

PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 392
LCB File No. RXXX-0
, 2011

#11 A

EXPLANATION – Matter in *italics* is new; matter **omitted material** is material to be omitted.

AUTHORITY: (NRS 501.105, 501.181, 502.130, 502.140, 502.160, 503.582, 503.583, 504.295)

A REGULATION relating to wildlife to amend falconry regulations pursuant to federal register changes.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 25 of this regulation.

Section 2. Definitions

1. “Captive-bred” or “bred in captivity” means raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.
2. “Captivity” means a live raptor that is held in a controlled environment which is intensively manipulated by man for the purpose of producing raptors of selected species, and which has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment.
3. “Eyas” means a nestling bird not yet capable of flight.
4. “Falconry” **means the sport of taking, or attempting to take, quarry by means of a trained raptor.** is caring for and training raptors for pursuit of wild game, and hunting wild game with raptors. Falconry includes the taking of raptors from the wild to use in the sport; and caring for, training, and transporting raptors held for falconry.
5. *“Hacking” is the temporary release of a raptor held for falconry to the wild so that it must survive on its own.*
6. *“License year” for governing a falconry license. The determination of the valid period for a falconry license will be based on a calendar year.*
7. “Passage” means a bird that has fledged and is less than 1 year of age.
8. *“Possession” does not include letting another person hold or practice flying a raptor you possess under your permit, for the purposes of this section if you are present and the person is under your supervision.*
9. *“Raptor” means a live migratory bird of the orders Falconiformes and Strigiformes, including bald eagles (Haliaeetus leucocephalus) and golden eagles (Aquila chrysaetos).*
10. *“Regulatory year” for governing falconry. For determining possession and take of raptors for falconry, a regulatory year is a calendar year from January 1st to December 31st.*
11. “Take” means to trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.

Section 3. General Provisions

Any person licensed for falconry in the State of Nevada must be in full compliance of federal and State falconry regulations. All federal definitions, terms and provisions will be in effect in Nevada except those where state regulations are more restrictive than in federal regulations [CFR Title 50, sections 21.28 and 21.29]

Section 4. License or permit required to hunt, trap, possess or sell raptors; Possession of eggs and feathers

It is unlawful for any person to hunt, trap, possess or sell any species of owl, hawk or other bird of prey, including any raptor or its parts, without first obtaining a license or permit from the headquarters of the Department.

1. Raptor eggs may not be taken or possessed, except that raptor eggs laid by a bird in the possession of a person who holds a permit to propagate raptors may be possessed if the holder of the permit notifies the headquarters of the Department in writing within **5 10** days after the first egg has been laid. Eggs laid by a raptor held under the authority of a falconry license must be reported by the licensee to the Department within **5 10** days after the first egg has been laid. The licensee will **dispose of handle** the eggs as directed by the Department.
2. Raptor feathers that are molted or are from raptors held in captivity that die, may be retained and exchanged by licensees for imping purposes only.

Section 5. Practice of falconry: General requirements

When practicing falconry on game species, a licensee shall comply with the provisions of *the United States Fish and Wildlife Service CFR Title 50: Part 21*, title 45 of NRS and all regulations of the Commission. A species of wildlife which is classified as protected by the Department, or as threatened or endangered by the United States Fish and Wildlife Service, that is taken incidentally by a raptor may not be retained or possessed by a licensee. A species of wildlife which is classified as a game species by the Department that is taken incidentally by a raptor during the closed season may not be retained or possessed by the licensee. A licensee shall not intentionally release a raptor after any wildlife which is in a refuge or in a state or national park or is on privately owned property where the licensee does not have permission to hunt.

Section 6. Acquisition and banding of raptors

1. No person may acquire a raptor unless he *may legally take possession of the raptor and, as required by federal regulations*, first obtains from the Department a numbered, nonreusable **marker band** supplied by:
 - (a) The United States Fish and Wildlife Service for those raptors required to be identified by such a marker band pursuant to 50 C.F.R. Part 21.29; or
 - (b) The Department for all other raptors, and attaches it to the raptor immediately upon acquisition.
2. The altering, counterfeiting or defacing of a **marker band** is prohibited except that a permittee may remove the rear tab from a **marker band** and make smooth any imperfect surface if the integrity of the marker band and its numbering are not affected.

Section 7. Introduction into or removal from State of raptors.

1. It is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring, or have brought or shipped into the State of Nevada, or to remove from one portion of this State to any other portion or to any other state, any raptor or any eggs or young of any raptor.

1. Any person who holds a valid falconry license which is **issued recognized** by the Department and **has legal lists the** raptors in his possession may bring into this State or remove to any other state any **registered** raptor **in his possession listed on the license** without having a permit for importation or exportation. **Raptors requiring** a numbered **marker band** which is supplied by the United States Fish and Wildlife Service or the Department, as appropriate, and which is not reusable, **must is be** attached to **the** each raptor.
2. A person who is a resident of another state **or country** and who holds a valid falconry license issued by the appropriate agency **of that state** may bring into or remove from this State a **registered** raptor in his possession under the authority of that falconry license without having a permit for the importation or exportation of a raptor issued by the Department if a numbered **marker band, as appropriate**, which is supplied by the United States Fish and Wildlife Service or the appropriate agency of the state which issued the license if required, as appropriate, and which is not reusable, is attached to the raptor.
3. A raptor taken from the wild in Nevada by a resident of this State may not be permanently removed from this State unless the:
 - (a) Resident holds a valid **falconry** license issued by the Department pursuant to NRS 503.583 and leaves this State to establish his domicile in another state; or
 - (b) Raptor has been held for at least 1 year.

Section 8. Purchase, sale or transfer of raptors

1. A person who holds a valid falconry license issued by the Department **or appropriate agency**, may receive by transfer legally acquired raptors from other persons possessing a valid falconry license or a propagation permit. Any person who receives a raptor by transfer, purchase, trade or barter must be authorized to receive such a raptor. **pursuant to the provisions of NAC 503.235 and 503.250.**
2. A licensed falconer may purchase, sell, trade or barter any captive-bred raptor which is banded with a numbered seamless **marker band** authorized by the United States Fish and Wildlife Service.

3. A captive-bred raptor may not be transferred, purchased, sold, traded or bartered until it is 2 weeks old and only after it is properly marked with a numbered seamless marker band provided or authorized by the United States Fish and Wildlife Service.
4. Each time a person acquires a raptor, he shall notify the Department within 5 10 days after the acquisition. To comply with the provisions of this subsection and federal regulations, a person who acquires a raptor may must electronically submit to the Department a copy of Form 3-186A, which must be submitted the raptor information into to the United States Fish and Wildlife Service electronic database within 10 days of possession.

Section 9. Intentional release of raptor

1. A falconry licensee must obtain written authorization from the Department before a raptor of any species not indigenous to Nevada is intentionally released to the wild. The marker band, if applicable, from the released bird must be removed and surrendered to the Department within 5 10 days after the date on which the bird is released.
2. The marker band, if applicable from an intentionally released bird which is indigenous to Nevada must also be removed and surrendered to the Department within 5 calendar 10 days after the date on which the bird is released.

Section 10. Falconry license: Requirement; application; examination; conditions; exceptions

1. Except as otherwise provided in subsection 7, a person who resides in the State of Nevada and who practices falconry or trains birds of prey must obtain a falconry license of the proper class from the Department. An applicant for a falconry license must include on his application:
 - (a) The name of the applicant;
 - (b) The physical and mailing address of the applicant's residence;
 - (c) The telephone number of the applicant's residence;
 - (d) The date of birth of the applicant;
 - (e) The driver's license number of the applicant, if he has been issued a driver's license;
 - (f) The number of raptors the applicant possesses and the species of each;
 - (g) The age of each raptor, if known;
 - (h) The sex of each raptor, if known;
 - (i) The source and date of acquisition of each raptor;
 - (j) The band number of each raptor; and
 - (k) The applicant's signature and the date on which he signed the application.
2. If the applicant has moved to this State with the intention of making this State his permanent residence and he holds a falconry license issued by the state or agency from which he is moving, the applicant may must attach a copy of his falconry license to his application in lieu of taking the examination required by subsection 3 the Department.
 - (a) If the applicant fails to attach a copy of his falconry license issued by his previous state of residence, the application may be rejected and the applicant may be will be required to take the examination required by subsection 3.
3. Except as otherwise provided in subsection 2, before the Department issues a falconry license, the applicant must correctly answer at least 80 percent of the questions on a supervised examination supplied or approved by the United States Fish and Wildlife Service and administered by the Department. The examination will test the applicant's knowledge of basic biology, the care and handling of raptors, and the literature, laws, and regulations, and other subjects relating to falconry. Failure of the examination will result in a 30-day waiting period after the date of the written examination before reexamination.
4. A person must possess a valid falconer's license when practicing falconry. In addition, a person who releases a raptor at game birds or game mammals during the open season must possess a valid hunting license issued by the Department.

5. The Department may deny issuance or renewal of any class of falconry license or permit if the applicant has been convicted of a violation of any provision of *State falconry or Federal falconry regulations NAC 503.200 to 503.345, inclusive*.
 - (a) An applicant whose license has been denied may appeal the denial to the Commission.
6. A person who does not reside in the State of Nevada does not have to obtain a falconry license of the proper class from the Department to practice falconry while visiting this State if he possesses a valid falconry license issued by the state of which he is a resident. *However, all Nevada hunting laws and regulations must be observed at all times.*
7. A person who possesses a raptor solely for commercial displays or exhibitions is not required to obtain a falconry license if:
 - (a) The species of raptor used or to be used in the commercial display or exhibition is not listed as a protected species by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; and
 - (b) The raptor is not used for the sport of falconry.

Section 11. Falconry license: Classifications; issuance

The Department may issue apprentice, general and master falconry licenses as defined by the United States Fish and Wildlife Service [CFR Title 50, Part 21].

1. The Department may issue an apprentice license to an applicant who:
 - (a) Is at least 14 years of age; and
 - (b) Obtains a sponsor for the first 2 years during which he is an apprentice licensee.
2. The Department may issue a general license to an applicant who:
 - (a) Is at least 18 years of age;
 - (b) Has at least 2 years' experience in the practice of falconry as an apprentice licensee or the equivalent classification of an apprentice licensee;
 - (c) Has possessed a raptor during each year that he was licensed as an apprentice or the equivalent; and
 - (d) Submits a signed letter from his sponsor which recommends the issuance of a general license to the applicant.
3. The Department may issue a master license to an applicant who has at least 5 years' experience in the practice of falconry as a general licensee or the equivalent classification of a general licensee.

Section 12. Sponsorship of apprentice licensee

1. *Any licensed general or master falconer may sponsor, as defined by the United States Fish and Wildlife Service [CFR Title 50, Part 21] an apprentice licensee.*
2. *The Department shall provide a list of registered falconers in the State.*
 1. A person who is a general or master falconry licensee or the equivalent may sponsor an apprentice falconry licensee.
 2. A person may not sponsor more than three apprentice licensees at one time.
 3. If sponsorship is terminated, the holder of an apprentice license must obtain a new sponsor within 30 days of the date of termination of the sponsorship or his apprentice license will be revoked.
 4. The Department shall provide a list of registered falconers in the State of Nevada to assist the apprentice in contacting a new sponsor.

Section 13. Equipment required for license

Before obtaining a *raptor license*, an applicant must allow an inspection by a representative of the Department to ensure that the applicant possesses *the equipment required pursuant to State regulations and the United States Fish and Wildlife Service [CFR Title 50, Part 21]*

1. At least one pair of Alymeri or similar jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional one-piece jesses may be used when a raptor is not being flown.
2. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.
3. At least one suitable container for each raptor for drinking and bathing. The container must be 2 to 6 inches deep and wider than the length of the raptor.
4. At least one weathering area and a perch of an acceptable design for each raptor.
5. A reliable scale or balance suitable for weighing a raptor. The device must be graduated in increments of not more than 1/2 ounce or 15 grams.

Section 14. Inspections

1. Any person holding a falconry license must allow the Department's employees to enter his premises at any reasonable hour to inspect equipment, mews or other raptor housing facilities and raptors possessed by the licensee or to inspect, audit or copy any permit, book or record required to be kept by **the provisions of NAC 503.200 to 503.345, inclusive**, State or federal laws and regulations relating to governing falconry.
2. Refusal to allow inspection of raptors, facilities and equipment during reasonable hours will result in the denial of issuance or revocation of the raptor license or permit and seizure of any raptor in the licensee's possession.
3. Licensed falconers must abide by all State and federal regulations regarding facility inspections as set forth in this regulation and United States Fish and Wildlife Service [CFR Title 50, Part 21].

Section 15. Application for license must include information on raptors in applicant's possession

A person who is applying to renew a falconry license, and a person who is applying for a new falconry license, must include on his application for the license each species of raptor and the band number, if applicable, of each raptor he possesses on the date of the application. A falconry license or permit to take a raptor will not be issued or renewed unless the applicant has provided the Department with the information required by this section.

Section 16. Permit to capture raptors: Quota for raptors; falconry license required. (NRS 501.105, 501.181, 503.582, 503.583)

Each year, the Commission may establish a resident and nonresident quota for raptors *that require a band under United States Fish and Wildlife Service [Title 50 part 21]* and may be taken from the wild under a permit. A holder of a permit may obtain from the wild only the number of raptors permitted but in no event, more than two raptors per **year regulatory year**. Before obtaining a permit to capture raptors, a permittee must possess a valid falconry license issued by this State or, if he is not a resident of this State and does not possess a falconry license issued by this State, a valid falconry license issued by the state *or country* of which he is a resident.

Section 17. Permit to capture raptors: Conditions

A holder of a permit to capture raptors is subject to the following conditions:

1. Eyasses may be taken only by a general or master falconer during the **regulatory year period** specified by the Commission. **No more than two eyasses may be taken by a permittee during that period.**

2. Passage birds may be taken only during the **period specified by the Commission** regulatory year and pursuant to [NRS 503.583 Part 3].
3. **Not more than 180 days during any calendar year will be specified for the taking of eyasses or passage birds, but a marked raptor may be retrapped at any time.**
4. The only raptors over 1 year of age which may be taken are the American kestrel (*Falco sparverius*) and the great horned owl (*Bubo virginianus*), except that under a depredation (special purpose) permit which was jointly authorized by the United States Fish and Wildlife Service and the Department
5. Any raptor other than raptors of threatened or endangered species may be taken for falconry purposes by a general or master falconer.
6. **Peregrine falcons may not be taken in Nevada. Such falcons legally obtained may be imported and possessed under the terms and conditions of a falconry license issued by the Department.**
7. Pursuant to NRS 503.610 inclusive and this regulation, birds of the following species may not be captured, transported, possessed or used in the practice of falconry: Osprey, White-tailed kite, any owl except the great horned owl
8. Permits to take raptors are not transferable.

Section 18. Use of traps or bird nets to take raptors

1. A raptor may be taken by a trap or bird net which is humane in its operation and use. Snare type traps must be attended at all times. All other traps must be identified with the name and address of the licensee and continuously monitored **while set.checked at least once every 24 hours.** *Swedish goshawk traps must be checked every 12 hours.* Raptors may not be captured by means of a steel-jawed trap or jump-trap.
 - a. Apprentice licensees may use only bal-chatri, harness or bow net traps in acquiring raptors.
2. As used in subsection 1:
 - (a) "Bal-chatri" means a **hemispherical wire mesh** cage on which many nooses are tied baited with a bird or mammal and placed in view of a wild raptor to serve as a trap in which neither raptor nor bait is injured.
 - (b) "Harness" means a light leather or cloth saddle covered with nooses which is placed on tethered bait.
 - (c) "Bow net" means a circular hoop hinged in the middle and covered with netting. It is usually attached to the ground so one side can swing freely.
 - (d) "Dho Gazza" means a short net, about 4-6 feet long and 4-5 feet tall, attached to two long poles. The net is made of fine nylon thread or other similar material

Section 19. Permit to rehabilitate raptors; permit for captive breeding and propagation of raptors

1. The Department may issue a permit *or follow federal falconry regulations [CFR Title 50, Part 21]* to rehabilitate raptors for the possession and temporary care of raptors. Such a permit may authorize a person to hold an injured raptor for rehabilitation and later release the raptor into the wild upon recovery or when directed by the Department. An applicant for a permit to rehabilitate raptors must hold a valid permit to rehabilitate raptors issued by the United States Fish and Wildlife Service, or provide evidence satisfactory to the Department that approval for such a permit is pending. A permit to rehabilitate raptors issued by the Department is not valid until the Department receives a copy of a permit to rehabilitate raptors issued by the United States Fish and Wildlife Service to the applicant.
2. A project for the captive breeding and propagation of raptors may be approved by the Department if the applicant holds a permit for the propagation of raptors issued by the United States Fish and Wildlife Service pursuant to [50 C.F.R. § 21.30], or provides evidence satisfactory to the Department that approval for such a permit is pending. A permit for the captive breeding and propagation of raptors issued by the Department is not valid until the Department receives a copy of a permit for the propagation of raptors issued by the United States Fish and Wildlife Service to the applicant. The applicant must first provide a statement showing the objectives and justification for the project. An applicant's failure to comply with the

terms, conditions and restrictions of the federal permit for the propagation of raptors is cause for the Department to cancel its approval of the project.

Section 20. Taking of raptors for falconry: Attachment of raptor band; validation of permit; transportation of raptor from State

A holder of a *falconry license permit* who is successful in taking a raptor, *which is federally required to be banded*, shall immediately attach the raptor band provided by the Department to a leg of the raptor. *The permit holder shall register with the federal database, any raptor trapped with 5 calendar days and personally present the raptor to a representative of the Department for validation of the permit no later than 72 hours after the raptor is taken.* No raptor, taken from the wild that is federally required to be banded pursuant to [CFR Title 50, Part 21] may be transported from this State by a non-resident permittee, until the band is attached and the person transporting it permittee has had the permit validated by the Department

Section 21. Taking of raptors for falconry: Return of unused permit and raptor band

A holder of a permit who has not taken a raptor for each permit, shall return the unused permit and band to the Department for cancellation within *5 10* days after the close of the season.

Section 22. Taking of raptors for falconry: Grounds for denial of permit; reinstatement of privilege; administrative fine

1. If a holder of a permit has submitted any false statement on his application for the permit or fails to return the permit and raptor band for cancellation or validation within the period specified, the Department will deny him a raptor permit for the following year.
2. Any person who has been denied a raptor permit pursuant to the provisions of this section may have the privilege reinstated if he pays to the Department an administrative fine of \$50.

Section 23. Taking of raptors for falconry: Application for permit; falconry license required

1. An application for taking raptors for falconry must be submitted to the Department at an address specified on the application by the deadline for the submission of such applications as established by the Commission.
2. The applicant must include on the application:
 - (a) The name of the applicant;
 - (b) The physical and mailing address of the applicant's residence;
 - (c) The date of birth of the applicant;
 - (d) The telephone number of the applicant's residence;
 - (e) The driver's license number of the applicant, if he has been issued a driver's license;
 - (f) The number of the applicant's falconry license, the class of the license and the name of the state which issued the license;
 - (g) A description of each raptor, by species:
 - (1) In the applicant's possession as of the date of the application, specifying those wild trapped raptors which the applicant acquired during the 12 months immediately preceding the date of the application; and
 - (2) Which the applicant acquired during the 12 months immediately preceding the date of the application but which is no longer in the applicant's possession;
 - (h) The age, sex and band number, if applicable of each such raptor;

- (i) The date that each raptor was acquired;
 - (j) If applicable, the date on which each raptor acquired by the applicant during the 12 months immediately preceding the date of the application was transferred, released, lost or died;
 - (k) Whether each raptor in the possession of the applicant was caught in the wild or bred in captivity; and
 - (l) The applicant's signature and the date on which the application was signed.
3. An incomplete application will be returned without action.
4. An applicant must possess a valid falconry license from this State or another state, *agency or country* at the time that he applies, and be eligible for a permit to take raptors pursuant to this section [NRS 503.583 inclusive and USFWS CFR Title 50 Part 21]. If the applicant does not possess such a license, the applicant must apply for a falconry license at the same time that he applies for the permit to take raptors for falconry pursuant to this section.

Section 24. Taking of raptors for falconry: Fees

Each application must be accompanied by the following fee:

1. For each permit to take a raptor issued to a resident, \$15.
2. For each permit to take a raptor issued to a nonresident, \$120.
3. For acting upon each application, a nonrefundable fee of \$5.

Section 25. Taking of raptors for falconry: Filling of quotas for permits

1. If a quota is not filled from applications received on or before the latest date for acceptance, the Department will accept applications received after that date and award permits in the order of receipt of the applications until the quota is filled.
2. An applicant who does not draw a permit may reapply for any species of raptor whose quota is not filled after the drawing. The Department will award permits for the unfilled quota in the order of receipt of the applications.

Section 26. Possession and replacement of raptors by apprentice, general licensee or master licensee

1. An apprentice licensee:
 - (a) Shall not possess more than one raptor nor obtain more than one raptor for replacement during any 12-month period.
 - (b) May possess only an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*) or a red-shouldered hawk (*Buteo lineatus*).
2. A general licensee shall not possess more than two raptors nor obtain more than two raptors for replacement during any 12-month period.
3. A master licensee shall not possess more than three raptors nor obtain more than two raptors taken from the wild for replacement during any 12-month period.