

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule F1.07 Falconry Permit Requirements

Newspaper Name Arkansas Democrat Gazette

Date of Publishing March 22, 23, and 24, 2020 and April 19, 20, and 21, 2020

Final Date for Public Comment May 21, 2020

Location and Time of Public Meeting AGFC Auditorium, 2 Natural Resources Drive, Little Rock AR 72205,
at 10:00 a.m.

F1.07 Falconry Permit Requirements

- A. Permits or legible copies of them must be in a falconer's immediate possession when trapping, transporting, working with or flying falconry raptors, both in and outside of Arkansas, except when the falconer is at the location of his/her falconry facilities.
- B. Permits issued by the Commission will be at a level commensurate with the falconer's ability and experience as follows:
 - 1. Apprentice Class Eligibility, and Application Conditions and Requirements:
 - i. An Apprentice falconer applicant must be at least 14 years of age. If the apprentice is under 18 years of age, a parent or legal guardian must sign his/her application and be legally responsible for his/her activities.
 - ii. An Apprentice Class falconer applicant must have a letter from a Master or General Falconer who is at least 18 years old and has at least two years' experience at the General Falconer level and a state falconry permit stating that he or she will sponsor the applicant and serve as his/her mentor.
 - iii. An Apprentice applicant will not be issued a permit until the applicant has demonstrated satisfactory compliance with the following requirements:
 - a. Must pass a written falconry examination administered by the Commission with a score of at least 80 percent.
 - b. Must possess an Arkansas hunting license.
 - c. Must have their falconry facilities and equipment pass inspection by an employee of AGFC.
 - iv. Apprentice falconers may possess no more than 1 raptor for use in falconry.
 - v. Apprentice falconers may possess a wild-caught raptor of the following species: Red-tailed hawk, American kestrel, Red-shouldered hawk, Great horned owl, or Harris's hawk.
 - vi. Apprentice falconers are required to capture the hawk themselves; the raptor may not be transferred to them by another falconer.
 - vii. Apprentice falconers may not possess a raptor taken from the wild as a nestling and may not possess a bird that is imprinted on humans.
 - 2. General Class Eligibility, and Application Conditions and Requirements:
 - i. General Class falconers must be at least 16 years of age. General Class falconers that are 16 or 17 years of age must have a parent or legal guardian sign their falconry application and be legally responsible for their activities.
 - ii. Apprentice Class falconers can move to General Class by submitting a document from a General Falconer or Master Falconer (preferably his/her sponsor) to the AGFC Falconry Program Coordinator stating that the apprentice has practiced falconry with wild raptor(s) at the Apprentice Falconry level or equivalent for at

- least two years, including maintaining, training capture, release and flying and hunting the raptor(s) for at least four months each year. The letter must state the number of months and days that the Apprentice falconers possessed a falconry raptor.
- iii. Apprentice class falconers may not substitute any falconry school program or education to shorten the period of two years at the Apprentice Level.
 - iv. General Class falconers may take and possess any species of Falconiform or Strigiform except a golden eagle, a bald eagle a white-tailed eagle or a Steller's sea eagle. General falconers may possess captive bred individuals and hybrids of the species that General Class falconers are allowed to possess.
 - v. General Class falconers may possess no more than 3 raptors.
3. Master Class Eligibility, and Application Conditions and Requirements: Master Class falconers must have practiced falconry with their own raptors(s) at the General Falconer level for at least 5 years.
- i. General Class falconers can move to Master Class by submitting a document in writing to AGFC's Falconry Coordinator requesting to be moved to Master Class status. The request must include the species and number of months and years that the General Class falconer possessed each raptor during his/her General Class period.
 - ii. Master Class Falconers may take and possess any species of Falconiform or Strigiform except a bald eagle. Master Class falconers may take and possess a golden, eagle, a white-tailed eagle or a Steller's sea eagle only if he/she possesses a Falconry Eagle Permit. Master Class falconers may use captive bred individuals and hybrids of the species Master falconers are allowed to possess.
 - iii. Master Class falconers may possess no more than five wild raptors (including golden eagles if the Master Class falconer has a Falconry Eagle Permit).
 - iv. Master Class falconers may possess any number of captive bred raptors, however, the falconer must train them in the pursuit of wild game and use them in hunting.
4. Falconry Eagle Permit Eligibility, and Application Conditions and Requirements.
- i. Master Class falconers may take and possess golden, eagles, white-tailed eagles or a Steller's sea eagles when issued an Arkansas Falconry Eagle Permit. Master Class falconers will be issued an Arkansas Eagle Falconry Permit when the Master Class falconer has demonstrated satisfactory compliance with the following requirements.
 - a. A list of qualifications and experience in handling large raptors, including information about the species the applicant has handled and the type and duration of the activity in

which the applicant gained the experience submitted in writing to the Commission's Falconry Coordinator.

- b. At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks, or great horned owls. Each must contain a concise history of the author's experience with large raptors, which can include but is not limited to the handling of raptors held by zoos, rehabilitating large raptors, or scientific studies of involving large raptors. Each letter must also assess the applicant's ability to care for eagles and fly them in falconry and must be submitted to the Commission's Falconry Coordinator.
 - ii. A golden eagle, white-tailed sea eagle, or Steller's sea eagle possessed by a Master falconer with a Falconry Eagle permit will count as one of the raptors in that falconer's total wild bird possession limit as a master falconer.
 - iii. Master Class falconers with a Falconry Eagle Permit may take one or two golden eagles from the wild according to both federal regulations and the regulations of the state in which the eagle is taken.
 - iv. Master Class falconers with an Eagle Permit may take, transport or possess up to three eagles including golden eagles, white-tailed eagles and/or Steller's sea eagles. Each eagle a Master falconer possesses counts as a bird included under the Master falconer's wild bird possession limit. Master falconers in possession of eagle(s) must follow all federal regulations and guidelines pertaining to eagles.
5. Eligibility Requirements to obtain falconry permit for individuals with falconry experience who are new residents in the United States.
 - i. Applicant must pass a written falconry examination administered by the Commission with a score of at least 80 percent and must provide written documentation of falconry experience including species of raptors flown and game taken and must have their falconry facilities and equipment pass inspection by an employee of AGFC.
 - ii. The Arkansas Falconry Coordinator will assign a falconry Class level commensurate with the new resident falconer's experience.
6. Eligibility requirements to obtain falconry permit for individuals with falconry experience who are not U.S. Residents.
 - i. A visitor to Arkansas from outside of the United States may qualify for a one year renewable Arkansas Non-U.S. Resident Temporary Falconry Permit at the level appropriate for his/her experience according to the following requirements:
 - a. The visitor must take the written test, Arkansas Falconry Examination, and pass with a score of 80 or higher; the visitor must provide a written letter detailing the visitor's

falconry experience which the Commission's Falconry Coordinator will use to assign the level of Apprentice, General or Master falconer to the temporary falconry permit; and the visitor must have his facilities pass inspection in order to possess birds for falconry.

- ii. Holders of an Arkansas Non-U.S. resident Temporary Falconry Permit may not take a bird from the wild for use in falconry.
 - iii. Holders of an Arkansas Non-U.S. Resident Temporary Falconry Permit may fly raptors held for falconry by a permitted Arkansas falconer.
 - iv. Holders of an Arkansas Non-U.S. Resident Temporary Falconry Permit may use any bird for falconry that he/she possesses legally in their country of origin for that purpose, provided that import of that species in the U.S. is not prohibited and provided that he/she has met all permitting requirements in their country of residence.
 - v. Holders of a temporary falconry permit must also have a current Arkansas Non-Resident Annual Small Game Hunting License.
 - vi. A holder of an Arkansas Non-U.S. resident Temporary Falconry Permit may transport registered raptors and must follow federal regulations and possess the necessary federal permits to import or export raptors to and from the United States. Unless the permit holder has the necessary federal permits to bring a raptor into the United States and leave it in the U.S., he/she must take raptors brought into the country for falconry out of the country when he/she leaves.
 - vii. If a raptor brought into the United States and Arkansas dies or is lost in the state, the visitor must report the loss to the Commission's Falconry Coordinator before leaving the state or country.
 - viii. When flown free, any bird brought to this country temporarily must have two functioning radio transmitters attached to the bird which will enable the falconer to locate it.
 - ix. A holder of an Arkansas Non-U.S. resident Falconry Permit must comply with all Commission regulations and the falconry regulation in the states where he/she wishes to conduct falconry or through which he/she will travel with the falconry bird.
7. Additional Requirements regarding falconry permits including Reinstatement of lapsed falconry permit and residency requirements.
- i. If a previously licensed falconer's permit has lapsed for fewer than five years, his/her permit may be reinstated at the level they held previously if they provide the Commission's falconry Coordinator with proof of their certification at that level and their facilities must pass inspection by an AGFC employee.
 - ii. If a previously licensed falconer's permit has lapsed for more than five years, they must pass the Arkansas Falconry written exam by correctly answering 80 percent of the questions and their facilities must pass inspection by an AGFC employee and they must provide

- written documentation of the class (Apprentice, General, Master) at which they were last permitted or licensed and for which they want their permit issued.
- iii. If a permitted falconer resides for part of a year in another state, the falconer must contact that state to determine if they need to obtain a falconry permit from that state.
 - iv. If a falconer lives for more ~~that~~ **than** 120 consecutive days in a state, territory or tribal land other than their Arkansas residence, their falconry facilities in that second state must meet Arkansas standards.
8. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding facilities and care.
- i. Falconry Facility Requirements: Conditions for Facilities maintained on property owned or controlled by the falconer.
 - a. The Commission must be notified in five days of a change of location of a permittee's falconry facilities and a falconer must have new facilities inspected in 30 days of a change of location.
 - b. Birds must be kept in humane and healthful conditions, protected from the environment, predators and domestic animals.
 - c. An indoor facility must have a suitable perch for each raptor, at least one opening for sunlight and must provide a healthy environment.
 - d. Untethered raptors may be housed together if they are compatible with each other.
 - e. Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly when tethered) without damaging its feathers or contacting other raptors. It must be large enough to insure that tethered birds cannot strike the enclosure when flying from the perch.
 - f. Each raptor must have a pan of clean water available at all times.
 - g. An indoor facility must be large enough to allow easy access for the care and feeding of raptors kept there and must have flooring that allows drainage, does not retain moisture and allows for sanitary maintenance activities.
 - h. If raptors housed in an indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the smallest raptor housed in the enclosure or heavy duty netting.
 - i. Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed

raptors with protection and provide healthy feathers and fresh air.

- j. Falconry raptors may be kept inside the falconer's place of residence if a suitable perch or perches are provided. The residence's windows or other openings do not need to be modified. Raptors kept in a residence must be tethered when they are not being moved into or out of the location in which they are being kept.
 - k. All falconers in possession of falconry raptors must have and maintain jesses or the materials and equipment to make jesses appropriate for the size raptor in their possession, leash and swivel, bath container, and scales or balances appropriate for weighing raptors in the falconers' possession (scales for kestrels must weigh in increments of one grams or less).
 - l. Falconry raptors may be kept outside in the open if they are under watch, such as by the falconer or a family member at any location or, for example by a designated individual in a weathering yard at falconry meet.
 - m. Permittees must keep all facilities and equipment at or above these standards at all times.
- ii. Falconry Facility Requirements: Conditions for facilities maintained on property not owned or controlled by the falconer.
 - a. Regardless of location, a falconer's facilities must meet all the requirements listed for facilities on property owned or controlled by the falconer.
 - b. Falconer must submit a dated statement to the Commission's Falconry Coordinator showing that the falconer or the property owners (if the falconer's facilities are on property not owned or leased by the falconer) agrees that the falconry facilities, equipment, and raptors may be inspected without advance notice by Commission personnel at any reasonable time of day.
 - iii. Transportation Facilities: Conditions for care and facilities for transporting raptors.
 - a. When transporting a raptor, using a raptor for hunting or for temporary housing when away from home a falconer is required to have a suitable perch and protect the raptor from extreme temperatures, wind, and excessive disturbance.
 - b. A "giant hood" or similar container is acceptable for transporting or housing a raptor when away from home.
 - iv. Temporary Facilities: Conditions for temporary care and facilities for raptors.
 - a. A falconer may house a raptor in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic

animals, extreme temperatures, wind, and excessive disturbance.

- v. Conditions for Care of Falconry Raptors by Another Falconry Permittee: Another falconry permittee may care for a falconer's raptor or raptors at the falconer's facilities or at the other permittee's facilities for up to 120 consecutive calendar days provided the following conditions are met:
 - a. The other permittee must have a signed and dated statement from the falconer authorizing the other falconry permittee the temporary possession of the falconry raptor(s). This written statement must include information about the time period for which the other falconry permittee will keep the raptor(s) and state what he or she is allowed to do with the raptor(s). If the other falconry permittee caring for the raptor(s) holds the appropriate level falconry permit, he/she may fly the falconer's raptors in whatever way the falconer authorizes, including hunting.
 - b. The written authorization to the other falconry permittee from the falconer must be accompanied by a copy of FWS form 3-186A that shows the falconer as the authorized possessor of each of the falconry raptor(s).
 - c. The raptor(s) must remain on the falconer's permit and will not count against the possession limit of the other falconry permittee caring for the raptors.
- vi. Conditions for Care of Falconry Raptors by a Person who does not have a falconry permit: A person who does not have a falconry permit may care for a falconer's raptor(s) at the falconer's facilities for up to 45 consecutive calendar days provided the following conditions are met:
 - a. The person(s) caring for the raptors may not fly them for any reason.
 - b. The raptors must remain in the falconer's approved facilities.
 - c. The raptors must remain on the falconer's permit.
- vii. Permit Requirements: It shall be unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding taking and possession of raptors from the wild:
 - a. Falconers may take no more than 2 raptors from the wild each 365 consecutive day period beginning on the date the falconer took the first bird to use in falconry.
 - b. If a falconer transfers a bird that he/she took from the wild to another falconer in the same year in which it was captured, the bird will count as one of the raptors the falconer is allowed to take from the wild that year; it will not count as a capture by the recipient, although it will always be considered a wild bird.

- c. Falconers may not intentionally capture a raptor species that their classification as a falconer does not allow them to possess for falconry. Raptors captured by falconers who are not allowed to possess that species or age group must be immediately released.
- d. Raptors must be taken only in a humane manner. Any device used to take birds of prey shall be labeled with the name, address and phone number of the falconer, and must be attended to continually by the falconer. No eggs may be taken from raptor nests.
- e. Falconers must immediately release any bird captured unintentionally.
- f. Falconers may recapture a lost falconry bird for which he/she has submitted a Form 3-186A at any time the recapture will not count as taking a bird from the wild.
- g. Falconers may recapture a raptor wearing falconry equipment or a captive-bred raptor at any time--even if that ~~Falconer~~ falconer is not allowed to possess that species of raptor. The bird will not count against the falconer's possession limit nor their capture from the wild limit. The falconer must report the recapture of the bird to the Commission's Falconry Coordinator no more than five working days after the recapture and return the recaptured falconry bird to the person who lost it if that person legally possessed it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the Commission's Falconry Coordinator.
- h. Peregrine falcons banded with a Federal Bird Banding laboratory band may not be taken from the wild, however other raptors banded with a federal bird banding lab may be taken if the falconer is authorized to take that species.
- i. If a falconer captures a peregrine falcon that has a colored alphanumeric research band on it or a research marking attached to it, it must be immediately released.
- j. Passage peregrines falcons may be taken from September 20 through October 20 by an Arkansas resident falconer or non-resident falconer with a non-resident hunting license who has been issued an Arkansas Passage Peregrine Falcon Permit by ~~the~~ the Commission in accordance with requirements stated on that permit.
- k. If a falconer captures a raptor that has a transmitter attached to it, the falconer has up to 30 days to contact the researcher to determine if he/she wishes to replace the transmitter or its batteries. If the researcher wishes to do so or to have the transmitter removed, the researcher or his/her designee can

make the change or allow the falconer to do so before the falconer releases the falcon.

- l. If a falconer captures a raptor wearing a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the falconer must report the capture of the bird to the Commission's falconry Coordinator no more than five working days after the capture. The falconer must return the bird to the person who lost it, however, if that person cannot possess the bird or does not want to possess it, the falconer may keep it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the Commission's Falconry Coordinator. During the time period when a falconer keeps a bird for return to the person who lost it, the bird will not count toward the falconer's possession limit or his/her limit on take of birds from the wild, as long as the falconer reports the bird to the Commission in 5 working days of capture.
- m. If a falconer captures a raptor with a band other than the Federal Bird Banding Lab aluminum band, research marking or transmitter attached to it, the falconer must report the band numbers and all other relevant information to the Federal Bird Banding Laboratory in five working days. If the bird is wearing a transmitter, the falconer may contact the researcher to determine if he/she wishes to replace it. The falconer is authorized to possess the bird for up to 30 days until the researcher or his/her designee does so, or until the falconer replaces it himself. Disposition of the bird will be at the discretion of the Commission's Falconry Coordinator. Temporary possession will not count against the falconer's possession limit.
- n. General and/or Master Class falconers may remove nestlings from a nest or aerie in accordance with the following:
 1. Take of a raptor from the wild must be reported in five days from the date at which take occurred by entering the required information in the electronic database at <http://permits.fws.gov/186A> <https://epermits.fws.gov/falcp/> or by submitting a paper Form 3-186A to the Commission's Falconry Coordinator.
 2. A falconer present at the capture site, even if another person captures the bird for him/her, is considered the person who removes the bird from the wild and is responsible for filing a Form 3-186A.
 3. If the falconer is not at the immediate location where the bird is taken from the wild, the person who

removes the bird from the wild must be a General or Master falconer and must report taking of the bird. If that person then transfers the bird to the falconer, both must file a Form 3-186A reporting the transaction no later than five days after the transfer. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird the falconer took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfer the bird to another falconer.

4. If a falconer has a long-term or permanent physical impairment that prevents him/her from attending the capture of a species for falconry, a general or Master Falconer may capture the bird for the impaired falconer. The impaired falconer must file a Form 3-186A reporting take of a wild bird and the bird counts against the impaired falconer's total take of wild raptors for the year.
- o. Goshawks, Harris hawks, peregrine falcons, and gyrfalcons captured from the wild or acquired from a rehabilitator must be banded with a permanent non-reusable numbered U.S. Fish and Wildlife Service leg band provided to AGFC by the U.S. Fish and Wildlife; or implanted with an ISO-compliant microchip. Band numbers and or microchip information must be reported to both AGFC's Falconry Coordinator and the U.S. Fish and Wildlife Service when the acquisition of the bird is reported by the falconer no later than 10 days after acquisition.
 1. **EXCEPTION:** If a falconer document that a raptor's health or injury problems are caused by the band, that documentation must be submitted to the Commission's Falconry Coordinator who will issue an exemption to the requirements for that raptor. The falconer must keep a copy of the exemption paperwork on his person when transporting or flying that raptor. If that bird is wild caught goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the band must be replaced with an ISO-compliant microchip provided to the falconer through the Commission by the U.S. Fish and Wildlife Service.
 - p. A raptor captured from the wild may not be banded with a seamless numbered band.
 - q. Falconry bands may not be altered, defaced or counterfeited; however removal of the rear tab on a band on a raptor taken from the wild, and smoothing the surface

without affecting the integrity of the band or the numbering on it is permissible.

- r. Take of eyas (nestling raptors incapable of flight) birds is allowed between January 1 and August 1 of each year.
 - s. Take of passage (raptors fledged from the nest but less than 1 year of age) is allowed from June 15 through March 1.
 - t. Take of raptors from the wild must be reported in 5 days from the date at which take occurred by entering the required information in the electronic database at <http://permits.fws.gov/186A> <http://epermits.fws.gov/falcp/> or by submitting a paper Form 3-186A to the Commission's Falconry Coordinator.
- viii. Permit Requirements: It shall be unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding possession of raptors bred in captivity:
- a. Falconry raptors bred in captivity must be banded with a U.S. Fish and Wildlife Service seamless band or be micro-chipped.
 - b. If the seamless band is removed or lost, the falconer must report it and request a replacement band from AGFC no less than 10 days after the band is removed or lost.
 - c. The required information must be reported electronically (<http://permits.fws.gov/186A>) immediately upon rebanding or microchipping or by submitted federal Form 3-186-A to the AGFC Falconry Coordinator.
- ix. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding possession of raptors transferred from migratory bird rehabilitators.
- a. Falconers may acquire a bird for falconry from a federally permitted migratory bird rehabilitator if the falconer is permitted to possess that species of bird for falconry. Acquisition of a bird from a rehabilitator will count as one of the raptors the falconer is permitted to take from the wild. Transfer to the falconer is at the discretion of the permitted rehabilitator. Falconer must report acquisition of the bird using the required reporting procedures.
- x. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding record keeping:
- a. Falconers must keep copies of all database submissions, including electronic and paper submissions, documenting take, transfer, loss, release, rebanding and/or microchipping of each falconry raptor until five years after the falconer has transferred or lost the bird, or the bird dies.
 - b. All raptors acquired and disposed of must be reported in 5 days of the date when transaction or transition occurred by

entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper Form 3-186A to the Commission's Falconry Coordinator.

- xi. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding the theft of a falconry bird:
 - a. If a raptor possessed under a falconry permit is stolen, the falconer must report the theft to the Commission's Falconry Coordinator and to the U.S. Fish and Wildlife Service Regional Law Enforcement office in 5 working days of the theft of the bird.
- xii. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding Selling or Trading Raptors held under a Falconry Permit:
 - a. Falconers may sell, purchase, barter, trade, and/or offer for sale, or purchase captive-bred raptors marked with seamless metal bands to other falconry permittees who are authorized to possess them.
 - b. Falconers may not purchase, sell, trade or barter wild raptors; they can only transfer them to another falconer or to a recipient who possesses the necessary federal and state permits for that activity.
 - c. Wild-caught falconry raptors may be transferred to a raptor propagation permit only after the bird has been used in falconry for at least two years or for one year for sharp-shinned hawks, Cooper's hawks, merlins, and American kestrels.
 - d. Wild caught raptors that are less than two years of age or for one year for sharp-shinned hawks, Cooper's hawks, merlins, and American kestrels, may be transferred to another permit type if the bird has been injured and a veterinarian or permitted migratory bird rehabilitator has determined that the raptor can no longer be flown for falconry. Falconer must provide a copy of the Form 3-186A documenting the acquisition of the bird by the propagators to the Federal Migratory Bird Permit office that administers the other permit type.
 - e. Falconers may transfer captive-bred falconry raptors to another type of permit if the holder of the other permit type is authorized to possess the bird. Falconers must report the transfer on a Form 3-186A within 5 days of the transfer.
 - f. A surviving spouse, executor, administrator or other legal representatives of a deceased falconry permittee may transfer any bird held by the permittee to another authorized permittee in 90 days of the falconer's death. After 90 days,

the disposition of a bird held under the permit is at the discretion of the Commission's Falconry Coordinator.

- g. Falconers may use raptors held under a falconry permit in raptor propagation if the falconer or the person overseeing the propagation has the necessary permits if the following requirements are met:
 - 1. If the bird will be used for propagation for fewer than 8 months a year, the falconer does not need to transfer the raptor from his permit.
 - 2. If the raptor is used for propagation for more than 8 months per year, the bird must be transferred to a federal propagation permit and banded as required by federal raptor propagation regulations.
- xiii. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding Taking of Prey by Falconry Raptors:
 - a. Falconers may take wildlife only within the specific seasons and bag limits, except that squirrels and rabbits may be taken outside of the specified hunting season by falconry birds with a daily limit of 1 game mammal per raptor per day.
 - b. If a falconry bird kills a prey animal that was not the falconer's intended prey, and if that kill was outside of the animal's legal open hunting season, the falconers may allow their falconry raptor to feed on the incidental kill but the falconer may not take the animal into possession.
 - c. Falconers must ensure that their activities do not cause the take of a federal listed threatened or endangered species. "Take" under the federal Endangered Species Act means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. "Harass" in this Act means any act that may injure wildlife by disrupting normal behavior including breeding, feeding or sheltering. "Harm" in this Act means an act that actually kills or injure wildlife. Falconers must report the location of the take of any federally listed threatened or endangered species to the state's U.S. Fish and Wildlife Service Ecological Services field office.
 - d. Falconry take of bird species for which a federal depredation order is in place is permitted. Falconers may use their falconry raptors to take any species listed in 50 CFR 21, 50 CFR 23, 50 CFR 44, or 50 CFR 45 at any time in accordance with the conditions of the depredation order, however, the falconer may not be paid for doing so.
- xiv. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding Release of Falconry Birds into the Wild and Falconry Training Techniques:

- a. The use of acceptable falconry training or conditioning practices includes but is not limited to, tame-hacking, the use of creance flying, lures, balloons or kites, flying falconry birds at pen-raised birds or birds not covered by the Migratory Treaty Act.
 - b. Hacking of Falconry Raptors: General and Master Class falconers may condition raptors for falconry with the following requirements:
 - 1. The raptor the falconer hacks must be a species the falconer is allowed to possess and counts against the falconer's possession limit.
 - 2. A hybrid raptor may be hacked if the raptor wearing two functioning radio transmitters.
 - 3. Hacking a raptor may not occur near a nesting area of a federally threatened or endangered bird species or in any location where the raptor is likely to harm a federally listed threatened or endangered species that might be disturbed or taken by the hacked falconry bird.
 - c. Falconers may only release back to the wild in Arkansas, wild caught raptors native to the state. Non-native raptor species, hybrid raptor species, and raptors bred in captivity may not be released back to the wild in Arkansas. Wild-caught raptors must be released at an appropriate time of year and an appropriate location and any and all bands and falconry equipment must be removed from the raptor prior to its release.
 - d. When flown free, hybrid falcons must have at least two functioning radio transmitters attached to it to assist the falconer in locating the bird.
- xv. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding migratory bird feather and carcass possession:
- a. A falconer may possess flight feathers for each species of raptor he/she currently and previously held on his/her permit for imping purposes.
 - b. Falconers may give and/or receive feathers for imping from other permitted falconers, federally permitted wildlife rehabilitators, or federally permitted raptor propagators in the United States.
 - c. Flight feathers for imping may not be purchased, sold, or bartered.
 - d. Falconers may donate feathers, except golden eagle feathers, to any person or institution with a permit to possess them or to anyone exempt from permit requirements under [50 CFR 21.12](#).

- e. If a falconer's permit expires or is revoked, the falconer must burn, bury or otherwise destroy imping feathers in their possession or donate the feathers to any person or institution with a permit to possess them or to anyone exempt from permit requirements under **50 CFR 21.12**.
 - f. Master Falconers in possession of a golden eagle must gather primary and secondary flight feathers and retrices from molted by their golden eagle(s) and store them for imping or send them to the National Eagle Repository.
 - g. Carcasses of falconry birds that die while in the falconer's possession may be burned, buried or otherwise destroyed and disposed of in 10 days of death or 10 days of necropsy by a veterinarian, or donated to any person or institution with a permit to possess them or donated to anyone exempt from permit requirements under **50 CFR 21.12**
 - h. Carcasses of euthanized raptors must be disposed of in a manner that will prevent scavenger from feeding on them. Flight feathers may be retained for imping purposes.
 - i. **EXCEPTIONS:**
 - a. Carcasses of golden eagles must be sent to the National Eagle Repository.
 - b. Banded or microchipped falconry birds that die while in the falconer's possession may be kept by the falconer so that the feathers are available for imping or the falconer may have the body mounted by a taxidermist and the mount used in educational programs. Bands must remain on the body and microchips must be left in place.
- xvi. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding Raptors Injured Due to a Falconer's Trapping Efforts:
- a. If a raptor is injured during trapping, a falconer must either:
 1. Put the injured bird on his/her falconry permit and follow procedures outlined for reporting take of a bird from the wild falconry. The bird will count towards the falconer's possession limit. The falconer must have the injured bird treated by a veterinarian or a permitted migratory bird rehabilitator, and the falconer is responsible for the costs of care and rehabilitation of the bird; OR
 2. Give the bird directly (within 24 hours) to a veterinarian or permitted migratory bird rehabilitator. The bird will not count against the falconer's take or possession limits; however, the falconer is responsible for the costs of care and rehabilitation of the bird.

- ii. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding assistance in the rehabilitation of raptors to prepare them for release according to the following requirements:
 - a. A General or Master Class falconer may assist a federally permitted migratory bird rehabilitator to condition a raptor in preparation for its release to the wild only if the falconer has a letter or form from the rehabilitator identifying the bird and explaining that the falconer is assisting in its rehabilitation.
 - b. The falconer does not have to meet the rehabilitator facility guidelines and may keep the rehabilitating raptor in his/her approved falconry facilities.
 - c. The rehabilitating raptor will remain on the rehabilitator's permit and will not be added to the falconer's permit.
 - d. The falconer must return any such bird that cannot be permanently released to the rehabilitator for placement in the 180-day timeframe in which the rehabilitator is federally authorized to possess this bird unless the issuing office authorized the rehabilitator to retain the bird longer than 180 days.
 - e. The falconer must coordinate with the rehabilitator and release all releasable raptors to the wild or return them to the rehabilitator for release in the 180 day timeframe in which the rehabilitator is federally authorized to possess this bird, unless the issuing office authorized the rehabilitator to retain the bird longer than 180 days, or unless the rehabilitator transfer the bird to the falconer you to hold under his/her falconry permit.
- iii. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding Use of Falconry Raptors in Abatement and Education Activities:
 - a. Falconers may use raptors possessed on their falconry permits in conservation education program presented in public venues follow without first obtaining a federal Education Permit if they abide by the following requirements:
 1. Raptors used in the program must be on their falconry permit and used primarily for falconry.
 2. Apprentice falconers presenting educational programs must be under direct supervision of a General or Master Class falconer.
 3. If a fee is charged for presentation of a conservation education program, the fee may not exceed the amount required to recoup the falconer's cost of presenting the program.
 4. The presentation is required to address falconry and conservation education and may also include

information about the biology, ecological roles, and conservation needs of raptors and other migratory birds.

5. The falconer is responsible for all liability associated with his/her conservation education activities.
 6. Falconers may allow photography, filming or other such uses of his/her falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and/or migratory birds however the falconer may not be paid for doing so.
 7. Falconers may not use their falconry raptors in movies, commercials or other commercial ventures that are not related to falconry.
- b. A Master Class falconer may conduct abatement activities with his/her falconry birds if the falconer has first obtained a federal Special Purpose Abatement permit from the U.S. Fish and Wildlife Service.
 - c. A General Class falconer may conduct abatement activities only as a sub permittees of the holder of the federal Abatement permit and both Master and General Class falconers must follow the conditions of the said permit.
- iv. Permit Requirements: It is unlawful for falconers holding a permit issued by another state to fail to comply with the following requirements regarding Non-resident falconers hunting and taking raptors in Arkansas:
- a. Non-resident falconers with a Non-Resident Small Game Hunting License may take game in Arkansas according to state and federal regulations.
 - b. Non-resident falconers with a non-resident Arkansas Small Game Hunting License may take 1 legal raptor per year in Arkansas provided the state of their residence reciprocates such approval for Arkansas falconers and the taking of a legal raptor by a non-resident must comply with Arkansas regulations.
- v. Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding taking falconry raptors to another country for use in falconry activities:
- a. An Arkansas falconry permit authorized the falconer to export and import to another country, without additional migratory bird import/export permits, the raptors the falconer legally possesses for falconry. The falconer must meet any federal requirements in 50 CFR 14 Part B and may need additional permits listed in 50 CFR 15, 50 CFR 17, and 50 CFR 23.--li>

- b. Unless the falconer has the necessary permits to export raptors from the U.S. the falconer must bring any raptor taken out of the country for falconry back to the U.S. upon his/her return. Each raptor must be covered by a CITES certificate of ownership and the falconer must have full documentation of the lawful origin of each raptor and each raptor must be identifiable with a permanent non-reusable U.S. Fish and Wildlife Service leg band, seamless leg band or implanted microchip for identification.
- c. If the raptor dies or is lost, the falconer is not required to bring it back but it must be reported immediately upon the falconers return to the U.S. according to state and federal CITES regulations.

Xxi Permit Requirements: It is unlawful for holders of Falconry Permits to fail to comply with the following requirements regarding facility inspection and permit revocation.

- d. Any person issued a Falconry Permit under this Code chapter shall allow entry, at any reasonable hour, to employees or agents of the Commission upon the premises where the permitted activity is conducted. Commission employees or agents may enter such premises to inspect the facility, any and all records associated with the activities relating to the permit, and any birds kept under the authority of the permit.
- e. Permits may be revoked by this Agency for failure to comply with the terms of the permit or with the terms of this Commission Code Section.
- f. Persons in violation of the terms of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U.S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have 20 days to respond with just cause as to why their permit should not be suspended or revoked.
- g. If, at the end of the 20-day period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
- h. Upon revocation, the permit holder must legally transfer or release all falconry raptors in the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.