



At the September 2012 Commission meeting, the Commission directed staff to continue to work with stakeholders concerning the addition of a specie of raptor for apprentice class falconers, specifically the Merlin and then proceed to a final public hearing with proposed rule changes at the February 2013 Commission meeting. The proposed rule changes included changes to rules 68A-9.005, 68A-9.006 and 68A-4.008, Florida Administrative Code.

These proposed rules represent and address the interests of stakeholders and other interested parties as well as FWC staff.

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Background

- Florida's regulatory authority for falconry is currently shared with the U.S. Fish and Wildlife Service (Service)
- The Service is relinquishing permitting responsibilities
- State, tribal or territorial falconry regulations must be "certified" by the Service



Draft rule presented at September 2012
Commission meeting

As presented in September 2012, currently, we share regulatory authority and responsibilities related to falconry with the U.S. Fish & Wildlife Service (Service).

On November 7, 2008 the Service relinquished regulatory authority over falconry to states, tribes and US territories.

Therefore, we must have our regulations in effect and certified by January 1, 2014, at which time the federal permit program will be discontinued. FWC falconry regulations must meet or exceed current federal standards.

Public Input

- Staff held 2 workshops in October 2011 to gather input
- Public Website
- Outreach to permittees, industry and special interest groups



During the rule development process staff held 2 public workshops in October 2012.

The meetings were held in Ocala and Tallahassee, with the Tallahassee meeting being via teleconference. FWC had 28 people attended the public workshops, in which the majority of whom were falconers or those interested in becoming a falconer.

We also received input via an FWC website:

<http://myfwc.com/about/rules-regulations/rule-changes/falconry/>

We reached out to stakeholders and special interests groups such as:

- Florida Hawking Fraternity
- Florida Association of Zoos and Aquariums
- North American Falconers' Association
- Florida Falconers Association, Audubon Society
- Florida Wildlife Rehabilitators Association
- Humane Society of the United States
- Defenders of Wildlife
- US Fish and Wildlife Service.

Staff received 26 formal written comments on this subject. Comments consisted of suggestions, recommendations, and requests for rule language.

Staff received no input that was in opposition to falconry.

Public Input

- Staff surveyed falconers to determine the level of support for adding the Merlin as a raptor an apprentice could possess
- Responses:
 - 20 Yes
 - 21 No
 - 1 Maybe (who said would side with majority)



At the September 2012 Commission meeting, the Commission approved draft rules and the request to move forward to final public hearing. At this Commission meeting a concern was raised from a stakeholder regarding the raptors that an apprentice falconer may possess. Staff continued to work with stakeholders and other interested parties regarding the raptors that an Apprentice falconer may possess.

Staff sent a simple survey to 70 current stakeholders and falconry licensees.

A total of 42 responses were received.

Staff Considerations

- These factors were used to evaluate adding the Merlin
 - Survey results (basically neutral)
 - Addition of a “bird hunter” style raptor
 - Minimal amount of apprentices added annually (average of less than 6)
 - Allowance of only 1 bird and 1 replacement in a 12 month period



Below is a breakdown of the apprentice falconers that were added during the last 4 years:

2009 = 6

2010 = 3

2011 = 7

2012 = 7

Total = 23 with an average of 5.75 annually

Staff Recommendations

Approve proposed rules 68A-9.005, 68A-9.006 and 68A-4.008 as advertised.

Proposed Effective Date of July 1, 2013



Based on further stakeholder input, Service input, and the understanding of the Commission's guidance, staff included language in the proposed rule to allow Apprentice falconers to possess Merlins with Sponsor support and guidance.

Staff recommends approval proposed rules 68A-9.005, 68A-9.006 and 68A-4.008 as advertised. If adopted these rules will become effective July 1, 2013.

The following slides are considered back-up material
and are not anticipated to be part of the actual
presentation

Proposed Draft Rule

68A-9.005 Falconry

- Defines falconry related terms
- Addresses eligibility requirements and permit conditions
 - Authorizes Apprentice to possess broad-winged hawk
 - Authorizes Apprentice to fly captive birds of General or Master falconers



Under the proposed draft rule we have a definitions section for clarification of terms used. This section defines such terms as:

Aylmeri jesses

Branchers (new term added)

Captive bred raptors

Eyas

Falconry

Giant hood

Hacking

Haggard

Hybrid

Imprint

Passage

Raptor

Service

Sponsor

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Eligibility/Permit conditions, cont.
 - Require parent or legal guardian to be legally responsible
 - Establishes experience requirements for possession of eagles
 - Authorizes Master falconers to possess Golden eagles
 - Provides for reinstatement of lapsed or revoked permits



Eligibility requirements (for permit)/Permit Conditions, cont.,

Required Changes

- Requires a parent or legal guardian to sign the falconry permit application and be held legally responsible for activities of applicants under 18 years of age
- Establishes experience requirements for authorization to possess eagles at 1 year to consist of not less than 1,000 hours
- Authorizes Master falconers with documented experience to possess Golden eagles
- Provides that lapsed or revoked permits may be reinstated when lapsed less than 5 years (at previous level), lapsed more than 5 years (at previous level once they pass exam)
- If revoked (with successful completion of exam and facility inspection)

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Eligibility/Permit condition, cont.,
 - New residents or U.S. visitors must pass exam
 - Requires falconer to have permit in possession when conducting falconry related activities
 - Increases possession limits for General and Master falconers



Eligibility requirements (for permit)/Permit Conditions, cont., Required Changes

- Requires new residents and visitors requesting temporary falconry permits to successfully complete the falconry exam with a score of 80 % or better
- Requires falconers to have their falconry permit in their possession when conducting falconry related activities, such as:
 - Trapping
 - Flying
 - Hunting
- Increases the possession limit for raptors to:
 - General (from 2 to 3)
 - Master (from 3 to 5)

This is consistent with federal regulations

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Eligibility/Permit condition, cont.,
 - Requires raptors to be maintained, trained, flown and /or hunted before being eligible for an upgrade in classification
 - Authorizes possession of captive bred or hybrid raptors by General or Master falconers



Eligibility requirements (for permit)/Permit Conditions, cont., Required Changes

- Requires that a falconer maintain, train, fly, and hunting raptors before an upgrade can be considered
- Requires valid hunting license
- Other applicable licensing while hunting in Florida, duck stamp, migratory bird permit, WMA, etc.
- Authorizes General or Master falconers to possess captive bred or hybrids species

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Broadens housing requirements
 - Compatible birds may be housed together without tethering
 - Incompatible birds must be tethered or separated by partition
 - “Resident facility” may be on the property of another



Required Changes

Housing requirements

- Authorizes compatible birds to be housed together without tethering and requires incompatible birds to be tethered or separated by a partition
- Authorizes the “resident facility” (the approved facility for housing raptors) to be on property not owned by the permittee

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Housing requirements, cont.
 - Allows materials such as vertical bars, wooden or plastic lattice, heavy duty netting for windows
 - Eyas may be kept in any suitable container until capable of flight
 - Provides for temporary care of raptor another



Required Changes

Housing requirements, cont.,

- Provides for a variety of materials to be used including vertical bars, wooden or plastic lattice, or heavy duty netting
- Authorizes the housing of eyases (young raptor not capable of flight) in any suitable container until they are capable of flight
- Authorizes temporary care of the raptor by someone other than the permittee for specified time periods.

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Reporting and Recordkeeping
 - Must immediately report accidental take of endangered or threatened species by raptor
 - Must report raptors with research band/transmitter



Reporting and Recordkeeping requirements

Required Changes

- Require immediate reporting of any federal or state-listed endangered or threatened species accidentally taken by a falconry bird to the U.S. Fish and Wildlife Service and FWC. Reporting also includes the location of the accidental take
- Requires reporting of raptors that are trapped with research band/transmitter to the Federal Bird Banding Laboratory by calling (800)327-2263 for scientific purposes

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Reporting and Recordkeeping, cont.
 - Notify FWC within 5 days of relocating “resident facility”
 - Report lost or stolen bands
 - Report any change in inventory within 10 days



Required Changes

Reporting and Recordkeeping requirements , cont.,

- Require notification to FWC within 5 days of relocating “resident facility” (FWC approved raptor housing facility)
- Lost or stolen bands must be reported to U.S. Fish and Wildlife Service within 5 days.

Federal regulations require the peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and Harris’s hawk (*Parabuteo unicinctus*) that are possessed for falconry purposes to be banded with a permanent non-reusable band provided by the U.S. Fish and Wildlife Service.

Captive bred raptors must be marked with a seamless metal band. If the bands are lost or stolen they must be reported to the U.S. Fish and Wildlife Service.

- Any change in inventory must be reported within 10 days (includes acquisition, transfer, release, rebanding, microchipping, escape, death or theft). This is consistent with federal regulations.

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Reporting and Recordkeeping, cont.
 - Maintain acquisition records as long as the raptor is possessed
 - Retain records of transfer, loss or death for 5 year



Required Changes

Reporting and Recordkeeping requirements , cont.,

- Acquisition records must be maintained as long as the raptor is possessed
- Records of transfer, loss, or death must be maintained for 5 years after the transfer, loss, or death of a raptor. This is consistent with federal regulations.

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Addresses release and /or transferring of raptors
 - Authorizes placement of raptor within 90 days of death of permittee
 - Prohibits permanent release of non-native or hybrid raptors
 - Authorization required to release captive bred raptors



Required Changes

Releasing/Transferring raptors

- Authorizes surviving spouse, executor, administrator or other legal representative of a deceased permittee to transfer raptors within 90 days of the permittee's death
- Prohibit permanent release of non-native or hybrid raptors
- Requires authorization to release captive bred raptors. Federal regulations require permission from the State, Indian Tribe, or territory before a captive bred bird that is native to that State, tribe or territory may be released.
- If permitted to do so the falconer must hack the bird (allow it to adjust) to the wild at an appropriate time of year and in an appropriate location. In this instance the band must be removed and the release be reported in the federal electronic database or by submitting paper form 3-186A to the State, tribal or territorial agency that governs falconry. Florida regulations do not currently address the release of captive bred raptors.
- Authorizes acquisition of raptors from a rehabilitator

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Addresses release and /or transferring of raptors
 - Authorizes the purchasing, selling or bartering of captive bred raptors
 - Authorizes the use of wild raptors in captive propagation



Required Changes

Releasing/Transferring raptors, cont.,

- Authorize purchase, barter, sale (or offer of same) of captive bred raptors
- Authorize the use of wild raptors in captive propagation or transfer to a raptor propagation permit after specified period. Federal regulations authorize the possession of captive bred raptors. These regulations also provide that a raptor possessed for falconry may be used in captive propagation with appropriate permit(s).

Florida's falconry regulations currently do not address the use of falconry raptors for captive breeding.

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- **Addresses take of raptors**
 - Season dates lengthened
 - Take of adult kestrels, endangered or threatened species authorized
 - Limits take of kestrels to the fall season with an imperiled species permit
 - Prohibits the take of Burrowing owls



Required Changes

Take of raptors

- Lengthens season dates for the trapping of eyas and passage birds
- Authorizes trapping of Kestrels over 1 year old
- Authorizes trapping of Endangered/Threatened species by General or Master falconer
- Limits take of American and southeastern kestrel to fall trapping season. Southeastern kestrel must have imperiled species permit
- Prohibits the take of Burrowing owl for falconry purposes

Here is a breakdown of the dates:

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| <u>SPRING (days)</u> | <u>FALL (days)</u> | <u>TOTAL</u> | |
|--------------------------------|--|---|-----|
| Current | 03/17 - 04/30 & 05/17 - 06/30 (90) | 09/15 – 10/31 & 12/01 – 01/12 (90) | 180 |
| Proposed ammed. Draft to draft | Year round (365) general/master (“eyas” & and “brancher” trapping) | 08/15 – 02/15 (185) (passage trapping) | 365 |

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Authorizes commercialization of captive bred raptors
- Provides for the retention and transfer of feathers
- Authorizes the mounting of a raptor that has been banded or microchipped prior to death



Other recommended changes, but not required

- Provides for the retention and transfer of feathers among permittees for imping purposes or to Native Americans or other qualified permittees.
- Authorizes mounting of banded/microchipped raptors. Federal regulations provide that a falconer may keep the body of any falconry raptor that dies (except a Golden eagle) so that the feathers may be available for imping or to have the body mounted by a taxidermist.
- Florida's falconry regulations provide that feathers that are molted or from deceased captive birds may be retained or exchanged by permittees only for imping purposes. Florida's current falconry regulations do not address the mounting of deceased raptors.

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Proposed Draft Rule, cont.,

68A-9.005 Falconry

- Provides that a non-resident with a valid falconry permit may possess raptors in Florida
- Includes “let it lay” language to address unintentionally taken prey
- Requires a license to exhibit or sell raptors



Other recommended changes, but not required, cont.,

- Non-resident with valid falconry permit may possess raptors in Florida
- Includes “let it lay” language by allowing the raptor to feed on prey that was unintentionally taken or taken out of season while prohibiting the falconer from taking such prey into possession
- Requires license to exhibit or sell raptors
- Authorizes the practice of Abatement with proper permits from USFWS.
Abatement is when falconry birds are used to chase or fly in an area where there is excess birds or prey that is causing concerns such as: damage to crops, damage to buildings or structures, health concerns, and concerns for airports and aircraft (potential crashes).

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Proposed Draft Rule, cont.

69A-9.006 Wildlife Rehabilitation Permit

- Authorize the transfer of raptors to permitted falconers for rehabilitation or falconry purposes

68A-4.008 Taking Wildlife on Roads and Right-of-Ways Prohibited

- Authorize the taking (trapping) of raptors from roads and right-of-ways



In addition to the amendments to the falconry rule, staff recommends amendments to rules 68A-9.006 and 68A-4.008, F.A.C., as follows:

Rule 69A-9.006 Wildlife Rehabilitation Permit:

- Authorize the transfer of raptors to permitted falconers for rehabilitation purposes

Rule 68A-4.008 Taking Wildlife on Roads and Right-of-Ways Prohibited:

- Would authorize the trapping of raptors along the side of road ways or right-of-ways.
- Falconers frequently travel roads in search of raptors. The openness of the road side or right-of-ways provides an ideal trapping environment.
- Currently rule prohibits the taking or attempting to take wildlife (except for the collection of amphibians or reptiles without the use of a gun) on or upon the right-of-way of any federal, state or county maintained road whether paved or otherwise.
- This change would be required to allow falconers to trap raptors for falconry purposes along right-of-ways.