture.

(dd) **Wild** – means any raptor taken from the wild at any stage of its life. Once a raptor is taken from the wild it shall always be considered "wild" and treated accordingly.

RULE 8 VIOLATIONS

Any violation pursuant to the provisions of Title 20 of the General Laws of Rhode Island or the rules and regulations herein may be cause for imposing penalties in accordance with the provisions of the above mentioned statute, as well as revocation of an existing falconry license and/or permit. In addition, upon a determination that the licensee/permittee is or has been in violation of the requirements of the subject license/permit or that the applicant has submitted inaccurate information with respect to the application for such license/permit, the Director may deny, revoke, or suspend (an) existing license/permit(s) issued pursuant to these regulations.

Any wild, captive-bred, or hybrid raptor possessed in violation of the provisions of these or other state or federal regulations shall be considered contraband and shall be seized by the Department or federal law enforcement personnel. Any such animal that poses a threat to public safety may be confiscated by the Department or federal law enforcement agency. If any raptor that is confiscated cannot be safely confined, or if it is severely ill, debilitated or injured, it may be transferred to an authorized individual, or otherwise disposed of in accordance with CFR 50 parts 21 and 22. The carcass or any part thereof may be held as evidence or discarded at the sole discretion of the Department. The Department shall hold the raptor or carcass until criminal and/or administrative proceedings have been completed. The person possessing any such confiscated raptor shall pay the costs of board, feed, veterinary care, and transport for any such confiscated raptor until such time as the criminal or administrative proceedings have been completed.

If the raptor is judged to be possessed in violation of any provisions of these regulations, the Department shall make reasonable attempt to find suitable placement of the raptor that meets the requirements of these regulations. If suitable placement is not found, the raptor may then be euthanized, or if suitable, released to the wild.

In cases in which one or more licenses or permits are suspended or revoked, the Director may impose a period of probation and/or reinstate the licenses or permits with conditions.

RULE 9 APPEAL AND HEARING PRODECURES

OPPORTUNITY for Hearing

A. Denials -- Any person whose application for a falconry license/permit, or license/permit renewal, or other approval has been denied, revoked, or suspended by the Department, may appeal to the Office of Administrative Adjudication for review of the decision on which the denial, revocation, or suspension, is based.

B. Violations -- Any person who has been issued a notice of violation of any of the provisions of these rules, may request a hearing from the Office of Administrative Adjudication, subject to the provisions of R.I.G.L. 42-17.1-2(u).

C. Hearings and Administrative Procedure -- Pursuant to the authority granted to the Department in Chapter 42-177-9.

1. Any person who seeks an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said request in writing with the clerk of the Office of Administrative Adjudication, One Capitol Hill, Second Floor, Providence, Rhode Island, 02908 within twenty (20) days of receipt of the contested agency enforcement action.

2. Any person who seeks an adjudicatory hearing relative to the denial, revocation, or suspension of (a) license/permit(s) arising under these rules and regulations must file said request in writing with the clerk of the Office of Administrative Adjudication Division One Capitol Hill, Second Floor, Providence, Rhode Island, 02908 within thirty (30) calendar days of receipt of the contested agency action.

RULE 10 CONFORMANCE WITH FEDERAL RULES AND REGULATIONS

Code of Federal Regulations 50 CFR Parts 21 and 22, as amended regulate activities not specifically addressed herein.

RULE 11 REGULATIONS

As follows:

State of Rhode Island
Department of Environmental Management
DIVISION OF FISH AND WILDLIFE

RI Falconry Regulations for the ~~2013 – 2014~~ 2014 – 2015 Season

1. Any person who wishes to engage in falconry in Rhode Island Shall possess a valid Falconer's license (or equivalent) and/or permit issued by the Director of the Department of Environmental Management or his or her designee, he duly authorized agent of another State with a Federally recognized falconry program, or the Federal Government.

2. All Falconers must also comply with Chapter 50 of the Code of Federal Regulations, Parts 21 "Migratory Bird Permits" (50CFR21.28), and 21.29 "Falconry Standards and Permitting" (50CFR21.29) as well as the Falconry daily bag and possession limits for all permitted migratory game birds as published in 50 CFR Part 20 Migratory Bird Hunting; final frameworks for early-season migratory bird hunting, final rule, promulgated annually by the U.S. Department of the Interior.

3. Additional State/Federal regulations, separate and apart from these, may apply for other purposes involving raptors including, but not limited to, importation, propagation, commercial abatement, environmental education, and for State/Federally permitted/certified Rehabilitators, Zoos, and Research Facilities.

4. The general public rarely has the opportunity to see raptors in close proximity, if at all. Falconers can serve a role in educating the public about raptor biology, ecological roles, and conservation needs of raptors as well as other migratory birds. Therefore, the conservation education use of raptors primarily kept for falconry purposes is warranted.

5. A falconer who possesses raptors before the enactment of these regulations in excess of the number allowed under his or her license class/permit shall be allowed to retain the extra raptors. All such birds shall be identified with markers issued by the U.S. Fish and Wildlife Service through the Department and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the licensee.

6. GENERAL

6.1 With a valid *Falconry License* the licensee may "take" (with a *Special Purpose* permit), "possess" and transport raptors for purposes which he or she is licensed and permitted, such as for hunting or training, when obtaining veterinary care for the raptor, when transferring the raptor to

another qualifying recipient, when transporting the raptor(s) to or from field meets, to or from environmental education programs, or transporting them to the mews or weathering facility after being taken from the wild.

6.2 In addition to a valid Falconry License, a Department issued "*Special Purpose*-Permit to Capture" is required before a licensed Falconer, resident or non-resident, attempts to "take" a falcon in Rhode Island.

6.3 When flying the raptor a field during an established hunting season, a valid Rhode Island hunting license (resident or non-resident as appropriate) and any season/quarry specific tag(s)/permit(s) is required.

6.4 Falconers must have in their possession all required licenses and permits or copies thereof when engaged in falconry activities.

6.5 A person who holds a valid falconer's license/permit may fly his or her raptor(s) over private lands in Rhode Island outside established hunting seasons without need for additional permits, if the flight is for training, or is part of an established field meet or a conservation education program.

6.6 Imported raptors are subject to the Department's "Rules and Regulations Governing the Importation and Possession of Native Wildlife."

6.7 Licenses/permits issued by other States, Tribes, or Territories to non-resident falconers who become residents of the State of Rhode Island, will only be valid in Rhode Island for a period of 60 days following the date the license/permittee becomes domiciled here.

6.8 A new resident of Rhode Island may immediately apply for a Rhode Island Falconer's license for the class of license he or she previously held, but before the license will be issued the applicant must first demonstrate that he or she is in compliance with the rules and regulations applicable to RI resident Falconers.

6.9 Costs for the care, treatment and rehabilitation of a wild raptor injured during an attempted "take" by a falconer, or due to the seizure of the raptor by the Director, shall be the responsibility of the falconer.

6.10 All documentation required shall be submitted on forms, and in a manner and format specified by the Director.

6.11 All Apprentice Falconers must complete the *Apprenticeship Training Program* before applying for a General Falconer's class of license.

7. APPRENTICESHIP TRAINING PROGRAM

7.1 The goal of this program shall be:

7.1.1 For the Apprentice-to learn about the husbandry, care, and training of raptors possessed for falconry through hands-on experience.

7.1.2 For the Apprentice to learn about relevant wildlife laws and regulations, and;

7.1.3 To prepare the Apprentice for the ethical and responsible use of a wild species for a human use.

7.2 REQUIREMENTS

7.2.1 The apprenticeship program shall require the apprentice to safely capture, house, maintain, train, and actively pursue and capture quarry with his or her raptor.

7.2.2 An Apprentice shall be required to maintain a detailed log book and record:

7.2.2.1 the amount of food consumed by his or her raptor,

7.2.2.2 the weight of his or her raptor, each time it is taken,

7.2.2.3 general information related to the raptor's health and well being.

7.2.3 An Apprentice must be able to make a lure, jesses, a leash, anklet, and a pigeon harness.

7.2.4 Before applying to upgrade to a General Falconer Class of license, the Apprentice falconer must hunt with his or her raptor no less than 10 times a season, and for a minimum of two seasons; longer if, in the opinion of the sponsor, the Apprentice needs additional experience.

7.2.5 The raptor flown by the Apprentice must take quarry. Quarry taken shall be reported on the Rhode Island *Falconer's Annual Activity Report.*

7.3 An Apprentice whose sponsor terminates his sponsorship role, will be required to find a new sponsor within 60 days, or transfer his or her raptor as directed by the Director.

7.4 At any time an Apprentice may submit a written request to the Director for a change of sponsor. The request shall describe the reasons or circumstances for the request and the name and address of the new

sponsor. Upon authorization from the Director, the Apprentice may continue falconry activities with the new sponsor.

7.5 An Apprentice applicant **must** read and agree to the provisions of 50 CFR 13, 21, and 22.

8. APPRENTICE SPONSORSHIP REQUIREMENTS

8.1 Any person who would like to sponsor an Apprentice class falconer shall certify to the Director in writing that:

8.1.1 He or she possesses a valid falconry license as a Master class falconer, or if a General class falconer, that he or she has held for a minimum of three years.

8.1.2 He or she has not been convicted of violating any Federal or State Fish or Game laws, within the preceding 5 years.

8.2 The sponsor shall:

8.2.1 Act as a source of information and advice to the apprentice.

8.2.2 Annually, provide a minimum of 20 hours of direct supervision, including at least **5** hunts.

8.2.3 Oversee the care, maintenance, and training of the Apprentice's raptor.

8.2.4 Reside within 100 miles of the Apprentice.

8.3 The sponsor must notify the Director in writing within 10 days of termination of the sponsorship, with an explanation of the reasons why.

9. HOUSING AND EQUIPMENT STANDARDS

All applicants for a Rhode Island Falconer's license must first possess the following before a License/permit will be issued:

9.1 Housing – The primary consideration for raptor housing facilities is protection from the environment, predators, domestic animals, and undue disturbance. The University of Minnesota Raptor Center's "*Raptors in Captivity: Guidelines for Care and Management*" (2007) is an excellent source of information for the standard of care expected of Rhode Island Falconers.

9.1.1 For housing raptors indoors or outdoors the facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for the raptors inside.

9.1.2 You may house un-tethered raptors together if they are compatible with each other.

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

9.1.4 Each raptor must have a pan of clean water available.

9.1.5 Winter-indoor facilities (mews other seasons optional) shall be large enough to allow easy access for caring for the raptor housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the head of the smallest bird to be housed, and a secure escape proof door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Perch/perches shall be provided.

9.1.6 Spring-summer-fall outdoor facilities (weathering area) must be totally enclosed and may be made of heavy-gauge wire, slats, pipe, wood, or other suitable material. The facility must be covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird.

9.1.7 Hybrid mews/weathering facilities that substantially address the intent of the standard of care described above may be acceptable.

9.1.8 Significant changes to previously inspected facilities must be reported to the Director when they are completed.

9.1.9 You may keep falconry raptors outdoors in the open if they are under watch, such as by you or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

9.1.10 Facilities shall be kept at or above the preceding standards at all times.

9.2 EQUIPMENT

9.2.1 Jesses - At least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1-piece jesses may be used on raptors when not being flown. Slit less hunting jesses, or no jesses, are recommended for use on all raptors being flown free.)

9.2.2 A supply of leather and grommets along with grommet setters, a leather punch and cutting tools.

9.2.3 Bells appropriate for the raptor.

9.2.4 Leashes and swivels – At least 1 flexible, weather-resistant leash and strong swivel of acceptable falconry design.

9.2.5 Bath Container – At least 1 suitable container; 2 to 6 inches deep and wider than the length of the raptor for drinking and bathing for each raptor.

9.2.6 Outdoor perches – At least one weathering area perch of an acceptable design shall be provided for each raptor.

9.2.7 Weighing device – A reliable scale or balance suitable for weighing the raptor(s) held, and graduated to increments of not more than 1/2 ounce (14 grams) and containing either a solid perch or artificial turf covering.

9.2.8 Leather glove or gauntlet – at least one of suitable size.

9.2.9 Hood – suitable for the species to be possessed.

9.2.10 Lure

9.3 Enclosure for Transportation – At all times a raptor shall be transported in a manner which protects it. Other than when transporting a raptor directly from when it was taken to the falconer's mews, an enclosure that provides protection from extreme temperatures and excessive disturbance, and is equipped with one perch is required. The enclosure shall be at least 3" taller than the height of the raptor while perched, shall allow for easy entry and removal to minimize stress, and shall have adequate ventilation.

10. CONSERVATION EDUCATION

10.1 As a guide falconer's shall use The Raptor Center's "Care and Management of Captive Raptors", and as a companion document "Introduction to Wildlife Education Programming" when using any raptor for education programs.

10.2 Raptors used for educational purposes must be kept primarily for hunting; they may not be held under a falconry permit if they are to be used primarily for conservation education purposes.

10.3 An Apprentice falconer may present conservation education programs and use a raptor he or she possesses if he or she is under the direct supervision of a General or Master Falconer when presenting the program.

10.4 At no time shall raptors used in such programs come into physical contact with members of the audience or the general public.

10.5 The programs must be open to the public.

10.6 A falconer may not charge a fee greater than the reasonable costs incurred to present the program.

11. PROPAGATION/SALES

11.1 A General class falconer with three year's experience or a Master class falconer may use suitable raptors he or she possesses in an approved raptor propagation program. The raptors do not need to be transferred from the falconer's falconry permit if they are used in propagation for less than 6 months per year.

11.2 The Falconer must also possess a Federal Raptor Propagation Permit.

11.3 Falconers who breed raptors must comply with Chapter 20-17 of the General Laws of Rhode Island, and with 50 CFR 21.29 and 21.30.

11.4 A falconer may transfer a raptor taken from the wild under a falconry permit to a propagation program only after the raptor has been used in falconry for at least two years.

11.5 Live offspring of captive-bred raptors shall be allowed to be sold for retail in accordance with Rhode Island General Law Chapter 20, Section 17.

11.6 Accurate records of breeding and sales records shall be maintained and reported to the Director, and to the USFWS annually at the same time that other Falconry reports are due.

11.7 You may not purchase, sell, trade, or barter wild raptors; they may only be transferred to an authorized person.

12. REHABILITATION

12.1 A General class falconer with three year's experience or a Master class falconer may assist Federal- and State-permitted migratory bird rehabilitators in conditioning of raptors for permanent release to the wild. A falconer may work with a rehabilitator without being a sub-permittee of the rehabilitator.

12.2 Raptors held under this section do not count towards the falconer's possession limit. Under this section a falconer is still limited to the species of raptors he or she is allowed to possess under his or her license class.

12.3 Raptors kept under this section may be held up to 180 days after which they must be released to the wild. A raptor not capable of surviving in the wild may be transferred to a person authorized and able to possess it, or it may be turned over to the Director.

12.4 A falconer who assists a permitted Rehabilitator in rehabilitating raptors shall annually report to the Director a description of the treatment, care, and disposition of all birds maintained during the reporting period.

13. MARKING/BANDING

13.1 Hybrid raptors shall be marked/banded/radio tagged in accordance with the appropriate provisions of CFR 50 Part 21.29 as amended.

13.2 A captive-bred raptor must be marked with a seamless band in accordance with CFR 50 Part 21.30 unless it is exempted by the Fish and Wildlife Service.

14. RELEASE OF BIRDS TO THE WILD

14.1 If a falcon to be released has been previously banded or marked with a non-Federal band, any marker attached shall be removed and surrendered to the Department and if banding is required by Federal law, a standard Federal bird band shall be attached to the falcon by a State or Service authorized bird bander. All other bands and equipment must be removed except that a seamless leg band affixed to a captive bred raptor must not be removed.

14.2 Only native species of *wild* raptors may be released to the wild, and only after being appropriately hacked.

14.3 Raptors may only be released to the wild at an appropriate location and at an appropriate time of year.

14.4 The permanent release of hybrid or captive-bred raptors to the wild is prohibited.

15. INSPECTIONS

15.1 All applicants for a license/permit must allow an on-site inspection by State and/or Federal Wildlife personnel of the facilities and equipment where the raptor(s) will be housed. The on-site inspection requirements may be waived for an applicant whose raptor(s) is/are not housed in Rhode Island but the applicant must provide a valid license/permit allowing the raptor(s) to be housed in the other State, or a signed affidavit from the applicant stating that no such requirement exists.

15.2 Any person holding a falconry license/permit shall allow Department employees to enter his or her premises with prior notice at any reasonable hour, and in the presence of the licensee/permittee, to inspect mews or other raptor housing facilities and raptors possessed by the licensee/permittee, or to inspect, audit, or copy any license/permit, book, or record(s) required to be kept by these or Federal regulations pertaining to falconry.

15.3 This rule shall not preclude inspection of facilities without notice for suspected violations.

15.4 Re-inspection of facilities may be required of facilities of a falconer whose license has lapsed for more than two years.

15.5 The Facilities Inspection fee only applies to the initial inspection, re-inspections, or after significant upgrades to the facilities are made. It does *not* apply to routine inspections carried out by the Director or the Director's designee.

16. REPORTING REQUIREMENTS

16.1 Licensed falconers shall maintain complete and accurate records by species, sex and age of all raptors taken, acquired, possessed, transferred, lost, or otherwise disposed of in accordance with these regulations.

16.2 No licensee may take, possess, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless said licensee reports these activities within five calendar days of any such activity through submittal of an electronic form 3-186A (Migratory Bird Acquisition/Disposition Report), entered into the USFWS electronic reporting system at http://permits.fws.gov/186A with a copy sent to the Director, Rhode Island Department of Environmental Management.

16.3 Any falconer who loses a raptor through death, destruction, or escape, must report these activities within five calendar days of any such activity through submittal of an electronic form 3-186A (Migratory Bird Acquisition/Disposition Report), entered into the USFWS electronic reporting system at http://permits.fws.gov/186A, with a copy sent to the Director, Rhode Island Department of Environmental Management.

16.4 All Rhode Island Licensed Falconers shall submit on or before March 31st of each year, a *Rhode Island Annual Falconry Activity report* to the Department of Environmental Management's Division of Fish and Wildlife containing the following information:

16.4.1 A list of all raptors that are in his/or her possession as of December 31st, by species, marker numbers, sex (if known), age (if known), and date and where or from whom acquired, or transferred, sold, or given to, and whether escaped, died, or had been released; and when the escape, death, or release occurred.

16.4.2 A list of all raptors possessed since the previous annual report, but no longer possessed, by species, marker number, sex (if known), age (if known), and date and where or from whom acquired or transferred, sold, or given to, whether escaped, died, or released, and when the event occurred.

16.5 All reports and forms must be retained by the falconer and be readily available for inspection, for a period of five years after the licensee's permit expires.

17. FALCONER LICENSE CLASSES

17.1 There shall be three classes of falconer recognized and licensed in Rhode Island: Apprentice, General, and Master.

17.1.1 **APPRENTICE CLASS LICENSEE:**

17.1.1.1 Shall be 15 years of age or older. Minors require written consent (as evidenced by the co-signature on the application) of a parent or guardian.

17.1.1.2 Shall be required to complete an apprenticeship program supervised by a licensed General or Master class falconer before applying to become a General Falconer.

17.1.1.3 A minor must provide his or her sponsor a release from liability signed by the minor's parent or legal guardian.

17.1.1.4 May only possess those raptor species and numbers as are allowed in either Table S or Table T below.

17.1.1.5 May not fly or hunt his or her raptor alone until authorized to do so in writing by the sponsor.

17.1.1.6 May not apply for an Upgrade to a General Falconer class of license for a minimum of two (2) years since obtaining his or her Apprentice license.

17.1.2 **GENERAL CLASS LICENSEE**

17.1.2.1 Shall be 18 years of age or older; and shall have *at least* two years experience in the practice of falconry at the apprentice level or its equivalent.

17.1.2.2 May only possess those raptor species and numbers as are allowed in either Table S or Table T below.

17.1.2.3 May sponsor no more than two Apprentices no sooner than after three (3) year's experience as a General class falconer.

17.1.2.4 May not apply for an upgrade to a Master Falconer class of license for a *minimum* of five (5) years since obtaining his or her General license.

17.1.3 **MASTER CLASS LICENSEE**

17.1.3.1 Shall be 23 years of age or older and have at least five (5) years experience in the practice of falconry at the General class level, or its equivalent.

17.1.3.2 May only possess those raptor species and numbers as are allowed in either Table S or Table T below.

17.1.3.3 May possess an unlimited number of captive bred raptors. However, the falconer must train and use them to hunt wild game.

17.1.3.4 May substitute Hybrid raptors for wild raptors.

17.1.3.5 May sponsor no more than three licensed apprentices.

17.1.3.6 May accept the temporary transfer of a wild or hybrid raptor even if such transfer raises the number of raptors possessed to more than five (excluding captive bred raptors).

18. SPECIAL PURPOSE PERMITS REQUIRED

18.1 A State of Rhode Island “Special Purpose” permit is required for the following acts associated with the use of raptors:

18.1.1 “Permit to Capture” permit is required prior to the “take” of a raptor from the wild, except in the case of recovering a lost falconry raptor.

18.2 A USFWS Raptor Propagation Permit is required for a Falconer to engage in raptor propagation. Falconers that breed raptors, must also comply with Chapter 20-17 of the General Laws of Rhode Island, 50 CFR 21.27 through 21.30, and must submit copies of annual reports of activities to the Department of Environmental Management's Division of Fish and Wildlife at the same time that Federal reports are required.

19. ALLOWABLE TAKE AND POSSESSION FROM 9/1/2013 – 12/31/2013

Apprentice	
Possession limit	1
Species	Red tailed Hawk (*Buteo jamaicensis)*
Source	Wild caught.†
Take from the wild	Up to 2 annually (one being a replacement)
General	
Possession limit	2
Species	Strigiformes, accipitriformes, and falconiformes, except bald, white-tailed, and golden eagles; Steller's sea-eagle; American swallow-tailed kite; Swainson's and ferruginous hawks; prairie and peregrine falcons; northern harrier; and flammulated, burrowing, or short-eared owls.†
Source	Wild, Hybrid, or Captive-bred.
Take from the wild	Up to 2 annually.†
Master	
Possession limit	3
Species	Strigiformes, accipitriformes, and falconiformes, except Bald eagles. Golden eagles (with 22.24 authorization), white-tailed eagles, or Steller's sea-eagles may be possessed if you meet the requirements of CFR 50 Parts 21 and 22.†
Source	Wild, Hybrid, or Captive-bred.
Take from the wild	Up to 2 annually.†

†*Taking* restrictions apply.

20. Allowable Take and Possession as of 1/1/2014*

Apprentice	
Possession limit	1
Species	Red tailed Hawk (*Buteo jamaicensis)*
Source	Wild caught.†
Take from the wild	Up to 2 annually (one being a replacement)
General	
Possession limit	3
Species	Strigiformes, accipitriformes, and falconiformes, except bald, white-tailed, and golden eagles; Steller's sea-eagle; American swallow-tailed kite; Swainson's and ferruginous hawks; prairie and peregrine falcons; northern harrier; and flammulated, burrowing, or short-eared owls.†
Source	Wild, Hybrid, or Captive-bred.
Take from the wild	Up to 2 annually.†
Master	
Possession limit	5 wild raptors, 3 of which may be Golden Eagles. Hybrids may be substituted for wild raptors. Unlimited captive-bred raptors (excluding eagles) if used for falconry.
Species	Strigiformes, accipitriformes, and falconiformes, except Bald eagles. Golden eagles, white-tailed eagles, or Steller's sea-eagles may be possessed if you meet the requirements of CFR 50 Parts 21 and 22.†
Source	Wild, Hybrid, or Captive-bred.
Take from the wild	Up to 2 annually.†

* These take and possession limits are NOT IN ADDITION to those numbers allowed in the previous table.

†*Taking* restrictions apply.

21. TAKE OR POSSESSION RESTRICTIONS

21.1 No raptor may be acquired in any manner unless the person acquiring the raptor is properly licensed/permitted in accordance with state and federal laws and regulations.

21.2 No licensee/permittee may take any species listed as endangered in CFR Chapter 50 Part 17, but may transport or possess such species in accordance with CFR Chapter 50 Part 17.

21.3 No licensee/permittee may *take* from Rhode Island, any raptor identified as "State Endangered" in the Rhode Island Natural Heritage Program's list of "*Rare Native Animals of Rhode Island"*.

21.4 An authorized resident falconer is limited to taking one raptor per year identified as "State Threatened" in the Rhode Island Natural Heritage Program's list of "*Rare Native Animals of Rhode Island.*"

21.5 The taking by non-resident falconers of raptors identified as "State Threatened" in the Rhode Island Natural Heritage Program's list of "*Rare Native Animals of Rhode Island*" is prohibited.

21.6 The taking or possession of Osprey (*Pandion haliaetus)* is prohibited.

21.7 No eggs may be taken from nests.

21.8 First year (passage) Falconiformes or Accipitriformes may be taken from the wild only during the time period August 11th through February 28th.

21.9 Passage Strigiformes may be taken from the wild only during the period of January 24th thru April 11th.

21.10 Eyass Falconiformes, Accipitriformes, and Strigiformes:

21.10.1 May only be taken by a resident General class falconer with at least one year's experience, or by a Master class falconer.

21.10.2 Only one eyass may be taken from a nest, and at least one (1) eyass must remain in the nest after the take.

21.10.3 Time period: April 1st through August 1st.

21.10.4 Only one (1) eyass may be taken by a falconer each year.

21.11 A "lost" or "escaped" raptor is defined as one which is no longer under the control of the falconer, and which is wearing falconry leashes, jesses, bells, or a transmitter. A lost or escaped raptor may be re-taken at any time without the need for a "Special Purpose - Capture Permit", even if it was not originally possessed by the capturing falconer. If the raptor was not originally possessed by the falconer, it does not count towards the falconer's possession limit. A recaptured raptor shall be returned to its owner within 180 days. If the owner cannot be found or does not want the recaptured raptor, it may be transferred to the Falconer's permit. If that would violate the number of raptors the falconer is allowed to possess then the falconer must either transfer a previously possessed raptor or transfer

the recaptured raptor to his or her permit. The re-taken falcon may be transferred to a person authorized and able to possess it. If none of these options will work, the raptor may be turned over to the Director. A re-taken *indigenous* species of raptor may be released to the wild if, in the Falconer's opinion, the raptor is capable of surviving on its own, and then only after the removal of all manmade objects except that a seamless leg band affixed to a captive bred raptor must not be removed.

21.12 Permittees may use only humane, predator-proof traps of a design and material which will not harm the raptor being trapped; such as the bal-chatri, harness, bow net, Dho-gazza, and Swedish goshawk trap.

21.13 The Department does not consider short-term handling of a falconry raptor, such as letting any other person hold or practice flying a raptor you possess under your permit, to be "possession" if you are present and the person is under your direct supervision.

22. OTHER RESTRICTIONS AND REQUIREMENTS

22.1 Licenses and permits are subject to all rules and regulations pertaining to hunting seasons, bag limits, and hours, except as may otherwise be provided by these regulations.

22.2 Any protected or out of season wildlife accidentally killed by a trained raptor shall not be retained or possessed by the permittee, but the raptor may feed upon the quarry before leaving the site of the kill.

22.3 The holder of a valid State falconry license or permit issued by another State which meets Federal falconry standards listed in 50 CFR 21.29(k) may practice falconry in Rhode Island for up to 30 consecutive days each calendar year without the need for a Falconry license issued by the Division of Fish and Wildlife. However all other provisions of these regulations *do* apply, including but not limited to hunting licenses, tags, permits, and "Importation of Native Species of Wildlife".

22.4 A raptor possessed under authority of a falconry license may be temporarily possessed for up to 120 consecutive days by a person other than the licensed falconer only if the recipient is otherwise authorized to possess said species of raptor, and only if the raptor is accompanied at all times by the properly completed Form 3-186A (Migratory Bird Acquisition/Disposition Report) showing you as the possessor of record, and by a statement signed and dated by both parties, authorizing/acknowledging the temporary transfer. The statement must include information about the time period for which he or she will keep the raptor(s) and about what he or she is allowed to do with the raptor(s).

22.5 The temporary (up to 45 consecutive days) care and custody of raptors by a non-authorized person must be in accordance with the regulations set forth in CFR 50 Part 21.29.

22.6 The Director shall be notified of any permanent change in the location where the raptors are kept within 10 days of the change. Permanent changes to locations outside the State will require prior written consent from the Director.

22.7 Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by falconers only for imping purposes.

22.8 The barter, sale, or purchase of wild raptors is prohibited.

22.9 The use of raptors, including those captive bred and hybrids, for commercial purposes, including but not limited to entertainment, advertisements, promotion or endorsements of any goods, services, products, meetings or fairs, or as a representation of any business, company, corporation, or other organization, is strictly prohibited.

22.10 The disposition of carcasses of raptors that die while in your possession must comply with CFR 50 Part 21.29.

23. LICENSE CATEGORIES AND EXAMINATIONS

23.1 Each person requesting a State of Rhode Island falconry license/permit must submit the appropriate application and all other required documentation to the Director with the required fee. Incomplete applications will not be processed.

23.2 LICENSE CATEGORIES

23.2.1 New - Applies to Apprentice Falconers and other Classes of Falconer who 1) have never held a Rhode Island issued Falconry license, or 2) those whose Rhode Island license has lapsed for more than five (5) years since the date he or she submits his/her completed application, or 3) for falconer's whose Rhode Island license was revoked/suspended for more than five (5) years.

23.2.1.1 For an Apprentice license, with their application the applicant must include the *Sponsor Commitment Form* from a potential sponsor stating the sponsor's commitment to tutor the applicant in the sport of falconry for the duration of the applicant's apprenticeship. The sponsor shall be the holder of a General or Master Class Falconer's license/permit, and is required to maintain said license/permit for the duration of the applicant's apprenticeship.

23.2.2 Renewal - Applies to Falconers who 1) have possessed a Rhode Island Falconry license within five years of the date they submit a completed application.

23.2.3 Upgrade - Applies to falconers who have fulfilled the requirements for the Class of Falconer they are currently licensed for and who wish to be granted the privileges of the next higher class.

23.2.3.1 For purposes of fees and license *duration*, an "Upgrade" is initially treated as a "New" license.

23.2.3.2 In addition to the *Falconry License or Permit application*, an Apprentice falconer applying for an upgrade to General Class falconer must also submit the *Apprenticeship Program Completion Affirmation* form signed by his or her sponsor, attesting to the Apprentice's satisfactory completion of the requirements of the Apprentice Training Program.

23.3 EXAMINATIONS

23.3.1 All persons required to take a written, and/or verbal examination must pass the examination with a score of at least 80%. Failure to pass any examination will render the applicant ineligible to retake the examination for a period of 90 days from the date of the previous examination.

23.3.2 A person applying for a New Apprentice class license shall be required to take a written, and/or verbal examination administered by the Department, relating to basic biology, care and handling of raptors, ethics, and State and Federal laws and regulations relating to falconry.

23.3.3 A previously licensed/permitted falconer who *has not* been in possession of a valid falconry license/permit within five years of the date of their completed application must retake and pass *all* examinations required to attain the license class for which he or she has applied.

23.3.4 A person who, within five years of the date of application for a Rhode Island Falconry license has successfully passed a federally approved falconry examination from another state, tribe, or territory, does not need to take the Rhode Island falconry exam, but he or she must comply with all other applicable provisions of these regulations

23.3.5 An examination is not required for a falconer who is *renewing* his or her license except that a person whose license has been suspended or revoked may, at the Director's discretion, be required to pass all examinations as is required to attain the license class for which he or she has applied regardless of the length of license suspension/revocation. A license *renewal* will only be issued:

23.3.5.1 If all other requirements of the license are met.

23.3.5.2 If no violation(s) of the previous license has (have) occurred.

23.3.5.3 If a change in license classification is not requested.

23.3.5.4 If all reports have been submitted.

23.4 EXAMINATION AND LICENSING PROCEDURES

23.4.1 Upon receipt of a properly executed license application, and all other necessary documentation, the Director will advise the applicant of the date, time and location of any required examination(s).

23.4.2 An applicant for a General Class Falconry License shall take a written, verbal, and/or practical examination administered by the Director and assisted by a three person Falconry Examination Panel comprised of at least one Master falconer, a General falconer, and a representative of the Director. An Apprentice's sponsor may not be a member of the Falconry Examination Panel evaluating the Apprentice.

23.4.3 The Falconry Examination Panel shall:

23.4.3.1 In conjunction with the Department, develop the standards of field performance required for eligibility for the General and Master Class licenses.

23.4.3.2 Assist the Director in the administration of any examination(s).

23.4.3.3 Notify the Director in writing of their recommendation of approval or denial of the applicant's license request, and the reasons for their recommendation.

23.4.4 The upgrade from Apprentice Class to General Class shall not be unnecessarily delayed if the panel cannot be convened.

23.4.5 If the Applicant will possess a raptor, and the applicant's facilities have yet to be inspected and approved, the Director will arrange for an on-site inspection.

23.4.6 The Director shall review the results of the examinations by the Falconry Examination Panel, and the qualifications and experience of the applicant before deciding whether or not to issue the license.

23.4.7 The Director may refuse to issue a falconry license or permit when:

23.4.7.1 it is determined that the license/permit should not be issued because of past conviction(s) of the fish and wildlife laws.

23.4.7.2 the applicant, upon inspection by State or Federal wildlife personnel, has failed to meet or maintain the standards established for raptor housing facilities and equipment.

23.4.7.3 the applicant has failed to meet qualifications or standards for license classes set forth in these regulations.

23.4.8 The Director may restrict the otherwise allowable take of raptors when the authorization requested could threaten or have significant effect on a wild population of raptors or their prey.

23.4.9 No person shall be issued a license/permit if he or she has been convicted of violating the falconry laws and regulations of any state or the federal government within the five (5) -years preceding the date upon which a license/permit application is received by the Director.

23.4.10 A falconer whose license has expired or has been revoked shall, at the Director's discretion, be required to either release his or her wild caught raptor(s) to the wild or transfer them to an authorized person. Hybrid and captive-bred raptors shall be similarly transferred to an authorized person, or if no such person can be found, may be disposed of in accordance with CFR 50 Part 21 and 22.

23.5 LICENSE AND PERMIT DURATION

23.5.1 Falconer License – new and Upgrade – valid until the next 30th of June.

23.5.2 Falconer License Renewal – valid for a period of one year following date of issuance.

23.5.3 Special Purpose Permit – as described on the permit, but for no more than one year.

23.6 LICENSE/PERMIT REVOCATIONS/REINSTATEMENTS

23.6.1 License/Permits may be suspended/revoked if the falconer:

23.6.1.1 Is not in compliance with these regulations,

23.6.1.2 has been convicted of one or more violations of fish and wildlife laws,

23.6.1.3 does not provide proper care of his or her raptors,

23.6.1.4 allows the raptors to become a public nuisance,

23.6.1.5 uses his or her raptors for un-permitted activities

23.6.2 Any person whose license/permit, or license/permit renewal, or other approval has been denied, revoked, or suspended by the

Department, may appeal to the Office of Administrative Adjudication for review of the decision on which the denial, revocation, or suspension, is based.

24. PROVISIONAL LICENSES/PERMITS

24.1 The Director may choose to issue a "provisional" license/permit when:

24.1.1 The Falconry Examination Panel has yet to convene.
24.1.2 The Falconer has not been actively practicing falconry for a period of five years or more.
24.1.3 The applicant is licensed in another state or foreign country and temporarily wants to practice falconry in Rhode Island.
24.1.4 A previously revoked license/permit is reinstated.
24.1.5 Information about a Falconry license/permit applicant experience cannot be readily verified.

24.2 The Director may choose to restrict the holder of a provisional license/permit beyond the limitations imposed upon the Falconer's license class as allowed herein.

25. FEES

25.1	License – New/Upgrade -		no charge
25.2	License – Renewal -		no charge
25.3	Examination -		no charge
25.4	Facilities Inspection -		no charge
25.5	Special Purpose		
	25.5.1 Capture		
	25.5.1.1	Resident -	$25
	25.5.1.2	Non-Resident -	$25

26. DEM FORMS

26.1 Application – Falconry License or Permit
26.2 Sponsor Commitment/Certification letter
26.3 Falconry – Minor's Release from liability
26.4 Apprenticeship Program Completion Affirmation
26.5 Rhode Island Annual Falconry Activity Report
26.6 Form 3-186A (Migratory Bird Acquisition/Disposition Report)
26.7 Facilities Examination Checklist

27. INQUIRES/FURTHER INFORMATION

27.1 All inquiries regarding falconry licenses, permits, applications, examination scheduling, bands, and facilities inspections should be directed to the Department of Environmental Management, Division of Fish & Wildlife, 277 Great Neck Road, West Kingston, Rhode Island 02892.

RULE 12 EFFECTIVE DATE

The foregoing Rules and Regulations - **R.I. Falconry Regulations for the ~~2013 – 2014~~ 2014 – 2015 Season**, after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 42-35, 42-17.1 and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

_____

Janet L. Coit, Director
Rhode Island Department of Environmental Management

Notice Given: ~~7/29/2013~~
Public Hearing: ~~8/28/2013~~

Filing Date: ~~9/13/2013~~
Effective Date: ~~10/3/2013~~

ERLID # ~~7397~~