

PART Fis 813 FALCONRY PERMITS

Fis 813.01 Minimum Requirements and Application Procedures.

(a) Any person engaging in falconry or training raptors pursuant to RSA 209-A in New Hampshire shall possess a valid falconry permit, described in Fis 813.02, issued by the executive director.

(b) Falconry permits shall expire on December 31 and shall not be valid for more than 3 years from the date of issuance or renewal.

(c) Any person engaging in falconry shall comply with 50 CFR Sections 21.28 and 21.29.

(d) Applications shall be obtained from:

New Hampshire Fish And Game Department
Wildlife Division
11 Hazen Drive
Concord, New Hampshire 03301

Attention: Falconry Permit.

(e) Applicants and permittees shall possess a current New Hampshire hunting license and all applicable stamps and permits.

(f) Nonresident falconers shall also:

(1) Present a copy of a current falconry permit from the state where they reside; and

(2) Demonstrate that they legally possess the raptors by presenting a Migratory Bird Acquisition and Disposition Report, form 3-186A, as required by the United States Department of Interior, Fish and Wildlife Service.

(g) Any person applying for a falconry permit shall pass the falconry examination with a correct score of at least 80 percent.

(h) The exam shall consist of 100 questions which shall cover basic subjects of falconry such as:

(1) Natural history;

(2) Basic biology;

(3) Disease and treatment;

(4) Housing facilities;

(5) Handling, training and use of raptors; and

(6) State and federal laws and regulations.

(i) The applicant shall include the following on the application:

(1) The name of applicant;

(2) The address of applicant;

- (3) The age of applicant;
- (4) The telephone number of applicant;
- (5) The class of permit requested;
- (6) New Hampshire hunting license number;
- (7) Indication of what raptors the applicant intends on obtaining and the method of obtaining the bird(s); and
- (8) The applicant's signature, signature of parent or guardian if applicant is under 18 years of age, and signature and address of sponsor if applicant is an apprentice.

(j) No person shall be issued a New Hampshire nonresident falconry permit of a higher class than the one held in another state. Any person who becomes a resident of the state and holds a valid falconry permit in another state may obtain the same class resident permit in New Hampshire.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED: 5-29-05 (formerly Fis 1108.01)

New. #8431, eff 9-20-05

Fis 813.02 Permit Classes.

(a) There shall be 3 classes of falconry permits each subject to additional standards and conditions as specified below:

(1) A permittee in the apprentice falconry permit class shall:

- a. Be at least 16 years old;
- b. Be sponsored by a holder of a general or master falconry permit for the first 2 years;
- c. Be accompanied for a minimum of 20 hours of direct supervision by the apprentice's sponsor annually when practicing falconry;
- d. Not possess more than one raptor;
- e. Possess only an American kestrel (Falco sparverius) or red-tailed hawk (Buteo jamaicensis); and
- f. Not obtain more than one raptor for replacement during any 12-month period;

(2) A permittee in the general falconry permit class shall:

- a. Be at least 18 years old;
- b. Be recommended for the general falconry permit by apprentice's sponsor who shall attest, in writing to the department, of the apprentice's competence, general falconry knowledge and the 20 hours of direct supervision as specified in Fis 813.02(a)(1)(c);
- c. Have at least 2 years experience in the practice of falconry at the apprentice level or a similar level of licensure in another state;

- d. Sponsor no more than 2 apprentice permittees at one time after obtaining his general falconry permit;
 - e. Not possess more than 2 raptors for falconry; and
 - f. Not obtain more than 2 raptors for replacement birds during any 12-month period; and
- (3) A permittee in the master falconry permit class shall:
- a. Have at least 5 years experience at the general class level or a similar level of licensure in another state;
 - b. Not possess more than 3 raptors for falconry;
 - c. Not obtain more than 2 raptors for replacement birds during any 12-month period; and
 - d. Not sponsor more than 3 apprentice permittees at one time after obtaining the master falconry permit.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED: 5-29-05 (formerly Fis 1108.02)

New. #8431, eff 9-20-05

Fis 813.03 Amendments and Renewals.

(a) Permittees requesting amendment or renewal shall make request on the application specified in Fis 813.01(i) for a falconry permit and include:

- (1) The number of raptors possessed;
- (2) Species;
- (3) Age and sex of the bird, if known; and
- (4) Source and date of acquisition.

(b) A \$50.00 renewal fee shall be submitted with the request for renewal.

(c) No fee shall be required to amend a current permit to a higher class when the permittee meets all of the requirements of that higher class.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED: 5-29-05 (formerly Fis 1108.03)

New. #8431, eff 9-20-05

Fis 813.04 Revocation of Permit and Seizure of Raptor.

(a) The executive director shall revoke a falconer's permit and seize permittee's raptors as follows:

- (1) The executive director shall revoke a falconer's permit for pursuant to RSA 214:19 if the permittee is convicted of any violation of state or federal game laws or regulations;

(2) The executive director shall revoke a falconry permit, after notice and hearing in accordance with RSA 541-A, for any failure by the permittee to comply with any of the terms of his falconry permit;

(3) During a period of revocation, the person whose permit was revoked shall be issued a permit to possess wildlife under Fis 804.05, except the executive director shall seize the raptors if the permittee's permit was revoked for failure to comply with Fis 813.05; and

(4) Raptors seized shall be disposed of pursuant to RSA 207:17, I.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED: 5-29-05 (formerly Fis 1108.04)

New. #8431, eff 9-20-05

Fis 813.05 Housing and Care of Raptors.

(a) Falconry permittee's facilities and equipment shall be inspected and certified that the facilities meet or exceed the facilities and equipment requirement specified in 50 CFR Section 21.29(g) by a department representative prior to receiving a permit.

(b) The executive director or his agents shall inspect the permittee's facilities, equipment, records or raptors for the purpose of ascertaining compliance with this part.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED: 5-29-05 (formerly Fis 1108.05)

New. #8431, eff 9-20-05

Fis 813.06 Marking.

(a) Any peregrine falcon, gyrfalcon or harris hawk, possessed for falconry, except a captive bred raptor lawfully marked by a numbered, seamless band, shall be banded with a permanent, non-reusable, numbered band in accordance with the federal regulations specified in 50 CFR Section 21.29(h).

(b) Bands shall be obtained by written request to the department. The band shall not be transferrable and shall be attached to the raptor immediately upon receipt.

(c) Any peregrine falcon, gyrfalcon or harris hawk possessed for falconry purposes shall be banded at all times. Loss or removal of any band shall be reported to the New Hampshire fish and game department within 5 calendar days and the lost band shall be replaced with a permanent, non-reusable, numbered band.

(d) Marking for raptor propagation purposes shall comply with federal regulations as specified in 50 CFR Section 21.30(d)(3).

Source. #8220, INTERIM, eff 11-30-04, EXPIRED: 5-29-05 (formerly Fis 1108.06)

New. #8431, eff 9-20-05

Fis 813.07 Raptor Acquisition and Disposition.

(a) A falconry permit shall be required prior to obtaining a raptor.

(b) A migratory bird acquisition and disposition report, form 3-186A, shall be completed and submitted directly to the United States fish and wildlife service within 5 calendar days of the following:

- (1) The acquisition of a raptor taken from the wild or received from or transferred to another person;
- (2) The loss of a raptor due to escape, release, theft or death; or
- (3) The rebanding of a raptor which requires banding due to loss or illegibility of previously attached band.

(c) Young wild raptors, eyases, not yet capable of flight shall be taken only by a general or master falconer between May 15 and July 31, annually, subject to the following:

- (1) A permittee shall obtain written permission from the landowner before taking an eyase on private land. On public lands, written permission shall be obtained from the controlling authority such as the town selectmen, state agency, public works, or parks and recreations department of a city;
- (2) A permittee shall take not more than one eyase during a calendar year;
- (3) No more than one eyase shall be taken from a nest;
- (4) The nest shall initially contain 2 or more nestlings; and
- (5) At the time of capture, the permittee shall install metal flashing at least 2 feet wide and wrapped completely around the tree trunk at least 4 feet from the ground and painted to match the color of the tree. Flashing shall be removed after the remaining eyase(s) has left the nest.

(d) First-year passage birds and adult American kestrels (Falco sparverius) shall be taken only by general or master permittees during the period of September 1 through November 30.

(e) Apprentice permittees, under the direct supervision of their sponsor, shall take only wild first-year red-tail hawks (Buteo jamaicensis) and wild adult or first-year American kestrels (Falco sparverius) during September 1 through November 30.

(f) General permittees shall not take or possess any species listed as threatened or endangered under 50 CFR 17.

(g) Master permittees shall not take, in any 12-month period, as part of a three-bird limitation, more than one raptor listed as threatened in 50 CFR 17 and then only in accordance with 50 CFR 17.

(h) A bal chatri type live trap, or other live traps and nets, may be used for taking raptors if they are used in a manner which minimizes the danger of injuring the raptor.

(i) At any time an escaped, marked raptor may be retaken by a permittee in accordance with the provisions of his/her permit.

(j) Eggs shall not be taken nor possessed at any time.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED:
5-29-05 (formerly Fis 1108.07)

New. #8431, eff 9-20-05

Fis 813.08 Additional Restrictions and Requirements.

(a) A falconry permit holder shall not intentionally release to the wild any raptor without first obtaining a permit to release wildlife specified in Fis 805.02.

(b) Feathers that are molted or those feathers from birds held in captivity that die may be retained and exchanged by permittees only for imping purposes. "Imping" means damaged feather replacement.

(c) Permittees shall maintain complete records of information required in the migratory bird acquisition and deposition reports of all raptors acquired, transferred, lost or released.

(d) Raptors which die shall be reported on a properly completed form 3-186A submitted to the United States Fish and Wildlife service as required. Carcasses of dead raptors shall be buried unless otherwise authorized by written permission from the US Fish and Wildlife Service.

(e) Permittees, while practicing falconry, shall comply with all provisions of Title XVIII of the New Hampshire statutes and all applicable department rules pertaining to hunting seasons and bag limits for wildlife.

(f) When any raptor used in falconry kills any species of wildlife for which there is no open season or a species of wildlife for which the season is closed, the permittees using the raptor shall not take the dead wildlife into the permittee's possession but shall leave it where it lies. The raptor shall be allowed to feed on such dead wildlife before leaving the site of the kill.

(g) Raptors held under authority of a falconry permit shall only be used for falconry, except they may be used for falconry demonstrations, which may include the actual flying of the raptor.

(h) Raptors which have been captured from the wild shall not be bought, sold, bartered or offered for sale or barter under a falconry permit.

(i) Captive bred progeny of lawfully acquired raptors may be bought, sold, bartered and offered for sale or barter under a falconry permit.

Source. #8220, INTERIM, eff 11-30-04, EXPIRED:
5-29-05 (formerly Fis 1108.08)

New. #8431, eff 9-20-05