

Chapter NR 18

FALCONRY

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NR 18.01 Definitions. (1) "Raptor" means a live, migratory bird of the following family groups:

1. Falconidae - Falcons, Merlin and Kestrel.
 2. Accipitridae - Buteos, Accipiters, Kites, Harriers and Eagles, excluding the bald eagle (*Haliaeetus leucocephalus*).
 3. Strigidae - limited to only the great horned owl (*Bubo virginianus*).
- (2) "Falconry" means the sport of taking or attempting to take quarry by means of a trained raptor.
- (3) "Take" means to trap, capture or pursue or attempt to trap, capture or pursue, a raptor for the purposes of falconry.
- (4) "Marker" means a numbered, non-reusable marker supplied by the fish and wildlife service.
- (5) "Imping" means a method of repairing broken flight or tail feathers.
- (6) "Hacked back" means a gentle or gradual release technique used by falconers whereby a raptor released back into the wild is fully capable of competing with other wild raptors.
- (7) "Replacement raptor" means a raptor obtained to replace one which has died in captivity, has escaped, or is released to the wild.
- (8) "Department" means the department of natural resources.
- (9) "Fish & wildlife service" means U.S. department of interior - fish & wildlife service.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.02 Application. (1) The raptors covered by this chapter include species whose range extends into any part of Mexico or the United States. 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.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

Register, January, 1989, No. 397

NR 18.03 Permit and license requirements. (1) It shall be unlawful for any person to take, possess or transport any raptor for falconry purposes or practice falconry in Wisconsin unless a valid falconry permit has been issued pursuant to this chapter or issued by another state provided that state is listed in the federal regulations as a state meeting federal falconry standards.

(a) *Residents.* The department may issue a falconry permit to a holder of a valid small game or sports hunting license under s. NR 18.11 provided that the permit holder meets the standards of this chapter.

(b) *Nonresidents.* Persons not residing in Wisconsin may take, possess or transport any raptor from Wisconsin except merlin (*Falco columbarius*) or endangered and threatened species provided they are in possession of a valid nonresident small game or general hunting license and meet the appropriate requirements of this chapter.

(2) The falconry permit must be in the possession of the permit holder when engaged in any falconry activity.

(3) No person shall transfer the falconry permit or falconry markers or permit the use thereof by any other persons, nor shall any person while engaged in falconry, use or carry any permit or marker issued to another.

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.

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.

(2) **LET LAY RULE.** A falconry permit holder whose raptor accidentally kills any protected animal during the closed season or a protected animal or sex during the open hunting season 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 rules established for hunting by chs. 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.

NR 18.05 Examination. (1) Prior to submitting an application, each new applicant or person whose prior permit has been expired or revoked for a period of more than 2 years shall be required to answer correctly at least 80% of the questions on a supervised examination.

(2) The examination shall be provided by the fish and wildlife service and administered by a representative of the department relating to the basic biology, care and handling of raptors, literature, laws and regulations governing the sport of falconry.

(3) Applicants failing the required examination may repeat the exam after 30 days. Should a second failure occur, a one-year waiting period is required before the examination sequence may be repeated.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.
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NR 18.06 Application procedure. An individual who wishes to practice falconry, after successfully passing the examination, must submit an application form supplied by the department which specifies the following information:

- (1) Name, address, birthdate and physical description of the applicant.
- (2) Current hunting license number.
- (3) The number, species, age (if known), sex (if known), date of acquisition and source of each raptor legally possessed by current permit.
- (4) The number, species, age (if known), sex (if known), and source of each raptor the applicant plans to acquire.
- (5) Description and location of facilities.
- (6) Description of training area.
- (7) Date and time when facilities and training area will be ready for inspection.
- (8) Statement that the information provided is true and correct and authorizing the department and federal agents to inspect raptors, facilities and equipment at any reasonable time following permit issuance.
- (9) Signature of applicant.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.07 Inspection of facilities and equipment. (1) Upon receipt of the application, the department shall inspect the applicant's facilities for keeping raptors and make a report concerning the acceptability of the required facilities and equipment.

(2) General exception. The proposed use of facilities or equipment other than specified shall be submitted to the department and may be permitted if found to insure the health and safety of the raptor to be possessed.

(a) *Facilities.* The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is cleanliness and protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities:

1. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, 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 body and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

2. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection

from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(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 raptor(s) held and graduated to increments of not more than 1/2-ounce (15 gram) shall be provided.

(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.

NR 18.08 Unsatisfactory conditions. Except as provided in s. NR 18.17, if the department determines there is improper treatment of any raptor or lack of adequate facilities as required by this chapter to properly care for any raptor and if, following the receipt of notification from the department, the applicant fails to correct all discrepancies contained or listed in the notice within 48 hours after receipt of such notice, the department may revoke a permit or disapprove the application for a permit and seize any raptors in the possession of the applicant. Raptors so seized shall, whenever possible, be hacked back to the wild or disposed of as the department deems necessary.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.09 Issuance criteria. Upon receiving an application completed in accordance with s. NR 18.06 the department shall decide whether a permit should be issued. In making the decision, the department shall consider, in addition to those criteria listed in this chapter the following factors:

(1) Whether such action would have a significant effect on the wild population of raptors.

(2) Whether the department of the interior and the state of Wisconsin concur that the applicant has met the requirements of federal and state law.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.10 Classes of permits. (1) **APPRENTICE CLASS.** (a) The permittee shall be at least 14 years old.

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(b) A sponsor who is a holder of a general or master falconry permit is required for the first 2 years in which an apprentice permit is held, regardless of the age of the permittee.

1. A sponsor may not have more than 3 apprentices at any one time.

2. A sponsor shall submit an annual progress report in narrative form to the department by July 31 of each year.

3. The sponsor shall notify the department at any time when the progress or performance of an apprentice is unsatisfactory.

4. Upon completion of the apprentice requirement, the permittee must receive approval of the sponsor before advancing to the general class.

(c) A permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.

(d) A permittee shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

(2) GENERAL CLASS. (a) A permittee shall be at least 18 years old.

(b) A permittee 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 of qualified experience exceeding 2 years.

(c) A permittee may not possess more than 2 raptors and may not obtain more than 2 raptors for replacement birds during any 12-month period.

(d) A permittee may not take, transport or possess any golden eagle (*Aquila chrysaetos*), merlin (*Falco columbarius*) or any endangered or threatened species listed in s. NR 27.03.

(3) MASTER CLASS. (a) An applicant shall have at least 5 years experience in the practice of falconry at the general class level or its equivalent.

(b) A permittee may not possess more than 3 raptors, and may not obtain more than 2 raptors for replacement birds during any 12-month period.

(c) A permittee may not take, transport or possess any endangered or threatened species listed in s. NR 27.03, except captive reared species banded with seamless bands provided by the U.S. fish and wildlife service.

(d) A permittee may not take, transport, or possess as part of his or her three-bird limitation, more than one raptor listed as a federally threatened species as prescribed by 50 CFR s. 21.29 (e) (3) (r).

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.

NR 18.11 Duration of permits and renewal procedures. A permit or the renewal of a permit is valid when issued by the department and expires August 31 of each calendar year. New or renewal applications will be accepted for consideration by the department prior to August 31 pro-

vided the applicant has obtained a valid hunting license expiring August 31 of the next calendar year.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.12 Taking and disposal restrictions. (1) **SEASON FOR TAKING RAP-TORS FROM THE WILD.** (a) Young raptors not yet capable of flight (eyasses) may be taken by a general or master falconer during the period of March 26 through April 5 and May 15 through July 15. No more than 2 eyasses may be taken by the same permittee during the specified period.

(b) First year (passage or immature) raptors may be taken only during the period of September 16 through December 31.

(c) In no case shall the total of all periods of raptor taking exceed 180 days during a calendar year, except that a raptor which has a federal marker attached may be retrapped at any time.

(2) **MARKING.** (a) Raptors held under a permit shall wear a numbered non-reusable marker supplied by the fish and wildlife service.

(b) The marker must be attached to the raptor immediately upon acquisition.

(c) It shall be unlawful to alter, counterfeit or deface a marker except that permittees may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

(d) Permit holders trapping previously marked raptors shall immediately report such trapping to the department.

(3) **EGGS TAKEN FROM THE WILD.** No person shall remove any raptor egg or eggs from any nest unless permitted under scientific collector's permit issued by the department.

(4) **NESTLING RAP-TORS.** Holders of general and master class permits may take nestlings not yet capable of flight (eyasses) as provided under s. NR 18.10.

(5) **ADULT RAP-TORS.** Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may be taken when over one year old, except that any raptor other than federally endangered or threatened species taken under a depredation or scientific collector's permit may be used for falconry by general and master falconers.

(6) **RAP-TORS TAKEN IN WISCONSIN.** Title to raptors taken in Wisconsin remains in the state of Wisconsin and said raptors may be transferred in accordance with s. NR 18.16.

(7) **RAP-TORS FROM OUTSIDE WISCONSIN.** Raptors obtained from outside the state by Wisconsin residents may not be possessed or transported within Wisconsin unless accompanied by legal authority from the state in which the raptor was acquired and provided a Wisconsin falconry permit is in the possession of such resident.

(8) **ESCAPE OR DEATH OF RAP-TORS.** Permittees must report the loss of any raptor within 3 days to the nearest department facility. All carcasses are to be disposed of as directed by the U.S. fish and wildlife service.

Register, March, 1990, No. 411

(9) **EXCHANGE OF RAPTORS.** Gift or transfer of a raptor to a holder of a Wisconsin permit is permitted, but must be reported by the permittee within 3 days of such gift or transfer to the nearest department facility.

(10) **TRAPPING OF RAPTORS.** (a) All live traps used in taking raptors shall be of humane design as to offer minimum harm to captured birds and shall be attended during reasonable time periods.

(b) All traps shall bear a legible label containing the name, address and state falconry permit number of the permittee.

(11) **TRAINING OF RAPTORS.** Persons may train raptors by using or killing game birds obtained from licensed game farms. A game farm receipt is required for any bird in possession. Such birds may be possessed year round and shall be treated in a humane manner and confined under sanitary conditions with proper care.

(12) **CAPTIVE REARED RAPTORS.** Raptors hatched and reared in captivity may be used for falconry purposes provided each raptor is banded with a seamless band provided by the U.S. fish and wildlife service.

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.

NR 18.13 Temporary care. (1) Qualified persons other than the permittee may temporarily care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are transferred.

(a) Care periods not exceeding 30 days shall meet the standards established in s. NR 18.14.

(b) Care periods exceeding 30 days shall meet the following requirements:

1. The department shall be informed in writing by the permittee of this action within 3 days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them and approximately how many days they will be in the care of the second person.

2. Such temporary care shall provide facilities which meet the standards established by this chapter.

(2) 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 within 5 days of the occurrence.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.14 Transportation. (1) **TEMPORARY HOLDING.** A raptor may be transported or held in temporary facilities for a period not to exceed 30 days. Such facility shall provide an adequate perch and protection from extreme temperatures and excessive disturbance.

(2) **OUT-OF-STATE USE.** A resident permittee may remove raptors licensed by this chapter from Wisconsin for meets, trials, hunting and other falconry activities provided the permittee obtains such permit or license as may be required by another state.

Register, March, 1990, No. 411

(3) **IN-STATE USE.** Except for species listed in s. NR 27.03, nonresidents may possess and transport raptors authorized by permit by their state of residency into Wisconsin without additional license. Such raptors may be used for meets and trials provided the event is approved by the department.

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.

NR 18.15 Release of marked raptors. A falconry permit holder shall obtain written authorization from the department before any raptor not indigenous to Wisconsin is intentionally released to the wild, at which time the marker from the released bird shall be removed. The marker from an intentionally released raptor which is indigenous to Wisconsin shall also be removed. A standard federal bird band shall be attached to such birds by the state or service-authorized federal bird bander whenever possible.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.16 Permit conditions. In addition to the general conditions set forth in this chapter, every permit issued shall be subject to the following special conditions:

(1) **PROHIBITIONS.** A permittee shall not take, possess or transport a raptor in violation of the restrictions, conditions and requirements contained in this chapter.

(2) **TRADE OR TRANSFER OF RAPTOR(S).** (a) A permittee may trade or transfer a raptor to another permittee if the transaction occurs entirely within the state and no money or other consideration is involved.

(b) A permittee may trade or transfer a raptor to another permittee in an interstate transaction if prior written approval of the state agency which issued the permit is obtained and no money or other consideration is involved.

(3) **ANNUAL REPORT REQUIREMENT.** (a) By July 31 of each year, a permittee shall submit a falconry report to the department containing the following information:

1. Name and address of permittee.
2. State permit number.
3. Past year's hunting license and indicator of migratory bird hunting stamp purchase if the game species hunted requires such a stamp by federal law.
4. Species, sex, (if known), age (if known), and marker number of each raptor added since the last reporting period. Where and from whom acquired.
5. Species, sex (if known), age (if known), and marker number of each raptor disposed of since the last reporting period and the method of disposition.
6. Species, sex (if known), age (if known), and marker number of each raptor in possession as of June 30 of the year in which the report is filed.
7. Number and species of quarry captured during the legal season.

(b) Failure to report by July 31 may result in non-renewal of permit.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 18.17 Other restrictions. (1) A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers and cannot be replaced upon death, loss, release or escape of such raptors.

(2) A person who possesses raptors before the enactment of these regulations in excess of the number specified by the falconry permit shall be allowed to retain the extra raptors. All such birds shall be identified with markers and no additional raptors may be obtained until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

(3) 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.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.