

## Chapter NR 18

## FALCONRY

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**NR 18.01 Definitions.** In this chapter:

(1) “Band” means a numbered, non-reusable USFWS leg band supplied by the department.

(1g) “Bureau” means the department of natural resources bureau of endangered resources.

(1r) “Department” means the department of natural resources.

(2) “Disposal” means transfer of the raptor by gift or trade, release, escape, death or any other event that results in the permittee no longer possessing the raptor for falconry.

(3) “Eyas” means a young raptor not yet capable of flight.

(4) “Falconry” means caring for and training raptors for the pursuit of wild game, and hunting wild game with raptors. Falconry includes the taking of raptors from the wild to use in the sport, caring for, training, and transporting raptors held for falconry.

(5) “Falconry permit” means a state or tribal permit to allow a resident permittee to take, possess and transport raptors for the purpose of practicing falconry.

(6) “Fish & wildlife service” and “USFWS” mean U. S. department of interior — fish & wildlife service.

(6m) “Foreign” means any source of wildlife originating from outside the United States.

(7) “Hacking” means the temporary release to the wild, not to exceed 30 days, of a raptor held for falconry so that it must survive on its own.

(7m) “Hybrid” means offspring of any two species whether or not listed in the federal regulations at 50 CFR 10.13, and any progeny of those birds.

(8) “Imping” means a method of repairing broken flight or tail feathers.

(8m) “Imprint” means a bird that is hand-raised in isolation from the sight of other raptors from 2 weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

(9m) “Nonresident” means a person other than a resident as defined in s. 29.001 (69), Stats.

(10) “Raptor” means a live, migratory bird of the Orders Accipitriformes, Falconiformes, or Strigiformes, including the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*).

(11) “Replacement raptor” means a raptor obtained to replace one that has died in captivity, has escaped, or is released to the wild.

(12) “Take” means to trap, capture or pursue or attempt to trap, capture or pursue, a raptor for the purposes of falconry.

(13) “Trapping permit” means a permit obtained by a nonresident from the department to take a raptor for the purposes of falconry.

(14) “Tribe” means any Wisconsin band of Native Americans recognized by the federal government, and which is authorized by the USFWS to issue a falconry permit to its members.

(15) “Visitor” means anyone from another country.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. (1), renum. (2) to (9) to be (4), (12), (9), (8), (7), (11), (1) and (6), cr. (2), (3), (5), (10) and (13), Register, December, 1997, No. 504, eff. 1-1-98; CR 01-127: cr. (intro.) and (9m), Register July 2002 No. 559, eff. 8-1-02; CR 13-005: renum. (1) to (1r), cr. (1), (1g), am. (4) to (6), cr. (6m), r. and recr. (7), cr. (7m), (8m), r. (9), am. (10), (11), cr. (14), (15) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.02 Application.** (1) The raptors covered by this chapter include those raptor species whose range extends into any part of Mexico, the United States, or Canada. All individual birds of such species whether or not raised in captivity, and including any subspecies, even if the range of such subspecies does not include parts of the above countries, are covered by these regulations.

(2) The importation of any wildlife from a foreign source must be in compliance with federal laws or regulations.

**Note:** Sections ATCP 10.06 and 10.07 establish requirements related to importation of animals into Wisconsin. These provisions establish the responsibility of a person importing a raptor to obtain: a) a certificate of veterinary inspection and b) a Wisconsin Department of Agriculture, Trade and Consumer Protection import permit. The importer must have copies of the health certificate and import permit before transporting the raptor to Wisconsin.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; CR 13-005: am. (1) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.03 Permit and license requirements.** (1) No person may take, possess, transport, import, export, sell, purchase, barter, offer for sale, or purchase any migratory raptor species, or the parts, nests, or eggs of raptor species, for falconry purposes or to practice falconry in Wisconsin unless a valid falconry permit has been issued pursuant to this chapter or issued by another state or tribe provided that the state or tribe is listed in the federal regulations as a state or tribe meeting federal falconry standards. Tribal permits are only valid when issued to the tribe’s own members. Falconers hunting on state property need to follow state property rules, and it is the falconer’s responsibility to be aware of the state property rules before commencing falconry activities.

(2) Nonresident falconers shall obtain a trapping permit to take raptors in Wisconsin under s. NR 18.12 (2) and shall obtain a valid small game or general hunting license to practice falconry in Wisconsin.

(3) No person may engage in any falconry activity unless the person possesses a falconry permit or a nonresident raptor trapping permit issued under this chapter.

**Note:** A state of Wisconsin turkey, pheasant, or duck stamp is no longer required to engage in the sport of falconry. A federal duck stamp, however, is required to hunt migratory waterfowl. Federal duck stamps can be purchased through a local post office and at many local DNR offices.

(4) No person may transfer a falconry permit or a falconry band, or allow the use thereof by any other person, nor may any

person while engaged in falconry, use or carry any permit or band issued to another.

(5) A visitor to the U. S. possessing a falconry permit or license from their country may practice falconry in Wisconsin and shall abide by nonresident falconer permit and license requirements.

**Note:** The national forests, consistent with the multiple use–sustained yield act of 1960 (16 USC 528) and the federal land policy management act of 1976 (16 USC 1701–1784), are managed for wildlife purposes. Data regarding the populations and take of the northern goshawk on the national forest is relevant to goshawk management. The Forest Service may implement protection measures for the northern goshawk that may include the closing of areas of land within the national forest to the take of goshawks. Information on the location of national forest land may be obtained from: Chequamegon/Nicolet Forest Supervisor, Federal Building, 68 S. Stevens Street, Rhineland, WI 54501.

(6) If a falconer takes a raptor from the wild and keeps it overnight, the falconer must report it to the bureau Falconry Coordinator within 10 days using the 3–186A form.

**Note:** Paper copies of the 3–186A form can be obtained by contacting the Falconry Coordinator at the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707–7921 or online at <http://permits.fws.gov/186A>.

**History:** Cr. Register, December, 1977, No. 264, eff. 1–1–78; am. (1) (a) and r. and recr. (1) (b), Register, August, 1982, No. 320, eff. 9–1–82; am. (1) (intro.), r. (1) (a) and (b), r. and recr. (2), renum. (3) to be (4) and am., cr. (3) and (5), Register, December, 1997, No. 504, eff. 1–1–98; CR 13–005: am. (1), (3), (4), r. and recr. (5), cr. (6) Register July 2013 No. 691, eff. 8–1–13.

**NR 18.04 Falconry hunting. (1) ESTABLISHED SEASONS.** In addition to the seasons established by ch. NR 10, falconry permit holders may hunt upland game birds and animals described in s. NR 10.01 (2) and (3) September 1 through March 31, except cottontail rabbit, fox squirrel and gray squirrel may be hunted year–round. Hunting of hen pheasants is allowed statewide by the method of falconry.

**Note:** Falconers are not limited to properties specified under s. NR 10.01 (2) (c) 2. Normal daily bag and possession limits established by s. NR 10.01 (2) apply, except that the daily bag limit for hen pheasants taken by falconry is one.

(2) **LETLAY RULE.** A falconry permit holder whose raptor accidentally kills any protected animal during the closed season or a protected animal during the open hunting season, as specified in sub. (1), shall leave the dead animal where it lies. The raptor may feed upon the dead animal prior to leaving the kill site.

**Note:** Daily kill and possession limits, hunting hours, and other small game rules established for hunting by chs. NR 10, 11, and 15 and ch. 29 Stats., apply.

**History:** Cr. Register, December, 1977, No. 264, eff. 1–1–78; r. and recr. Register, August, 1982, No. 320, eff. 9–1–82; r. and recr. Register, July, 1987, No. 379, eff. 8–1–87; CR 13–005: am. (1), (2) Register July 2013 No. 691, eff. 8–1–13.

**NR 18.05 Examination. (1)** Prior to submitting an application for a permit under this chapter, each new applicant or person whose prior permit has expired or been revoked for a period of more than 5 years shall be required to answer correctly at least 80% of the questions on a supervised examination described in sub. (2). If a falconer's permit has expired or been revoked for fewer than 5 years, it may be reinstated if the falconer has proof of certification for his or her most recent level, pursuant to s. NR 18.10.

(2) The examination shall be prepared by the department or tribe in consultation with the Wisconsin Falconers Association, and administered by a representative of the department or tribe. The examination shall consist of questions relating to the basic biology, care, and handling of raptors, and literature, laws, and regulations governing the sport of falconry.

(3) An applicant who fails to answer correctly at least 80% of the questions on the examination described in sub. (2) may not be issued a permit but may repeat the exam after 30 days. Should the applicant fail the test a second time, the applicant shall wait at least one year prior to taking the test again.

(4) If an applicant is a new resident of the United States, the applicant may be granted a permit to practice falconry at an appropriate level based on his or her experience. To demonstrate knowledge of falconry, the applicant shall correctly answer 80% of the questions on a supervised examination. If successful, the

applicant may be assigned by the department or tribe the permit class consistent with the requirements set forth in s. NR 18.10.

**History:** Cr. Register, December, 1977, No. 264, eff. 1–1–78; am. Register, December, 1997, No. 504, eff. 1–1–98; CR 13–005: am. (1) to (3), cr. (4) Register July 2013 No. 691, eff. 8–1–13.

**NR 18.06 Application procedure. (1) RESIDENT FALCONRY PERMIT.** A person shall submit an application for a permit under this chapter on forms provided by the department accompanied by a fee of \$75 for a 3–year falconry permit. An applicant may not submit more than one application for a permit under this chapter nor apply for a permit if they have failed to answer correctly at least 80% of the questions on a falconry examination as described in s. NR 18.05 (2) and as required in s. NR 18.05 (1). An applicant shall provide the following information:

(a) Name, address, birth date and physical description of the applicant.

(b) Number, species and source for each raptor the applicant plans to acquire, including its age and sex if known.

(c) Description and location of falconry facilities.

(d) Description of the training area.

(e) Date and time the facilities and training area will be ready for inspection.

(f) Certification by the applicant that the information in the application is true and correct.

(g) Authorization allowing state and federal agents to inspect the applicant's facilities, training area and raptors.

(2) **NONRESIDENT RAPTOR TRAPPING PERMIT.** A nonresident may apply annually for a nonresident raptor trapping permit under this chapter on forms provided by the department accompanied by a fee of \$100. An applicant may not submit more than one application for a permit under this chapter. Each applicant shall provide the following information:

(a) Name, address, birth date and physical description of the applicant.

(b) Number, species and source for each raptor the applicant plans to acquire, including its age and sex if known.

(c) Description and location of falconry facilities.

(d) Certification by the applicant that the information in the application is true and correct.

(e) A photocopy of his or her current, valid state or federal falconry permit and valid import license from the state of residence, which shall be listed as a cooperating state in 50 CFR 21.29(k), and which authorizes the taking of raptors for use in falconry.

**Note:** Application forms may be obtained at: Bureau of Endangered Resources (BER), Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, WI 53707. The Resident Falconry Permit application and the Nonresident Raptor Trapping Permit application can be accessed online at the bureau's falconry website: <http://dnr.wi.gov/topic/EndangeredResources/permits.html>. Possession of facilities for housing raptors is not a prerequisite for obtaining a resident falconry permit under s. NR 18.07. A resident permittee, however, must pass a facilities inspection by the department or tribe prior to obtaining a raptor for use in falconry.

**History:** Cr. Register, December, 1977, No. 264, eff. 1–1–78; r. and recr. Register, December, 1997, No. 504, eff. 1–1–98; CR 01–127: am. (1) (intro.), (2) (intro.) and (e), Register July 2002 No. 559, eff. 8–1–02; CR 13–005: am. (1) (intro.), (2) (intro.) Register July 2013 No. 691, eff. 8–1–13.

**NR 18.07 Inspection of facilities and equipment.**

(1) **INSPECTION.** Upon receipt of an application for a resident falconry permit, the department shall, within 30 days, inspect the applicant's facilities and equipment and determine that the applicant complies with this section before a permit may be issued. Falconry birds, facilities, equipment, and records may be inspected by state or tribal officials only in the presence of the permittee during business hours on any day of the week.

(2) **FACILITIES; EQUIPMENT.** The applicant shall provide and maintain the following facilities and equipment in accordance with the following standards to ensure the health and safety of the raptor or raptors:

(a) *Facilities.* Raptor housing facilities whether indoors or outdoors shall be maintained in a clean state and protected from

the environment, predators and undue disturbance and shall include either:

**Note:** Indoor facilities are commonly known as mews and outdoor facilities are commonly known as weathering areas.

1. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in them. If more than one raptor is to be kept in a mew, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's head, and a secure door that can be easily closed. The floor of a mew shall permit easy cleaning, be well drained, and have at least one perch.

2. Outdoor facilities (weathering areas) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and from attack by predators. The enclosed weathering area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather, and at least one adequate perch shall be provided for each bird.

3. A single facility meeting the requirements of both subds. 1. and 2. may be permitted.

(b) *Equipment.* The following items shall be in the possession of the applicant before a permit can be obtained.

1. 'Jesses.' A minimum of one pair of Aylmeri jesses or similar type 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 on raptors when not being flown.

2. 'Leashes and swivels.' A minimum of one flexible, weather resistant leash and one strong swivel of acceptable falconry design.

3. 'Bath container.' A minimum of one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

4. 'Outdoor perches.' A minimum of one weathering area perch of an acceptable design shall be provided for each raptor.

5. 'Weighing device.' A reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than 1/2-ounce (15 grams) shall be provided by the permittee.

(c) *Maintenance.* All facilities and equipment shall be kept at or above the preceding standards at all times.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. (1), (2) (intro.) and (a) (intro.), am. (2) (a) 1. and 2., cr. (2) (a) 3., Register, December, 1997, No. 504, eff. 1-1-98; CR 13-005: am. (1), (2) (a) 1., 2., (b) 5. Register July 2013 No 691, eff. 8-1-13.

**NR 18.08 Unsatisfactory conditions.** Within 5 working days of a written finding of improper treatment or care of a raptor or of the failure to provide proper facilities or equipment for a raptor, the department shall notify the permittee of the finding in writing and request the correction of the treatment, care, facilities or equipment, as detailed in the notice. If the permittee fails to make the corrections, the raptors may be seized by the department and the permit may be revoked. If the permit is revoked, the permittee is ineligible to receive another permit until the department is satisfied the facilities, equipment, and care comply with this chapter, and that the health and safety of any raptors in the facilities are ensured.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. Register, December, 1997, No. 504, eff. 1-1-98; r. and recr. Register, December, 1997, No. 504, eff. 1-1-98; CR 13-005: am. Register July 2013 No. 691, eff. 8-1-13.

**NR 18.09 Issuance criteria.** The department may not issue or renew a permit if any of the following apply:

(1) The applicant submitted false information in the application.

(2) The applicant has been found to have failed to provide facilities or equipment in compliance with this chapter, or the applicant has failed to provide proper treatment or care of the rap-

tors. However, if the department is satisfied that the failure has been corrected and will not be repeated, a permit may be issued.

(3) Issuance may have a significant adverse effect on the wild population of raptors based on the best scientific evidence available.

(4) The applicant has failed to comply with federal or state law respecting take, possession or transportation of raptors.

(5) The applicant has failed to submit reports required by this chapter.

(6) The applicant has submitted reports required by this chapter in an incomplete or false manner.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. Register, December, 1997, No. 504, eff. 1-1-98.

**NR 18.10 Classes of permits.** Possession of facilities for housing raptors is not a prerequisite for obtaining a permit, except for the apprentice class applicant, whose facilities shall be inspected before an apprentice permit is granted. Regardless of falconry class, the applicant shall have facilities that pass state or tribal inspection before obtaining a raptor for use in falconry. The applicant may not intentionally capture a raptor species that the classification as a falconer does not allow the applicant to possess for falconry. If the applicant captures a bird that is not allowed to be possessed, the bird shall be released immediately. The requirements for each falconry class permit are as follows:

(1) **APPRENTICE CLASS.** (a) An apprentice class permittee shall be at least 14 years old and sponsored by a person possessing a general or master falconry permit in Wisconsin, Iowa, Illinois, Michigan, or Minnesota. If the apprentice is under 18 years of age, a parent or legal guardian shall agree to be responsible for the apprentice's activities.

(b) A sponsor who is a holder of a general or master falconry permit is required for permittees under the age of 18, and for all permittees the first two years in which an apprentice permit is held, regardless of the age of the permittee. A person may not act as a sponsor for more than 3 apprentices at any one time. The sponsor of an apprentice shall do all of the following:

1m. Write a letter supporting the application of the apprentice.

2. Submit an annual progress report in narrative form to the department by July 31 of each year.

3. Notify the department at any time when the progress or performance of an apprentice is unsatisfactory.

(c) The apprentice class permittee may possess one wild American kestrel (*Falco sparverius*) or red-tailed hawk (*Buteo jamaicensis*) and may not obtain more than one wild raptor for replacement during any 12-month period, August 1 to July 31.

(d) An apprentice class permittee may not possess an eyas or a raptor that is imprinted on humans.

(e) The apprentice class permittee may not possess a raptor taken from the wild as a nestling.

(2) **GENERAL CLASS.** (a) A general class permittee shall be at least 18 years old and shall have at least 2 years experience in the practice of falconry at the apprentice level and receive a written recommendation from the sponsor or produce documentation, acceptable to the department, of qualified experience exceeding 2 years including maintaining, training, flying, and hunting with a raptor for at least 4 months in each year.

(b) A general class permittee may not possess more than 3 wild or captive-bred raptors and may not obtain more than 2 raptors from the wild during any 12-month period, August 1 to July 31.

(c) A general class permittee may take and possess any species of Accipitriform, Falconiform, or Strigiform except a golden eagle, a bald eagle, a white-tailed eagle (*Haliaeetus albicilla*), or a Steller's sea eagle (*Haliaeetus pelagicus*). A general class permittee may use captive-bred individuals and hybrids of the species the permittee is allowed to possess. A general class permittee may not possess any endangered or threatened species listed in s.

NR 27.03 unless it is captive-reared and marked with a band provided by the fish and wildlife service.

(3) **MASTER CLASS.** (a) A master class permittee shall have at least 5 years experience in the practice of falconry at the general class level.

(b) A master class permittee may not possess more than 5 wild raptors, and may not obtain more than 2 raptors from the wild during any 12-month period, August 1 to July 31. A master class permittee, however, may possess any number of captive-bred raptors as long as the master class permittee trains them in the pursuit of wild game and uses them in hunting.

(c) A master class permittee may take and possess any species of Accipitriform, Falconiform, or Strigiform, except a bald eagle. A permittee may not take, transport or possess any endangered or threatened species listed in s. NR 27.03, except captive-reared species and passage (first-year migrant) peregrine falcons (*Falco peregrinus*) marked with a band provided by the fish and wildlife service.

(d) A master class permittee may not take, transport, or possess as part of the permittee's 5-bird limitation, more than one raptor listed as a federally threatened species as prescribed by 50 CFR 21.29 (e) (3) (v).

(e) A master class permittee may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea eagle only if the permittee meets the following requirements:

1. Experience is required in handling large raptors, including the species handled and the type and duration of the experience.

2. Two letters of reference are needed containing a concise history detailing the author's experience with large raptors, which can include handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the master class permittee's ability to care for eagles and to fly them in falconry. An eagle possessed by a falconer counts against the individual limit of 5 raptors. The permittee shall mark the eagle with a band provided by the fish and wildlife service, and if desired implant an ISO-compliant (International Organization for Standardization) (134.2 kHz) microchip. The permittee shall report the band and microchip within 10 days at <http://permits.fws.gov/186A>, or submit a paper 3-186A form to the bureau or permittee's tribe.

**Note:** Paper copies of the 3-186A form can be obtained by contacting the Falconry Coordinator at the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921 or online at <http://permits.fws.gov/186A>.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; am. (2) (d), (3) (c) and (d), Register, August, 1982, No. 320, eff. 9-1-82; emerg. am. (3) (c), eff. 9-15-89. am. (3) (c), Register, March, 1990, No. 411, eff. 4-1-90; r. (1) (b) 4, and (2) (b), am. (1) (a), (b) (intro.), 1. to 3., (c), (2) (a) and (3), r. and recr. (1) (d), renum. (12) (c) and (d) to be (2) (b) and (c) and am., Register, December, 1997, No. 504, eff. 1-1-98; CR 13-005: cr. (intro.), am. (1) (a), (b) (intro.), r. (1) (b) 1., cr. (1) (b) 1m., am. (1) (b) 2., 3., (c), (d), cr. (1) (e), am. (2), (3) (b) to (d), cr. (3) (e) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.11 Duration of permits.** A permit shall be valid for a period not to exceed 3 years, the period commencing on the date of issuance and expiring on July 31 of the third year following issuance.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. Register, December, 1997, No. 504, eff. 1-1-98.

**NR 18.12 Taking and disposal restrictions. (1) RESIDENT PERMITTEE.** No resident permittee may take, possess or transport a raptor from the wild without a falconry permit from the department's bureau of endangered resources.

(2) **NONRESIDENT RAPTOR TRAPPING PERMIT.** (a) Trapping permits may be issued to nonresidents meeting the qualifications of the permittees in s. NR 18.10.

(b) Nonresidents may not apply for more than one trapping permit per trapping season.

(c) The nonresident raptor trapping permittee shall immediately upon capture mark a raptor trapped under a nonresident rap-

tor trapping permit with a federal band. No raptor may be transported within or from Wisconsin without the band attached.

(d) The nonresident raptor trapping permittee shall notify the bureau within 5 days of any take and provide information on the take on forms provided by the bureau.

(e) The nonresident raptor trapping permit shall be carried by the permittee while in the act of trapping and during the transportation of the trapped raptor.

(f) Nonresidents may not take, possess, or transport any federal or Wisconsin endangered and threatened species.

**Note:** The Nonresident Raptor Trapping Permit application can be accessed online at the bureau's falconry website: <http://dnr.wi.gov/topic/EndangeredResources/permits.html>. Paper copies of the Nonresident Raptor Trapping Permit can also be obtained by contacting the Falconry Coordinator at the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921 or online at <http://dnr.wi.gov/topic/EndangeredResources/permits.html>.

(3) **TAKING RAPTORS FROM THE WILD.** (a) *Season.* A general or master falconer may take eyasses annually during the periods of March 1 to April 5 and May 7 to July 15. Except as provided in sub. (2) (f), no more than 2 eyasses may be taken by the same general or master falconer permittee during the specified season.

(b) *Passage raptors.* First-year (passage or immature) raptors may be taken from August 21 to January 31.

(c) *Federal Band.* A raptor that has a federal band attached may be re-trapped at any time.

(d) *Northern goshawk.* No person may possess a northern goshawk (*Accipiter gentilis*) taken from the wild or acquired from a rehabilitator unless it is marked as required by this subsection.

1. The goshawk shall be banded immediately upon possession.

2. When banding a northern goshawk, a permanent, non-reusable, numbered fish and wildlife service leg band supplied by the bureau or permittee's tribe shall be used. The falconer also may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in the bird.

3. The band number and microchip information shall be reported within 10 days from the day the falconer takes the goshawk from the wild or from a rehabilitator by entering the required information (including band number and/or microchip information) in the electronic database at <http://permits.fws.gov/186A>, or by submitting a paper 3-186A form to the bureau or to the permittee's tribe.

**Note:** Paper copies of the 3-186A form can be obtained by contacting the Falconry Coordinator at the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921.

4. No person may take a northern goshawk on U.S. department of agriculture national forest land unless a written description of the location of the take, satisfactory to the forest supervisor or designee, is provided to the forest supervisor or designee prior to any take.

**Note:** The national forests, consistent with the Multiple Use-Sustained Yield Act of 1960 (16 USC 528) and the Federal Land Policy Management Act of 1976 (16 USC 1701-1784), are managed for wildlife purposes. Data regarding the populations and take of the northern goshawk on the national forest is relevant to goshawk management. The Forest Service may implement protection measures for the northern goshawk that may include the closing of areas of land within the national forest to the take of goshawks. Information on the location of national forest land may be obtained from: Chequamegon/Nicolet Forest Supervisor, Federal Building, 68 S. Stevens Street, Rhinelander, WI 54501.

(4) **MARKING.** (a) A raptor held under a permit shall be marked with a fish and wildlife service non-reusable band provided by the bureau.

(b) A permittee shall attach the band to the raptor within 48 hours of acquisition. The permittee may also purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird. The permittee shall report the band or microchip at <http://permits.fws.gov/186A> or by submitting a paper 3-186A form or an electronic report to the bureau at <http://dnr.wi.gov/topic/EndangeredResources/permits.html>, or to the permittee's tribe, within 10 days after acquisition.

(c) No person may alter, counterfeit or deface a federal band or ISO-compliant microchip. A permittee may, however, remove the rear tab on federal bands or ISO-compliant microchips and may smooth any imperfect surface provided the integrity of the federal band or microchip and numbering are not affected.

(d) A permittee who traps a previously marked raptor shall immediately report the trapping to the bureau, and include information on the species, location (county, township, section, quarter section, quarter-quarter section), and band identification.

(e) If a band is removed or is lost from a raptor in possession, the permittee shall report the loss of the band within 10 days, and shall do one of the following: either request a fish and wildlife service non-reusable band from the bureau or permittee's tribe, or purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the band or microchip at <http://permits.fws.gov/186A>, or by submitting a paper 3-186A form to the bureau or permittee's tribe within 10 days of band or microchip acquisition.

**Note:** Paper copies of the 3-186A form can be obtained by contacting the Falconry Coordinator at the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921 or online at <http://dnr.wi.gov/topic/EndangeredResources/permits.html>.

(5) EGGS TAKEN FROM THE WILD. No person may remove any raptor egg or eggs from any nest unless permitted under a scientific collector's permit issued by the department's bureau of endangered resources.

(6) NESTLING RAPTORS. General and master class permittees may take eyasses under s. NR 18.10 on the condition that no less than one healthy chick is left in the nest from which the eyas was taken.

(7) ADULT RAPTORS. Except as otherwise authorized, a permittee may not take from the wild or possess any raptor taken from the wild if the raptor is over one year old when taken. This subsection does not apply to American kestrel or great horned owl (*Bubo virginianus*).

(7m) RAPTORS TAKEN UNDER OTHER PERMITS. Raptors other than state and federally endangered or threatened species that have been taken under a depredation permit or scientific collector's permit may be used for falconry by general and master class permittees.

(8) RAPTORS TAKEN IN WISCONSIN. A licensed falconer who legally takes a raptor from the wild has legal title to the raptor, subject to s. 169.02, Stats.

(9) RAPTORS FROM OUTSIDE WISCONSIN. Raptors obtained outside the state by Wisconsin residents may not be possessed or transported within Wisconsin unless the person possesses legal authority from the state in which the raptor was acquired and a Wisconsin falconry permit. A Wisconsin falconry permittee may possess a wild raptor legally obtained outside the state or a properly identified captive-bred raptor obtained from a resident of another state.

(10) ESCAPE OR DEATH OF RAPTORS. A permittee shall report the loss or death of any raptor within 5 days to the bureau. Carcasses shall be disposed of as directed by the fish and wildlife service.

**Note:** Forms may be obtained from the Bureau of Endangered Resources, Box 7921, Madison, WI 53707.

**Note:** In addition, all persons must comply with applicable requirements of federal migratory bird permit regulations contained in 50 CFR 21.

(11) EXCHANGE OF RAPTORS. No person may give or transfer a raptor to a holder of a Wisconsin permit unless the exchange is reported to the bureau by the permittee originally holding the raptor within 10 days of the gift or transfer. If a permittee transfers a raptor taken from the wild to another permittee in the same year in which it is captured, the bird shall count as one of the raptors allowed to be taken from the wild that year by the transferor. The transferred raptor will not count as a capture by the recipient, though it shall always be considered a wild bird.

(12) TRAPPING OF RAPTORS. (a) All live traps used in taking raptors shall be of a design to offer minimum harm to captured birds and shall be monitored by the permittee at all times.

(b) Each trap shall bear a legible label containing the name, address and state falconry permit number of the permittee or non-resident raptor training permit number.

(13) TRAINING OF RAPTORS. Persons may not train raptors by using or killing game birds out of season; however, legally obtained captive-bred game birds may be used for this purpose. Game birds possessed by a permittee shall be treated in a humane manner and confined under sanitary conditions with proper care.

(14) CAPTIVE REARED RAPTORS. A raptor hatched and reared in captivity, and banded with a seamless metal band provided by the fish and wildlife service, may be used for falconry. The raptor may also have an implanted ISO-compliant (134.2 kHz) microchip. A falconer using a species that is state or federally endangered shall have an endangered species permit to cover all activities including possession, regardless of whether the species is wild or captive-bred. A falconry permit does not serve as a substitute.

(15) CAPTURE AND POSSESSION OF GOLDEN EAGLES. A master falconer may capture a golden eagle as allowed under 50 CFR part 22.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. (8), Register, August, 1979, No. 284, eff. 9-1-79; cr. (11), Register, August, 1982, No. 320, eff. 9-1-82; emerg. cr. (12), eff. 9-15-89; cr. (12), Register, March, 1990, No. 411, eff. 4-1-90; r. and recr. Register, December, 1997, No. 504, eff. 12-1-98; CR 13-005: am. (2) (a), (c), (d), (f), (3) (a) to (c), cr. (3) (d), am. (4) (a) to (d), cr. (4) (e), r. and recr. (7), cr. (7m), r. and recr. (8), am. (9) to (11), (12) (b), (13), (14), cr. (15) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.13 Temporary care. (1) CARE OF FALCONRY RAPTORS BY ANOTHER FALCONRY PERMITTEE.** Another falconry permittee may care for a raptor or raptors at their facilities or at the original permittee's facilities for up to 120 consecutive days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance. The person providing care shall have a signed and dated statement from the permittee authorizing the temporary possession, and a copy of the FWS 3-186A form that shows the possession of each of the raptors. The statement shall include information about the time period for which the raptor may be kept and activities authorized by the original permittee. A copy of the statement shall be sent to the bureau within 10 days of the possession of a raptor. In all such care situations all of the following shall apply:

(a) A permittee's raptor shall remain on the permittee's falconry permit, and will not be counted against the possession limit of the person caring for another permittee's raptor.

(b) If the person caring for a raptor holds the appropriate level falconry permit, the person may fly the raptor as authorized by the permittee, including for hunting purposes.

(c) The care of a raptor may be extended indefinitely by the department in extenuating circumstances, such as illness, military service, or for a family emergency.

**(1m) CARE OF FALCONRY RAPTORS BY A NON-PERMITTEE.** Another person may care for falconry birds at the permittee's facilities for up to 45 consecutive calendar days, provided that:

(a) The raptor or raptors shall remain on the permittee's falconry permit.

(b) The raptor or raptors shall remain in the permittee's facilities.

(c) The person providing care for a raptor or raptors under this subsection may not fly the raptor or raptors for any purpose.

**(2) CARE OF FALCONRY RAPTORS BY A LICENSED WILDLIFE REHABILITATOR.** Diseased or injured raptors may be transported to the nearest, qualified rehabilitation facility. A report of the event including the diagnosis by the facility shall be filed with the

department's bureau of endangered resources within 5 days of the occurrence.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; am. (1) (b) 1. and (2), Register, December, 1997, No. 504, eff. 12-1-98; CR 13-005: r. and recr. (1), cr. (1m), (2) (title) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.14 Transportation. (1) TEMPORARY HOLDING.** A raptor may be transported or held in temporary facilities for a period not to exceed 120 days. Such facilities shall provide an adequate perch and protection from extreme temperatures and excessive disturbance.

**(2) OUT-OF-STATE USE.** A resident permittee may transport raptors possessed as authorized under this chapter to another state for meets, trials, hunting, and other falconry activities provided the permittee obtains all permits or licenses required by the other state.

**(3) IN-STATE USE.** Except for species listed in s. NR 27.03, non-residents may possess and transport raptors authorized by permit by their state of residency into Wisconsin without additional license.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. Register, August, 1979, No. 284, eff. 9-1-79; cr. (3), Register, August, 1982, No. 320, eff. 9-1-82; am. (2) and (3), Register, December, 1997, No. 504, eff. 12-1-98; CR 13-005: am. (1), (2) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.15 Release of marked raptors. (1) RELEASE TO THE WILD.** A falconry permit holder shall obtain written authorization from the bureau before a raptor of any species not indigenous to Wisconsin is intentionally released to the wild in Wisconsin, at which time the band from the bird shall be removed. The band from an intentionally released wild raptor that is indigenous to Wisconsin shall also be removed. A seamless band on a captive-reared raptor shall remain on the bird if it is released. A standard federal band shall be attached to the birds by a state or USFWS-authorized federal bird-bander whenever possible.

**(2) HYBRIDS.** Hybrid raptors shall be imprinted on humans or be surgically sterilized if they are to be used in falconry. When flown, a hybrid shall have two attached radio telemetry transmitters that may allow the permittee to locate the bird if the permittee needs to do so. Permanent release of hybrids to the wild is prohibited.

**(3) HACKING.** Hacking as defined in s. NR 18.01 (7), shall be permitted. All hybrid raptors shall have two attached functioning radio telemetry transmitters during hacking.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; am. Register, December, 1997, No. 504, eff. 1-1-98; CR 13-005: renum. 18.15 to (1) and am., cr. (2), (3) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.16 Permit conditions.** In addition to the general conditions in this chapter, every falconry permit and nonresident raptor trapping permit issued shall be subject to all of the following special conditions:

**(1) PROHIBITIONS.** A permittee may not take, possess or transport a raptor nor assist any other person in taking, possessing or transporting a raptor in violation of the restrictions, conditions and requirements contained in this chapter.

**(2) TRANSFER OF RAPTORS. (a) In state transfer.** A permittee may transfer a raptor to another permittee if the transaction occurs entirely within the state and no money or other consideration is involved, except that properly marked captive-bred raptors may be sold to another permittee.

**(b) Out-of-state Transfer.** A permittee may transfer a raptor taken from the wild to another permittee in an interstate transaction if prior written approval of the state agency that issued the falconry permit is obtained and no money or other consideration is involved, except that properly marked captive-bred raptors may be sold to another permittee.

**(3) ANNUAL REPORT REQUIREMENT. (a)** No later than August 31 of each year, a permittee shall submit to the bureau a falconry report for the preceding August 1 to July 31 year.

**(b)** The report shall either be on a paper forms provided by the bureau or reported electronically via the bureau's falconry webpage. The report shall contain all of the following information:

1. Name, address and telephone number of the permittee.
2. State permit number or nonresident trapping permit number.
3. Information on each raptor taken from the wild during the year including all of the following:
  - a. Species.
  - b. Age.
  - c. Sex.
  - d. Band number.
  - e. Details of acquisition including date, previous owner by name and address.
  - f. Date raptor taken and date active nest checked for presence of an eyas.
  - g. Location by township, range, section, quarter section and quarter-quarter section of nest tree from which an eyas is taken or checked for the presence of an eyas.
  - h. Number of northern goshawk eyasses in the nest from which an eyas was taken.
  - i. Details of disposal including date, type of disposal or to whom transferred.
4. Information on each captive-produced raptor acquired during the previous year including all of the following:
  - a. Species.
  - b. Age.
  - c. Sex.
  - d. Marker [Band] number.

**Note:** The correct term is shown in brackets.

- e. Details of acquisition including date, previous owner by name and address.
- f. Details of disposal including date, type of disposal or to whom transferred.
- g. Date raptor taken and date active nest checked for presence of an eyas.
- h. Location by either: township, range, section, quarter section, and quarter-quarter section of nest tree from which an eyas is taken or checked for the presence of an eyas; or by latitude/longitude using a hand-held GPS locator.

**(4) CHANGE OF ADDRESS. (a)** A permittee shall report a change of mailing address to the bureau within 10 days of the change.

**(b)** A permittee shall report a change of location of falconry facilities to the bureau within 10 days of the change.

**Note:** The Annual Report form can be accessed online at the bureau's falconry website: <http://dnr.wi.gov/topic/EndangeredResources/permits.html>. Paper copies of the Annual Report form can also be obtained by contacting the Falconry Coordinator at the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; am. (intro.) to (2), r. and recr. (3), cr. (4), Register, December, 1997, No. 504, eff. 12-1-98; CR 13-005: am. (2) (a), (b), (3) (a), (b) (intro.), 3. a. to e., cr. (3) (b) 4. g., h., am. (4) Register July 2013 No. 691, eff. 8-1-13.

**NR 18.17 Other restrictions. (1)** A permittee may not retain or exchange feathers molted from birds held in captivity or those from birds held in captivity that die, except for imping.

**(2)** A permittee may use raptors possessed under this chapter for educational programs with all of the following restrictions:

**(a)** General and master falconers may use raptors they hold in conservation education programs without an additional permit. The raptors shall continue to be used in hunting, and may not be held under a falconry permit to be used primarily for conservation education purposes.

**(b)** The permittee shall keep records including date, location, size and description of audience and birds used. A summary of these records shall be included in the permittees annual report as described in s. NR 18.16 (3).

**(3)** General and master falconers may do all of the following:

(a) Use raptors in raptor propagation if the propagator has a raptor propagation permit. Raptors may be temporarily transferred to another permittee for use in spring propagation.

(b) Assist federal and state-permitted wildlife rehabilitators in conditioning of raptors for release to the wild. To do so, the falconer shall be a subpermittee of the rehabilitator.

(c) Transfer a wild raptor captured under a falconry permit to a propagation permit after the raptor has been used in falconry for at least 2 years.

**History:** Cr. Register, December, 1977, No. 264, eff. 1-1-78; r. and recr. Register, December, 1997, No. 504, eff. 12-1-98; CR 01-127: am. (2) (a), Register July 2002 No. 559, eff. 8-1-02; CR 13-005: r. and recr. (2) (a), (b), cr. (3) Register July 2013 No. 691, eff. 8-1-13.