

MISSOURI FALCONRY REGULATIONS

Resident Falconry Permit

PURPOSE: This rule establishes a permit for residents of the state to engage in falconry.

To take, possess alive, care for, and train birds of prey (raptors) and to use birds of prey to take other wildlife in accordance with 3 CSR 10-9.442 and federal falconry regulations. Fee: one hundred dollars (\$100). This permit shall remain valid for three (3) years from date of issuance. A federal falconry permit will no longer be issued.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Changed to 3 CSR 10-9.440, effective Jan. 1, 1994.*

Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 30, 2010, effective March 1, 2011.

**Original authority: 252.240, RSMo 1972, amended 1984.*

3 CSR 10-9.442 Falconry

PURPOSE: This rule establishes provisions for hunting with birds of prey.

(1) Birds of prey may be taken, transported, possessed, or used to take wildlife by holders of a falconry permit, to be issued only to residents qualified by passing with a score of at least eighty percent (80%) a written examination meeting federal standards and whose facilities and equipment meet requirements specified in this rule. The barter, sale, purchase, importation, or exportation of raptors without a permit is prohibited. If a permittee allows his/her permit to lapse for a period of less than five (5) years, the permit may be reinstated at the level previously held. A permittee who allows his/her permit to lapse five (5) years or longer must pass the written examination with a score of at least eighty percent (80%), at which point the permit may be reinstated at the level previously held.

(2) Only designated species and numbers of birds of prey may be possessed, and each bird shall bear a numbered, non-reusable marker provided by the department. Documented health problems or injuries caused by the band may qualify the permit holder for an exemption to the banding requirement for that raptor, in which case a copy of the exemption paperwork must remain in the permittee's possession when transporting or flying the raptor. If the bird with documented health issues caused by the band is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, an International Organization for Standardization (ISO)-compliant microchip must be used. Birds held under a falconry permit

may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(A) Cottontail and swamp rabbits may be taken from October 1 to March 31. Daily limit: six (6) rabbits, including no more than two (2) swamp rabbits; possession limit: twelve (12) rabbits, including no more than four (4) swamp rabbits.

(B) Squirrels may be taken from the fourth Saturday in May to February 15. Daily limit: ten (10) squirrels; possession limit: twenty (20) squirrels.

ROBIN CARNAHAN (1/29/11) CODE OF STATE REGULATIONS 15
Secretary of State

Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards 3 CSR 10-9

(C) Quail may be taken from October 1 to January 15. Daily limit: three (3) quail; possession limit: six (6) quail.

(D) Migratory game birds and waterfowl may be taken, possessed, transported, and stored only as provided in federal regulations and this Code. (Regulations for waterfowl and other migratory game birds are determined annually by the commission following receipt of regulations prescribed by the Secretary of the Interior under authority of the Federal Migratory Bird Treaty Act. See 3 CSR 10-7.440.)

(E) Pheasants of either sex may be taken in the areas and during the periods and within the bag and possession limits listed in 3 CSR 10-7.430.

(F) Other wildlife may be taken only within the specified seasons and bag limits, except that pheasants, quail, turkeys, and game mammals may be taken outside of the specified falconry seasons with a daily limit of one (1) per raptor per day.

(G) Permittees may use legally obtained and captive-reared quail, pheasants, exotic partridges, and mallard ducks for training of falconry raptors. Quail, pheasants, and exotic partridges shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked by removal of the hind toe from the right foot or by tattooing a readily discernable number or letter or combination on the web of one (1) foot.

(H) Game birds held for more than twentyfour (24) hours must be confined as specified in 3 CSR 10-9.220. For mallard ducks, such facilities must be designed and managed to immediately recapture any unharvested ducks.

(3) A nonresident who holds a valid falconry permit and a valid Missouri hunting permit may use birds of prey properly licensed in other states to take wildlife during the open season. Properly licensed falconry raptors may, without further permit, be entered and

used by nonresidents to take wildlife in any regional or national falconry field trial authorized by letter from the director.

(4) An applicant for a permit shall submit an application with information including the number of raptors possessed and the species, age, sex, date of acquisition, and source of each. An applicant under eighteen (18) years of age must have a parent or legal guardian co-sign the application. Falconry permits are issued by classes as follows:

(A) Apprentice Class—A permittee shall be at least twelve (12) years old and shall have a sponsor holding a general or master falconry permit. A sponsor shall have no more than three (3) apprentices at any one (1) time. An apprentice may possess only one (1) wild caught, captive-bred, or hybrid raptor of the order *Strigiformes* or *Falconiformes* except the following: Osprey, American swallow-tailed kite, Mississippi kite, bald eagle, white-tailed eagle, Steller's sea-eagle, northern harrier, Swainson's hawk, ferruginous hawk, sharp-shinned hawk, golden eagle, peregrine falcon, prairie falcon, flammulated owl, burrowing owl, barn owl, long-eared owl, and short-eared owl and may obtain not more than two (2) raptors from the wild during the twelve (12)-month reporting period.

An apprentice permittee may not possess a bird taken from the wild as a nestling or that is imprinted on humans;

(B) General Class—A permittee shall be at least sixteen (16) years old and shall have a letter from his/her sponsor documenting at least two (2) years' experience in falconry at the apprentice level, including maintaining, training, flying, and pursuing wildlife with the raptor(s) for at least four (4) months each calendar year. A general falconer may not possess more than three (3) wild caught, captive-bred, or hybrid raptors of the family *Accipitridae*, or of the family *Falconidae*, or of the family *Strigidae*; but not to include any eagle or any threatened or endangered species. A general falconer shall not obtain more than two (2) raptors from the wild during the twelve (12)-month reporting period;

(C) Master Class—A permittee shall have at least five (5) years' experience in falconry at the general class level and shall not possess more than five (5) wild raptors of the family *Accipitridae*, or of the family *Falconidae*, or of the family *Strigidae*; but not to include more than three (3) golden eagles (*Aquila chrysaetos*). A master falconer shall not obtain more than two (2) raptors from the wild during the twelve (12)-month reporting period. A master falconer may possess any number of captive-bred or hybrid raptors; provided, the captive-bred raptors are trained in the pursuit of wild game and used in hunting;

and

(D) The twelve (12)-month reporting period begins July 1 and ends June 30 of the following year.

(5) Facilities for raptors (mew and/or weathering area) shall be inspected and certified to meet the following standards:

(A) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions, and each bird shall be provided enough area to allow it to fully extend its wings. If raptors are untethered, all openings must be secured to prevent injury or escape, such as with vertical bars spaced narrower than the body width of the smallest raptor housed in the facility, heavy-duty netting, or other such measures and materials.

There shall be adequate perches, a secure door easily closed, and at least one (1) opening for sunlight. The floor shall be well drained and shall permit easy cleaning. Tethered raptors may be kept inside the permittee's residence if a suitable perch is provided;

(B) Outdoor (weathering area) facilities shall be fenced and covered with netting or wire or roofed. The enclosed area shall be large enough to ensure that birds flying from a perch cannot strike the fence. Raptors shall be provided at least one (1) covered perch and protection from excessive sun, wind, and inclement weather; and

(C) Falconry raptors may be temporarily kept outside in the open if they are in the immediate presence of the permittee or a designated helper.

(6) Applicants for falconry permits shall possess the following equipment:

(A) Jesses (straps attached to the legs)—at least one (1) pair of jesses constructed of pliable leather or suitable synthetic material for use when any raptor is flown free;

(B) Leashes and swivels—at least one (1) flexible, weather-resistant leash and one (1) strong swivel of acceptable falconry design;

(C) Bath container—a suitable container for each raptor which must be wider than the length of the raptor;

(D) Outdoor/portable perches—a weathering area perch of acceptable design for each raptor; and

(E) Weighing device—a reliable scale or balance suitable for weighing the raptors held.

(7) Raptors may be taken from the wild only as follows:

(A) Raptors shall be taken only in a humane manner. Any device used to take birds of prey shall be labeled with the name and address of the user and shall be personally attended by the user at all times;

(B) Young birds not yet capable of flight

(eyasses/nestlings), except ospreys, northern harriers (marsh hawks), sharp-shinned hawks, Swainson's hawks, peregrine falcons, bald eagles, Mississippi kites, barn owls, short-eared owls, and long-eared owls, may be taken only by a general or master falconer, and no more than two (2) eyasses may be taken by a falconer during the twelve (12)-month reporting period. The permittee must leave at least one (1) young in any nest or aerie from which an eyass is taken;

16 CODE OF STATE REGULATIONS (1/29/11) ROBIN CARNAHAN
Secretary of State

3 CSR 10-9—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission

(C) Any permittee may recapture any raptor wearing falconry equipment or an escaped captive-bred raptor at any time, including those species not authorized for possession. Recaptured raptors do not count toward the authorized possession limit but must be reported to an agent of the department within five (5) business days. Recaptured raptors must be returned to the permittee who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of an agent of the department;

(D) Only American kestrels and great horned owls may be taken when over one (1)-year old (haggard). Birds not listed in subsection (7)(B) of this rule may also be taken when over one (1)-year old, but only when taken under a depredation or special purpose permit by a general or master falconer. A master falconer, in any twelve (12)-month period, may take up to two (2) golden eagles from the wild only in a livestock depredation area (declared by the United States Department of Agriculture (USDA) Wildlife Services or by the governor) during the time the depredation area is in effect; and

(E) Nonresidents who have valid falconry permits, with written authorization of the director, may take from the wild and, when banded, possess and transport raptors under conditions and at those places and times as the director may specify; providing, that this person shall possess a valid Missouri nonresident hunting permit. (Note: Persons transporting raptors so taken into another state also may need permission for the transfer from the other state.)

(8) Special Provisions.

(A) A falconry permit does not authorize the capture or release of raptors or the practice of falconry on public lands if such use is prohibited on those lands, or on private property, without permission from the landowner.

(B) A hybrid raptor flown for falconry must have two (2) separate, attached, functioning radio transmitters to determine location.

The permanent release of a hybrid or non-native raptor is prohibited. Wild-caught raptors native to Missouri may be released to the wild at any time and without authorization; however, no captive-bred raptor shall be released to the wild without written authorization from the Department of Conservation. Markers shall be removed from permanently-released birds and surrendered to the department.

(C) Except as provided in this section, all feathers (including body feathers) collected from any falconry golden eagle that are not needed for imping (method of repairing broken feathers), and all golden eagle carcasses including all feathers, talons, and other parts, must be sent to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. Feathers from all other captive raptors may be retained by permittees for imping purposes only.

(D) Permittees may trap, take, trade, or transfer raptors only with a photocopy of Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) or electronic reporting at <http://permits.fws.gov/186A> submitted to the department within ten (10) business days of the action, and no money or other consideration may be involved, except that permittees may purchase, sell, or barter only captive-bred raptors marked with a seamless, numbered band. A permittee must notify the department within five (5) business days of any change in facility location.

(E) A permittee shall report by July 31 each year a listing of all raptors possessed on June 30, by species, marker number, sex, age, and the date and source of acquisition. The same information shall be reported for raptors possessed or acquired since the previous report but no longer possessed, with the source and date acquired and the date and reason for termination of possession.

(F) Raptors that are bred in captivity and utilized for falconry shall not be treated as threatened or endangered species for purposes of this rule.

(G) Except as provided in section (2), the permittee shall leave any accidentally killed animal where it lies, except that the raptor may feed upon the animal prior to leaving the site of the kill.

(H) Hacking (temporary release to the wild) is an approved method for conditioning raptors for falconry. Only general and master falconers may hack falconry raptors. Any raptor being hacked must be a species the permittee is authorized to possess and counts toward the permittee's possession limit. Any hybrid raptor being hacked must have two (2)

separate, attached, functioning radio transmitters during hacking. No falconry bird may be hacked near the nesting area of a federally-threatened or -endangered bird species, or in any location where the raptor is likely to disturb, harm, or take a federally-threatened or -endangered animal species.

(I) Raptors held by general and master falconry permittees and used primarily for falconry may be used for public conservation education programs that must include information regarding the biology, ecological roles, and conservation needs of raptors; programs that do not address falconry and conservation education are not allowed. A fee not to exceed the amount necessary to recover participation costs is allowed. The permittee assumes all potential liability associated with such programs.

(J) Raptors held by a permittee may be cared for by another permittee at either permittee's facility for up to one hundred twenty (120) consecutive days. Birds receiving such care remain in possession of the original permittee and do not count toward the possession limit of the care-giving permittee. The original permittee must provide to the care-giving permittee a signed and dated statement authorizing the temporary possession and indicating duration of care and the privileges granted to the care-giving permittee along with federal form 3-186A showing original possession of the raptors. Raptors held by a permittee may be cared for by a non-permittee for up to forty-five (45) consecutive days, but only at the permittee's facility; birds under such care may not be flown for any reason.