

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R047-11

Effective April 5, 2013

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-28 and 30-37, NRS 501.105, 501.181, 503.582 and 503.583; §29, NRS 501.105, 501.181, 503.582, 503.583 and 503.597.

A REGULATION relating to falconry; authorizing the care or possession of raptors by certain persons not possessing a license or permit to possess raptors; authorizing certain transfers of raptors; authorizing the training of raptors by certain persons; authorizing the use of falconry raptors in certain educational programs; authorizing the filming or photographing of falconry raptors in certain circumstances; authorizing the use of falconry raptors for certain abatement activities; providing for the disposition of deceased falconry raptors; providing for the banding or other identification of falconry raptors; requiring certain reporting regarding raptors to the Department of Wildlife and United States Fish and Wildlife Service; providing for the transfer of falconry raptors under certain circumstances; prohibiting certain activities with certain falconry raptors; providing for the housing of falconry raptors; providing for the release to the wild of falconry raptors under certain circumstances; revising provisions regarding applications for and issuance of a license to practice falconry; revising provisions regarding the possession of falconry raptors; and providing other matters properly relating thereto.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 24, inclusive, of this regulation.

Sec. 2. 1. *A falconry licensee who is not the owner of a raptor may provide care for the raptor if the falconry licensee also possesses:*

(a) A copy of the Form 3-186A that the owner of the raptor submitted to the Department when the owner obtained the raptor; and

(b) A statement that:

(1) Is signed by the owner of the raptor and the falconry licensee;

(2) Authorizes the falconry licensee to provide care for the raptor; and

(3) Indicates:

(I) The period during which the falconry licensee may provide care for the raptor;

and

(II) Whether the falconry licensee may practice falconry with the raptor.

2. A falconry licensee providing care for a raptor pursuant to this section may do so only:

(a) At a facility owned or maintained by the owner of the raptor or the falconry licensee;

and

(b) Except as otherwise provided in subsection 3, for not more than 120 days.

3. The Department may extend beyond 120 days the period during which a falconry licensee may provide care for a raptor if the owner of the raptor provides evidence satisfactory to the Department that any illness, military service, family emergency or other extenuating circumstance justifies the extension.

4. A raptor for which care is provided by a falconry licensee pursuant this section:

(a) Counts toward the number of raptors that the owner of the raptor may possess pursuant to NAC 503.250; and

(b) Does not count toward the number of raptors that the falconry licensee may possess pursuant to NAC 503.250.

5. If indicated by a statement signed pursuant to paragraph (b) of subsection 1, a falconry licensee providing care for a raptor pursuant to this section may practice falconry with the raptor in accordance with this chapter and NRS 503.582 and 503.583.

Sec. 3. 1. A person who is not a falconry licensee and who is not the owner of a raptor may provide care for a raptor only:

(a) At a facility owned or maintained by the owner of the raptor; and

(b) Except as otherwise provided in subsection 2, for not more than 45 days.

2. The Department may extend beyond 45 days the period during which the person may provide care for a raptor if the owner of the raptor provides evidence satisfactory to the Department that any illness, military service, family emergency or other extenuating circumstance justifies the extension.

3. A raptor for which care is provided pursuant to this section counts toward the number of raptors that the owner of the raptor may possess pursuant to NAC 503.250.

Sec. 4. *1. The owner of a raptor may loan the raptor to the holder of a permit for captive propagation of raptors issued pursuant to NAC 503.315.*

2. If a raptor is loaned pursuant to subsection 1:

(a) For 8 months or more, the loan will be deemed a transfer subject to the provisions of NAC 503.225.

(b) For less than 8 months, the loan will not be deemed a transfer subject to the provisions of NAC 503.225.

Sec. 5. *1. A general or master falconry licensee may assist a raptor rehabilitator in conditioning a raptor for release to the wild subject to the provisions of this section.*

2. The falconry licensee must possess a written statement from the raptor rehabilitator which identifies the raptor and explains that the falconry licensee is assisting the raptor rehabilitator pursuant to this section.

3. The raptor may be kept at a facility owned or maintained by the falconry licensee.

4. Except as otherwise provided in subsection 6, the raptor does not count toward the number of raptors that the falconry licensee may possess pursuant to NAC 503.250.

5. Except as otherwise provided in subsection 6, not later than the expiration of the period during which the raptor rehabilitator may possess the raptor pursuant to his or her permit to rehabilitate raptors:

(a) Except as otherwise provided in paragraph (b) and unless otherwise authorized by the Department, the falconry licensee shall release the raptor to the wild or return the raptor to the raptor rehabilitator for release to the wild; and

(b) If the raptor is unprepared for release to the wild, the falconry licensee shall return the raptor to the raptor rehabilitator.

6. If a raptor is transferred from a raptor rehabilitator to a falconry licensee pursuant to NAC 503.225, the raptor:

(a) Need not be released to the wild; and

(b) Counts toward the number of raptors that the falconry licensee may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.

Sec. 6. 1. *A general or master falconry licensee may hack a raptor that the falconry licensee is authorized to possess.*

2. A falconry licensee shall not release for hacking a raptor which is of a species not indigenous to this State or which is a hybrid raptor unless the falconry licensee has attached to the raptor at least two functioning radio transmitters that can be used to locate the raptor.

3. A falconry licensee shall not hack a raptor at a location from which the raptor is likely to disturb, kill or otherwise harm any species of wildlife that has been classified as protected and further classified as threatened or endangered by the Commission or as threatened or endangered by the United States Fish and Wildlife Service.

4. A raptor that a falconry licensee is hacking counts toward the number of raptors that the falconry licensee may possess pursuant to NAC 503.250.

Sec. 7. 1. A general or master falconry licensee may, without obtaining any additional license or permit, use a raptor in his or her lawful possession in a conservation education program which is presented in a public venue.

2. An apprentice falconry licensee may use a raptor in his or her lawful possession in a conservation education program which is presented in a public venue if the presentation is supervised by a general or master falconry licensee.

3. A raptor used in a conservation education program pursuant to this section must otherwise be used primarily for falconry.

4. A conservation education program presented pursuant to this section must include information concerning the biology, ecological roles and conservation requirements of raptors and other migratory birds. Each of those topics is not required to be included in each presentation.

5. In addition to the requirements of subsection 4, a falconry licensee shall not present a conservation education program pursuant to this section that does not include information on falconry and conservation education.

6. A falconry licensee presenting a conservation education program pursuant to this section:

(a) May accept a fee for the program which does not exceed the actual costs of presenting the program; and

(b) Is responsible for all liability associated with the program.

Sec. 8. 1. A falconry licensee may allow a raptor in his or her lawful possession to be filmed, photographed or otherwise recorded for the making of a movie or other source of information concerning the practice of falconry or concerning the biology, ecological roles and conservation requirements of raptors and other migratory birds.

2. A falconry licensee who allows a raptor to be filmed, photographed or otherwise recorded pursuant to subsection 1 shall not:

(a) Accept any payment for doing so; or

(b) Allow the raptor to be filmed, photographed or otherwise recorded for the making of a commercial venture or movie or other source of information that is unrelated to the practice of falconry.

3. Except as otherwise provided in subsection 4, the owner of a raptor shall not use the raptor for commercial entertainment, for advertisements, as a representation of any business, company, corporation or other organization operated for profit, or for the promotion or endorsement of any product, merchandise, goods, services, meetings or fairs.

4. A falconry licensee may use a raptor in his or her lawful possession to promote or endorse:

(a) A nonprofit organization or association relating to falconry; or

(b) A product or endeavor relating to falconry, including, without limitation, hoods, giant hoods, telemetry equipment, perches, materials for facilities, falconry training and educational materials, and scientific research and publication.

Sec. 9. 1. A master falconry licensee may conduct abatement activities using a raptor in his or her lawful possession if the falconry licensee possesses:

(a) A Federal Migratory Bird Abatement permit issued by the United States Fish and Wildlife Service or, if the United States Fish and Wildlife Service no longer issues those permits, a permit to conduct abatement activities issued by the Department; and

(b) A permit to collect unprotected wildlife issued to the master falconry licensee by the Department pursuant to NRS 503.380 and NAC 503.095.

2. A general falconry licensee may conduct abatement activities using a raptor in his or her lawful possession under the supervision of a master falconry licensee who is authorized to conduct abatement activities pursuant to subsection 1.

3. Except as otherwise provided in subsection 4, a general or master falconry licensee may receive payment for conducting abatement activities against a species listed in 50 C.F.R. § 21.43 only in accordance with the conditions of his or her Federal Migratory Bird Abatement permit issued by the United States Fish and Wildlife Service or, if the United States Fish and Wildlife Service no longer issues those permits, his or her permit to conduct abatement activities issued by the Department.

4. A falconry licensee may not receive payment for depredation control activities conducted against a species listed in 50 C.F.R. § 21.43.

5. A falconry licensee who receives a Federal Migratory Bird Abatement permit issued by the United States Fish and Wildlife Service shall provide a copy of the permit to the Department.

Sec. 10. 1. An owner of a raptor that dies may, without limitation:

(a) Keep or donate the feathers of the raptor pursuant to subsection 6 of NAC 503.205;

(b) Donate the body of the raptor to any person authorized by permit to acquire and possess the body of a raptor or to any person or institution exempt from that requirement pursuant to 50 C.F.R. § 21.12;

(c) If a leg band was attached to the raptor or the raptor had a microchip implanted in its body, have the raptor mounted by a taxidermist; or

(d) Dispose of the body and feathers of the raptor.

2. If a taxidermist mounts the raptor:

(a) The mount may be used in a conservation education program; and

(b) The leg band must remain on the raptor or the microchip must remain in place.

3. If a taxidermist does not keep, donate or mount the body and feathers of the raptor, they must be burned, buried or otherwise destroyed not later than 10 days after:

(a) The final examination by a veterinarian to determine the cause of death; or

(b) If such an examination is not conducted, the death of the raptor.

Sec. 11. 1. *Except as otherwise provided in sections 12 and 13 of this regulation, the owner of a raptor shall attach a leg band to the raptor pursuant to the provisions of this section.*

2. For a raptor originally taken from the wild:

(a) For a goshawk (Accipiter gentilis), Harris's hawk (Parabuteo unicinctus), peregrine falcon (Falco peregrinus) or gyrfalcon (Falco rusticolus):

(1) Unless the raptor is already so banded, the owner of the raptor shall attach to the raptor a permanent, nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service and provided by the Department; and

(2) The owner of the raptor may implant in the raptor a 134.2-kilohertz microchip that complies with the standards established by the International Organization for Standardization or its successor; and

(b) For a raptor that is not of a species listed in paragraph (a), a person shall not attach to the raptor a nonreusable and numbered leg band.

3. For a captive-bred raptor, unless the raptor is already banded, the owner of the raptor shall attach to the raptor a nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service and provided by the Department.

Sec. 12. *1. If a leg band attached to a raptor pursuant to section 11 of this regulation must be removed or is lost, the owner of the raptor shall, not later than 5 working days after the removal or after the loss is discovered, report the removal or loss to the United States Fish and Wildlife Service on its Internet website and shall:*

(a) Request a replacement leg band from the Department and attach to the raptor the replacement leg band immediately after receiving the replacement leg band; or

(b) Purchase and immediately implant in the raptor a 134.2-kilohertz microchip that complies with the standards established by the International Organization for Standardization or its successor.

2. Not later than 5 days after rebanding a captive-bred raptor pursuant to subsection 1, the owner of the raptor:

(a) Shall report the rebanding, and any other information required by the Department, to the Department on Form 3-186A; and

(b) Shall report the rebanding, and any other information required by the United States Fish and Wildlife Service, to the United States Fish and Wildlife Service on its Internet website.

Sec. 13. 1. *If an owner of a raptor provides evidence satisfactory to the Department that a leg band attached to the raptor pursuant to section 11 or 12 of this regulation injures or otherwise impairs the health of the raptor, the Department may exempt the raptor from the banding requirements of those sections.*

2. An owner of a raptor which is exempt from any banding requirements pursuant to subsection 1:

(a) Shall, while transporting or flying the raptor, have in his or her possession, a copy of any papers documenting that exemption; and

(b) If the raptor was originally taken from the wild and is of a species listed in paragraph (a) of subsection 2 of section 11 of this regulation, shall implant in the raptor a 134.2-kilohertz microchip which complies with the standards established by the International Organization for Standardization, or its successor, and which is supplied to the Department by the United States Fish and Wildlife Service.

Sec. 14. 1. *If a falconry licensee:*

(a) Acquires, transfers, intentionally releases or loses a raptor that is not recovered within 30 days;

(b) Rebands a raptor or implants a microchip into a raptor pursuant to section 12 or 13 of this regulation; or

(c) Possesses a raptor and the raptor dies or is stolen,

↳ the falconry licensee shall report the acquisition, transfer, release, loss, rebanding, microchip information, death or theft to the United States Fish and Wildlife Service on its Internet website, and shall provide a copy of Form 3-186A to the Department, not later than 5 days after the acquisition, transfer, release, loss, rebanding, microchip implantation, death or theft. The falconry licensee shall keep a copy of the Form 3-186A and a printed copy of any forms submitted electronically to the United States Fish and Wildlife Service pursuant to this subsection for as long as the falconry licensee keeps the raptor and not less than 5 years after the falconry licensee transfers, releases or loses the raptor or after the raptor dies or is stolen.

2. In addition to the requirements of subsection 1, if a raptor is stolen, the owner of the raptor shall report the theft to the Department and to the appropriate regional law enforcement office of the United States Fish and Wildlife Service not later than 5 days after the theft is discovered.

Sec. 15. The owner of a raptor may transfer a raptor which was originally taken from the wild to the holder of a permit for captive propagation of raptors issued pursuant to NAC 503.315:

1. If the raptor is a sharp-shinned hawk (Accipiter striatus), Cooper's hawk (Accipiter cooperii), merlin (Falco columbarius) or American kestrel (Falco sparverius):

(a) Except as otherwise provided in paragraph (b), only if the raptor has been used for falconry for 1 year or more; or

(b) If the raptor has been used for falconry for less than 1 year, only if the owner provides to the Department written certification by a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service that the raptor has been injured and cannot be flown for falconry; and

2. If the raptor is any other species:

(a) Except as otherwise provided in paragraph (b), only if the raptor has been used for falconry for 2 years or more; or

(b) If the raptor has been used for falconry for less than 2 years, only if the owner provides to the Department written certification by a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service that the raptor has been injured and cannot be flown for falconry.

Sec. 16. Notwithstanding the provisions of NAC 503.205 and 503.225 and sections 14 and 15 of this regulation, if the owner of a raptor dies, the surviving spouse, if any, of the owner or the executor, administrator or other legal representative of the estate of the owner:

1. May possess the raptor for not more than 90 days after the death of the owner; and

2. Not later than 90 days after the death of the owner, shall transfer the raptor to any person authorized to possess the raptor or to the Department, which shall determine the final disposition of the raptor.

Sec. 17. An owner of a hybrid raptor shall not allow the raptor to fly free unless the owner has attached to the raptor at least two functioning radio transmitters which can be used to locate the raptor.

Sec. 18. 1. Each raptor possessed pursuant to NAC 503.200 to 503.345, inclusive, and sections 2 to 24, inclusive, of this regulation must be housed in humane and healthful conditions.

2. The owner of a raptor is responsible for the conditions in which the raptor is housed.

3. A facility that houses raptors must:

(a) Protect each raptor housed therein from wild and domesticated predators;

(b) Have available for each raptor housed therein a perch that is suitable for the raptor;

(c) Have at least one opening for sunlight; and

(d) Provide a healthy environment for each raptor housed therein.

4. Raptors that are not tethered while being housed may be housed in the same facility only if they are compatible with each other.

5. A raptor that is not tethered while being housed must be housed in a facility of sufficient size to allow the raptor to fly.

6. A raptor that is tethered while being housed must be tethered in a manner which allows the raptor to extend its wings fully or bate without damaging its wings or making contact with another raptor.

7. Each raptor must have continuous access to a pan of clean water unless weather conditions, the type of perch used or another circumstance makes continuous access to a pan of clean water unsafe for the raptor.

8. Subject to the provisions of this section, the owner of a raptor may house a raptor in a temporary facility for not more than 120 consecutive days.

Sec. 19. 1. *An indoor facility that houses a raptor must be of sufficient size to allow easy access for the care and feeding of the raptor.*

2. If a raptor that is not tethered is housed in an indoor facility and if the roof or any wall of the indoor facility is not solid, the roof or wall that is not solid must be covered with vertical bars spaced narrower than the width of the body of the smallest raptor housed in the facility, with heavy-duty netting or with any other similar material.

3. *A raptor housed in an indoor facility must be housed in a manner that allows the raptor to maintain healthy feathers, including, without limitation, in a shelf perch enclosure in which raptors are tethered side by side.*

4. *Notwithstanding the provisions of subsection 2, a raptor may be housed in the residence of the owner of the raptor if:*

(a) The residence has a perch that is suitable for the raptor; and

(b) The raptor is kept tethered when not being moved into or out of the residence.

Sec. 20. *An outdoor facility that houses a raptor must:*

1. *Be totally enclosed;*

2. *Be constructed of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood or any other similar material suitable for enclosing the raptor;*

3. *Have a roof that covers the facility;*

4. *Have a covered perch that is suitable for the raptor and protects the raptor from wild and domesticated predators and from extreme or inclement weather; and*

5. *Be of sufficient size to ensure that the raptor can fly from the perch without striking the roof or walls of the facility.*

Sec. 21. 1. *Except as otherwise provided in subsection 2, if the owner of a raptor is present at the facility at which the raptor is housed, the Department may inspect the facility without advance notice by the Department and during any reasonable hour.*

2. *If a raptor is housed at a facility owned by a person other than the owner of the raptor, the Department:*

(a) If the owner of the facility is present at the facility, may inspect the facility without advance notice by the Department and during any reasonable hour; and

(b) May not enter the facility or in any way disturb the raptor unless the owner of the raptor is present.

3. The owner of a raptor shall submit to the Department a signed and dated statement indicating:

(a) That the owner of the raptor agrees to any inspection conducted pursuant to subsection 1; or

(b) If the raptor is housed at a facility owned by a person other than the owner of the raptor, that the owner of the raptor and the owner of the facility agree to any inspection conducted pursuant to subsection 2.

4. The owner of a raptor shall notify the Department of any change in the location of the facility at which the raptor is housed not later than 5 business days after the change.

Sec. 22. 1. If a falconry licensee houses a raptor for more than 120 consecutive days at a facility outside this State:

(a) The falconry licensee shall notify the Department of that fact;

(b) The physical address of the facility must be listed on the falconry license of the falconry licensee; and

(c) The facility must conform to all applicable requirements of sections 18 to 22, inclusive, of this regulation.

2. A person who is not a resident of this State may house a raptor for more than 120 consecutive days at a facility in this State if:

(a) The person holds a falconry license issued by the appropriate agency of the jurisdiction in which the person resides; and

(b) The facility conforms to all applicable requirements of sections 18 to 22, inclusive, of this regulation.

Sec. 23. *A raptor may be temporarily kept outdoors and in the open only if the raptor is watched by the owner of the raptor, a family member of the owner of the raptor or other designee of the owner of the raptor, including, without limitation, a designee to watch more than one raptor in a weathering yard at a falconry meet.*

Sec. 24. *The provisions of NAC 503.200 to 503.345, inclusive, and sections 2 to 24, inclusive, of this regulation must not be construed to exempt any person from the provisions of any federal law relating to raptors or falconry.*

Sec. 25. NAC 503.200 is hereby amended to read as follows:

503.200 As used in NAC 503.200 to 503.345, inclusive, *and sections 2 to 24, inclusive, of this regulation*, unless the context otherwise requires:

1. *“Abatement” means the training and use of a raptor to flush, haze or take wildlife for the purpose of mitigating depredation and nuisance problems, including, without limitation, threats to human health and safety.*

2. *“Bate” means to attempt to fly while tethered.*

3. “Captive-bred” or “bred in captivity” means raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

~~12-1~~ 4. “Captivity” means a live raptor that is held in a controlled environment which is intensively manipulated by humans for the purpose of producing raptors of selected species, and which has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment.

~~13-1~~ 5. “Eyas” means a nestling bird not yet capable of flight.

~~14.~~ 6. *“Facility” means an indoor or outdoor facility used for housing a raptor.*

7. *“Falconry” means the sport of taking, or attempting to take, quarry by means of a trained raptor.*

~~15.~~ 8. *“Falconry licensee” means a person who holds an apprentice, general or master falconry license.*

9. *“Form 3-186A” means:*

(a) Form 3-186A provided by the United States Fish and Wildlife Service; or

(b) If the United States Fish and Wildlife Service no longer provides Form 3-186A, any form provided by the Department for reporting the acquisition, transfer, release, loss, rebanding, implantation, death or theft of a raptor.

10. *“Hack” means to train a raptor for falconry by temporarily releasing and subsequently taking the raptor.*

11. *“Hybrid raptor” means a raptor that is:*

(a) The offspring of raptors listed as two or more distinct species in 50 C.F.R. § 10.13; or

(b) The offspring of raptors recognized by ornithological authorities as two or more distinct species listed in 50 C.F.R. § 10.13.

12. *“Owner of a raptor” means a person who has reported the acquisition of a raptor to the Department on Form 3-186A and who has not subsequently reported the transfer, release, loss, death or theft of the raptor to the Department on Form 3-186A.*

13. *“Passage” means a bird that has fledged and is less than 1 year of age.*

~~16.~~ 14. *“Raptor” means a live migratory bird of the ~~orders~~ order Accipitriformes, Falconiformes ~~and~~ *or* Strigiformes, other than the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle (*Aquila chrysaetos*) †*

~~7.1~~, regardless of whether the raptor was originally taken from the wild or is a captive-bred raptor, is a hybrid raptor, is protected under the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq., or is used in falconry.

15. *“Raptor rehabilitator” means a person who has been issued a permit to rehabilitate raptors pursuant to NAC 503.315.*

16. *“Take” means to trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.*

Sec. 26. NAC 503.205 is hereby amended to read as follows:

503.205 1. ~~HH~~ *Except as otherwise provided in subsection 4 and sections 2, 3 and 16 of this regulation, it is unlawful for any person to hunt, trap, possess or sell any species of owl, hawk or other bird of prey, including any raptor or its parts, without first obtaining a license or permit from the headquarters of the Department.*

2. *The Department shall not issue a license or permit authorizing a person to possess a raptor unless the facility at which the raptor will be housed satisfies the requirements of sections 18 to 22, inclusive, of this regulation.*

3. *A person shall not transport, fly or otherwise work with a raptor outside of the facility at which the raptor is housed without having the license or permit required pursuant to subsection 1 in his or her immediate possession.*

4. *A falconry licensee who lawfully possesses a raptor may allow a person who is not a falconry licensee to hold or practice flying the raptor if the falconry licensee is present and supervising the person.*

5. Raptor eggs may not be taken or possessed, except that raptor eggs laid by a bird in the possession of a person who holds a permit ~~to propagate~~ *for captive propagation of* raptors may

be possessed if the holder of the permit notifies the headquarters of the Department in writing within 5 ~~calendar~~ *business* days after the first egg has been laid. Eggs laid by a raptor held under the authority of a falconry license must be reported by the *falconry* licensee to the Department within 5 ~~calendar~~ *business* days after the first egg has been laid. The *falconry* licensee will dispose of the egg as directed by the Department.

~~3.1~~ 6. Raptor feathers that are molted or are from raptors held in captivity that die, may be retained and exchanged by *falconry* licensees for imping purposes only ~~1.1~~ *and subject to the following conditions:*

(a) Raptor feathers may not be purchased, sold or bartered.

(b) A falconry licensee may:

(1) Possess feathers for each species of raptor he or she lawfully possesses or has possessed;

(2) Receive feathers for each species of raptor he or she lawfully possesses or has possessed from any other falconry licensee, a propagator in the United States, a raptor rehabilitator or a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service; and

(3) Donate feathers to a falconry licensee, a propagator in the United States, a raptor rehabilitator, a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service, any person otherwise authorized by a license or permit to acquire and possess raptor feathers or any person or institution exempt from those license or permit requirements pursuant to 50 C.F.R. § 21.12.

(c) If a license or permit authorizing a person to possess raptor feathers expires or is revoked, any raptor feathers possessed by the person must be:

(1) Donated to a falconry licensee, a propagator in the United States, a raptor rehabilitator, a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service, any person otherwise authorized by a license or permit to acquire and possess raptor feathers or any person or institution exempt from those license or permit requirements pursuant to 50 C.F.R. § 21.12; or

(2) Burned, buried or otherwise destroyed.

Sec. 27. NAC 503.210 is hereby amended to read as follows:

503.210 *1.* When practicing falconry on game species, a *falconry* licensee shall comply with the provisions of title 45 of NRS and all regulations of the Commission. A species of wildlife which is classified as protected *and further classified as threatened or endangered* by the ~~Department,~~ *Commission*, or as threatened or endangered by the United States Fish and Wildlife Service, that is taken incidentally by a raptor may not be retained or possessed by a *falconry* licensee ~~+~~ *and the falconry licensee shall report the taking to the United States Fish and Wildlife Service not later than 72 hours after the taking.* A species of wildlife which is classified as a game species by the Department that is taken incidentally by a raptor during the closed season may not be retained or possessed by the *falconry* licensee ~~+~~, *except that the falconry licensee may allow the raptor to feed on the game species.* A *falconry* licensee shall not intentionally release a raptor after any wildlife which is in a refuge or in a state or national park or is on privately owned property where the *falconry* licensee does not have permission to hunt. *A falconry licensee may fly a raptor at an animal raised in captivity and at any species of bird that is not listed as a protected species by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.*

2. A falconry licensee may train or condition a raptor using any method, including, without limitation, a balloon, kite or lure and any creance or tethered flying.

Sec. 28. NAC 503.215 is hereby amended to read as follows:

503.215 ~~1.—No person may acquire a raptor unless he or she first obtains from the Department a numbered, nonreusable marker supplied by:~~
~~—(a) The United States Fish and Wildlife Service for those raptors required to be identified by such a marker pursuant to 50 C.F.R. Part 21.29; or~~
~~—(b) The Department for all other raptors;~~
~~→ and attaches it to the raptor immediately upon acquisition.~~
~~—2.} The altering, counterfeiting or defacing of a {marker} leg band obtained pursuant to section 11 or 12 of this regulation is prohibited except that a permittee may remove the rear tab from a {marker} nonreusable and numbered leg band and make smooth any imperfect surface if the integrity of the {marker} leg band and its numbering are not affected.~~

Sec. 29. NAC 503.220 is hereby amended to read as follows:

503.220 1. It is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring, or have brought or shipped into the State of Nevada, or to remove from one portion of this State to any other portion or to any other state, any raptor or any eggs or young of any raptor.

2. Any ~~{person who holds a valid}~~ falconry *licensee whose* license ~~{which is issued by the Department and}~~ lists the raptors in his or her possession may bring into this State or remove to any other state any raptor listed on the license without having a permit for importation or exportation if a *seamless leg band or a permanent, nonreusable and* numbered ~~{marker} leg~~

band which is supplied by the United States Fish and Wildlife Service or the Department, as appropriate, ~~and which is not reusable,~~ is attached to the raptor.

3. *A falconry licensee who:*

(a) *Is a resident of this State;*

(b) *Possesses a raptor pursuant to his or her license; and*

(c) *Moves to another state and brings the raptor to the other state pursuant to subsection 2,*

↪ shall, not later than 30 days after the move, notify the Department of the move and provide to the Department his or her current residential address.

4. A person who is *not* a resident of ~~another state~~ *this State* and who holds a valid falconry license issued by the appropriate agency of ~~that state~~ *the jurisdiction in which the person resides* may bring into or remove from this State a raptor in his or her possession under the authority of that falconry license without having a permit for the importation or exportation of a raptor issued by the Department if a *seamless leg band or a permanent, nonreusable and* numbered ~~marker~~ *leg band* which is supplied by the United States Fish and Wildlife Service or the appropriate agency of the ~~state~~ *jurisdiction* which issued the license if required, as appropriate, ~~and which is not reusable,~~ is attached to the raptor.

~~{4.}~~ 5. *A person who:*

(a) *Moves to this State with the intent to make this State his or her permanent residence;*

and

(b) *Brings a raptor into this State pursuant to subsection 4,*

↪ may continue to possess the raptor for not more than 30 days after becoming a resident of this State pursuant to NRS 502.015 before he or she must obtain a falconry license from the Department.

6. A raptor taken from the wild in Nevada by a resident of this State may not be permanently removed from this State unless the:

(a) Resident holds a valid license issued by the Department pursuant to NRS 503.583 and leaves this State to establish his or her domicile in another state; or

(b) Raptor has been held for at least 1 year.

Sec. 30. NAC 503.225 is hereby amended to read as follows:

503.225 1. A ~~{person who holds a valid}~~ falconry ~~{license issued by the Department}~~ *licensee* may receive by transfer legally acquired raptors from other persons ~~{possessing a valid falconry license or a propagation permit. Any person who receives a raptor by transfer, purchase, trade or barter must be authorized to receive such a raptor pursuant to the provisions of NAC 503.235 and 503.250.~~

~~—2.—A licensed falconer may purchase, sell, trade or barter any captive bred raptor which is banded with a numbered seamless marker authorized by the United States Fish and Wildlife Service.~~

~~—3.—A captive bred raptor may not be transferred, purchased, sold, traded or bartered until it is 2 weeks old and only after it is properly marked with a numbered seamless marker provided or authorized by the United States Fish and Wildlife Service.~~ *authorized to possess raptors and may transfer a raptor in his or her lawful possession to any other person authorized to possess a raptor.*

2. A person authorized to possess a raptor may transfer or acquire by transfer a raptor which was originally taken from the wild.

3. *A person shall not sell, trade, barter, purchase, acquire by trade or barter, or attempt to sell, trade, barter, purchase or acquire by trade or barter, a raptor which was originally taken from the wild.*

4. ~~Each time a person acquires a raptor, he or she shall notify the Department within 5 calendar days after the acquisition. To comply with the provisions of this subsection, a person who acquires a raptor may submit to the Department a copy of Form 3-186A, which must be submitted to the United States Fish and Wildlife Service.~~ *A person authorized to possess a raptor may transfer, sell, trade, barter, purchase, acquire by trade or barter, or attempt to transfer, sell, trade, barter, purchase, or acquire by transfer, trade or barter, a captive-bred raptor only if the raptor is:*

(a) Two weeks of age or more; and

(b) Except as otherwise provided in section 13 of this regulation, banded pursuant to section 11 or 12 of this regulation.

5. *If a person acquires a raptor pursuant to this section:*

(a) Except as otherwise provided in paragraph (b), the raptor does not count toward the number of raptors the person may obtain from the wild pursuant to his or her permit, NRS 503.583 and NAC 503.300, regardless of whether the raptor was bred in captivity or was originally taken from the wild; and

(b) If the person acquired the raptor with the intent to keep the raptor, and if the raptor was acquired from a raptor rehabilitator and was originally taken from the wild, the raptor counts toward the number of raptors the person may obtain from the wild pursuant to his or her permit, NRS 503.583 and NAC 503.300.

Sec. 31. NAC 503.230 is hereby amended to read as follows:

503.230 ~~{A falconry licensee must obtain written authorization from the Department before}~~

1. The owner of a raptor of any species ~~{not indigenous to Nevada is intentionally released}~~ may release the raptor to the wild ~~{The marker from the released bird must be removed and surrendered to the Department within 5 calendar days after the date on which the bird is released. The marker from an intentionally released bird which is indigenous to Nevada must also be removed and surrendered to the Department within 5 calendar days after the date on which the bird is released.}~~ pursuant to the provisions of this section.

2. A falconry licensee shall not intentionally and permanently release to the wild a hybrid raptor or a raptor which is of a species not indigenous to this State.

3. A falconry licensee shall not intentionally and permanently release to the wild a captive-bred raptor that is of a species indigenous to this State unless:

(a) The falconry licensee:

(1) Temporarily releases and subsequently takes the raptor to allow the raptor to adjust to the wild; and

(2) Receives written authorization from the Department to release the raptor to the wild permanently; and

(b) The falconry licensee releases the raptor at an appropriate time during the year and at an appropriate location, as determined by the Department and included in the written authorization required pursuant to subparagraph (2) of paragraph (a).

4. A falconry licensee shall not intentionally and permanently release to the wild a raptor which was originally taken from the wild and which is of a species indigenous to this State unless the falconry licensee:

(a) Receives written authorization from the Department to release the raptor to the wild permanently; and

(b) Releases the raptor at an appropriate time during the year and at an appropriate location, as determined by the Department and included in the written authorization required pursuant to paragraph (a).

5. Before releasing a raptor to the wild pursuant to this section, the falconry licensee shall remove the leg band, if any, from the raptor.

6. Not later than 5 days after releasing a raptor to the wild pursuant to this section, the falconry licensee shall:

(a) Return the leg band, if any, removed pursuant to subsection 5 to the Department; and

(b) Report the release to the Department on Form 3-186A.

Sec. 32. NAC 503.235 is hereby amended to read as follows:

503.235 1. Except as otherwise provided in subsection ~~7~~ **9** and *section 3 of this regulation*, a person who ~~resides in~~ *is a resident of* the State of Nevada and who practices falconry or trains birds of prey must obtain a falconry license of the proper class from the Department. An applicant for a falconry license must include on his or her application:

(a) The name of the applicant;

(b) The physical and mailing address of the applicant's residence;

(c) The telephone number of the applicant's residence;

(d) The date of birth of the applicant;

(e) The driver's license number of the applicant, if he or she has been issued a driver's license;

(f) *The social security number of the applicant;*

(g) The number of raptors the applicant possesses and the species of each;

~~(g)~~ (h) The age of each raptor, if known;

~~(h)~~ (i) The sex of each raptor, if known;

~~(i)~~ (j) The source and date of acquisition of each raptor;

~~(j)~~ (k) The *leg* band number , *if required*, of each raptor; ~~and~~

~~(k)~~ ~~The~~ (l) *Except as otherwise provided in paragraph (m), the* applicant's signature and the date on which he or she signed the application ~~(l)~~ ;

(m) For an applicant who is less than 18 years of age, the signature of a parent or legal guardian of the applicant; and

(n) For an application for an apprentice falconry license, a certification statement in substantially the following form:

I certify that I have read and am familiar with the provisions of Part 13 of Title 50 of the Code of Federal Regulations and any other applicable sections of Subchapter B of Chapter I of Title 50 of the Code of Federal Regulations and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any intentionally false statement herein may subject me to criminal penalties under federal law, as set forth in 18 U.S.C. § 1001.

2. If the applicant has moved to this State with the intention of making this State his or her permanent residence and the applicant holds a falconry license issued by the state from which he or she is moving, the applicant may attach a copy of his or her falconry license to his or her application in lieu of taking the examination required by subsection ~~(3)~~ 4. If the applicant fails to

attach a copy of his or her falconry license issued by the applicant's previous state of residence, he or she will be required to take the examination required by subsection ~~3~~ 4.

3. *If the applicant has moved to this State with the intent to make this State his or her permanent residence and the applicant holds a falconry license issued by a country other than the United States, the applicant must attach a copy of his or her falconry license to his or her application and must take the examination required by subsection 4 before being issued a falconry license. If the applicant correctly answers 80 percent of the questions on the examination, the Department shall determine, based on the requirements of NAC 503.240 and any documentation of experience in falconry submitted by the applicant, which class of falconry license to issue to the applicant.*

4. Except as otherwise provided in ~~subsection 2~~ subsections 2 and 3, before the Department issues a falconry license ~~+~~ pursuant to this section or reinstates a falconry license pursuant to paragraph (b) of subsection 5, the applicant must correctly answer at least 80 percent of the questions on a supervised examination ~~supplied or~~ approved by the United States Fish and Wildlife Service and administered by the Department. The examination will test the applicant's knowledge of basic biology, the care and handling of raptors, and the literature, laws, and regulations, and other subjects relating to falconry. Failure of the examination will result in a 30-day waiting period after the date of the written examination before reexamination.

~~4~~ 5. *If the falconry license of an applicant has been expired:*

(a) For less than 5 years, the Department may reinstate the license at the class previously held by the applicant if the applicant provides evidence satisfactory to the Department that the applicant previously held that class of license; or

(b) For 5 years or more, the Department may reinstate the license at the class previously held by the applicant if the applicant:

(1) Provides evidence satisfactory to the Department that the applicant previously held that class of license; and

(2) Correctly answers at least 80 percent of the questions on the examination required by subsection 4.

6. A person must possess a valid ~~falconer's~~ *falconry* license when practicing falconry. In addition, a person who releases a raptor at game birds or game mammals during the open season must possess a valid hunting license issued by the Department.

~~15.1~~ 7. The Department may deny issuance or renewal of any class of falconry license or permit if the applicant has been convicted of a violation of any provision of NAC 503.200 to 503.345, inclusive ~~11~~, *and sections 2 to 24, inclusive, of this regulation.* An applicant whose license has been denied may appeal the denial to the Commission.

~~16.1~~ 8. A person who ~~does not reside in~~ *is not a resident of* the State of Nevada *and who possesses a valid falconry license issued by the state or country of which he or she is a resident* does not have to obtain a falconry license of the proper class from the Department to practice falconry while visiting this State. ~~if the person possesses a valid falconry license issued by the state of which he or she is a resident.~~

~~7.1~~ 9. A person who possesses a raptor solely for commercial displays or exhibitions is not required to obtain a falconry license if:

(a) The species of raptor used or to be used in the commercial display or exhibition is not listed as a protected species by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; and

(b) The raptor is not used for the sport of falconry.

Sec. 33. NAC 503.240 is hereby amended to read as follows:

503.240 1. The Department may issue apprentice, general and master falconry licenses.

2. The Department may issue an apprentice license to an applicant who:

(a) Is at least ~~H4~~ **12** years of age; and

(b) Obtains a sponsor for the first 2 years during which the applicant is an apprentice

falconry licensee. *The sponsor must:*

(1) Be at least 18 years of age;

(2) Be a master falconry licensee or have been a general falconry licensee for at least 2 years; and

(3) Provide to the Department a letter stating that he or she will sponsor and assist the applicant, as appropriate, in:

(I) Learning about the husbandry and training of raptors for falconry;

(II) Learning about relevant state and federal wildlife laws and regulations; and

(III) Determining which species of raptor is appropriate to possess while the applicant is an apprentice falconry licensee.

3. ~~The~~ *Except as otherwise provided in subsection 4, the* Department may issue a general *falconry* license to an applicant who:

(a) Is at least ~~H8~~ **16** years of age;

(b) Has at least 2 years' experience in the practice of falconry as an apprentice *falconry* licensee or the equivalent classification of an apprentice *falconry* licensee ~~H~~, *including, without limitation, maintaining, training, flying and hunting the raptor for at least 4 months during each of those years;*

(c) Has possessed a raptor during each year that the applicant was licensed as an apprentice or the equivalent; and

(d) Submits a signed letter from his or her sponsor which recommends the issuance of a general license to the applicant ~~and~~ *and which states that the applicant has obtained the experience required pursuant to paragraph (b).*

4. *The Department shall not issue a general falconry license pursuant to subsection 3 to an applicant who has less than 2 years' experience in the practice of falconry, regardless of whether the applicant has attended a falconry school or falconry education program.*

5. The Department may issue a master *falconry* license to an applicant who has at least 5 years' experience in the practice of falconry as a general *falconry* licensee or the equivalent classification of a general *falconry* licensee.

Sec. 34. NAC 503.250 is hereby amended to read as follows:

503.250 1. An apprentice *falconry* licensee:

(a) Shall not possess more than one raptor nor obtain more than one raptor for replacement during any ~~12-month period.~~ *calendar year.*

(b) May possess ~~only an American kestrel (Falco sparverius), a red-tailed hawk (Buteo jamaicensis) or a red-shouldered hawk (Buteo lineatus).~~ *a raptor of any species of the order Falconiformes or Strigiformes, including, without limitation, wild, captive-bred or hybrid raptors, except a raptor of the following species:*

(1) Bald eagle (Haliaeetus leucocephalus);

(2) Osprey (Pandion haliaetus);

(3) White-tailed kite (Elanus leucurus);

(4) Golden eagle (Aquila chrysaetos);

(5) *White-tailed eagle (Haliaeetus albicilla)*;

(6) *Steller's sea eagle (Haliaeetus pelagicus)*;

(7) *Any owl except a great horned owl (Bubo virginianus)*; or

(8) *Any species listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.*

(c) *Except as otherwise provided in paragraphs (d) and (e), may possess a raptor which was originally taken from the wild.*

(d) *Shall not possess a raptor which was taken from the wild as a nestling.*

(e) *Shall not possess a raptor that is imprinted on humans.*

2. A general *falconry* licensee ~~{shall}~~ :

(a) *Shall* not possess more than ~~{two}~~ *three* raptors nor obtain more than two raptors for replacement during any ~~{12-month-period.}~~ *calendar year.*

(b) *May possess a raptor of any species of the order Falconiformes or Strigiformes, including, without limitation, a wild, captive-bred or hybrid raptor, except a raptor of a species listed or described in paragraph (b) of subsection 1.*

3. A master *falconry* licensee ~~{shall}~~ :

(a) *Except as otherwise provided in paragraphs (b) and (c), shall* not possess more than ~~{three}~~ *five* raptors *taken from the wild* nor obtain more than two raptors taken from the wild for replacement during any ~~{12-month-period.}~~ *calendar year.*

(b) *May possess a raptor of any species of the order Falconiformes or Strigiformes, including, without limitation, wild, captive-bred or hybrid raptors, except a raptor of a species listed or described in paragraph (b) of subsection 1.*

(c) May possess any number of captive-bred raptors if the master falconry licensee is actively using the raptors for hunting or training the raptors in the pursuit of game birds or game mammals.

Sec. 35. NAC 503.255 is hereby amended to read as follows:

503.255 Before obtaining a ~~license, an applicant~~ raptor, a falconry licensee must allow an inspection by a representative of the Department to ensure that ~~the applicant~~ he or she possesses:

1. At least one pair of Alymeri or similar jesses 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 when a raptor is not being flown.
2. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.
3. At least one suitable container for each raptor for drinking and bathing. The container must be 2 to 6 inches deep and wider than the length of the raptor.
4. ~~At least one weathering area and a perch of an acceptable design for each raptor.~~
- ~~5.~~ A reliable scale or balance suitable for weighing a raptor. The device must be graduated in increments of not more than 1/2 ounce or 15 grams.
5. *Equipment for protecting a raptor when transporting the raptor, including, without limitation, a perch suitable for the raptor and equipment to protect the raptor from extreme temperatures and wind and excessive disturbance. A container of the type commonly known as a giant hood, or a similar container, shall be deemed by the Department to be acceptable for transporting a raptor or for temporarily housing a raptor.*
6. *Any radio transmitters required pursuant to section 17 of this regulation.*

Sec. 36. NAC 503.260 is hereby amended to read as follows:

503.260 1. Any person holding a falconry license must allow the Department's employees to enter his or her premises at any reasonable hour ~~to~~:

(a) *To* inspect equipment, mews or other raptor housing facilities ~~and~~ *to ensure compliance with the provisions of sections 18 to 22, inclusive, of this regulation;*

(b) *To inspect* raptors possessed by the *falconry* licensee ~~or to~~; *and*

(c) *To* inspect, audit or copy any permit, book or record required to be kept by the provisions of NAC 503.200 to 503.345, inclusive, *and sections 2 to 24, inclusive, of this regulation* or federal regulations relating to falconry.

2. Refusal to allow inspection of raptors, facilities and equipment during reasonable hours will result in the denial of issuance or revocation of the raptor license or permit and seizure of any raptor in the *falconry* licensee's possession.

Sec. 37. NAC 503.265 is hereby amended to read as follows:

503.265 A person who is applying to renew a falconry license, and a person who is applying for a new falconry license, must include on his or her application for the license each species of raptor and the *leg* band number, *if required*, of each raptor he or she possesses on the date of the application. A falconry license or permit to take a raptor will not be issued or renewed unless the applicant has provided the Department with the information required by this section.

STATE OF NEVADA
Nevada Department of Wildlife
CGR 392 R047-11 Falconry

- 1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, interested persons; presented at a public workshop by the Department of Wildlife during a public meeting. A summary is available by contacting the Department of Wildlife.

- 2. The number of persons who:**

- (a) Attended each hearing: 25**
- (b) Testified at each hearing: 5**
- (c) Submitted to the agency written statements: 1**

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:**

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, interested persons; presented at a public workshop by the Department of Wildlife during a public meeting. A summary is available by contacting the Department of Wildlife

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**

Approved by the Commission with changes as noted in the regulation and changes determined as part of the workshop and meeting.

- 5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**

- (a) Estimated economic effect on the businesses which they are to regulate.**

- (1) Adverse effect - This regulation does not affect business, therefore there is no economic affect on a business.
- (2) Beneficial effect – This regulation does not affect business, therefore there is no economic affect on a business.
- (3) Immediate effect – This regulation does not affect business, therefore there is no economic affect on a business.

- (4) Long-term effect – This regulation does not affect business, therefore there is no economic affect on a business.

(b) Estimated economic effect on the public which they are to regulate.

- (1) Adverse effect – There is no adverse economic affect on a on the public that it regulates.
- (2) Beneficial effect – There is beneficial economic affect on a on the public that it regulates. The public will no longer have to pay for a federal falconry license in addition to the state falconry license.
- (3) Immediate effect – The public will no longer have to pay for a federal falconry license in addition to the state falconry license.
- (4) Long-term effect – The public will no longer have to pay for a federal falconry license in addition to the state falconry license.

6. The estimated cost to the agency for enforcement of the proposed regulation:

No known law enforcement costs.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary:

USFWS is requiring the states to incorporate CFR requirements regarding falconry into state regulations in order to continue licensing. This must be in place by January 2014. The USFWS requires that falconers be licensed but only at the state level the USFWS will no longer be issuing federal falconry licenses.

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

50 CFR 21.29

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

For consistency the reporting requirements listed in 50 CFR 21.29 were brought into the regulation at 5 days for all reporting versus a combination of 5 or 10days.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

No new fees or increase to an existing fee.