

# PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R047-11

## COMMISSION GENERAL REGULATION 392

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

AUTHORITY: (NRS 501.105, 501.181, 502.130, 502.140, 502.160, 503.582, 503.583, 504.295)

A REGULATION relating to wildlife to amend falconry regulations pursuant to federal register changes.

**Section 1.** *Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 23 of this regulation.*

**Section 2. - Care of falconry raptors by others**

*1. Care of falconry raptors by another falconry licensee:*

*(a) Another falconry licensee may care for a raptor or raptors for you at your facilities or at that person's facilities for no more than 120 consecutive calendar days.*

*(b) The other falconry licensee must have a signed and dated statement from you authorizing the temporary possession and a copy of the USFWS form 3-186A that shows that you are the possessor of each of the raptors. The statement must include information about the time period for which the other falconry licensee will keep the raptor(s), and about what he they are allowed to do with the raptors.*

*(c) The raptor(s) will remain on your falconry license, and will not be counted against the possession limit of the other falconry licensee caring for your raptors.*

*(d) If the falconry licensee caring for your raptor(s) holds the appropriate level falconry permit, he or she may fly your raptor(s) in whatever way you authorize, including hunting.*

*(e) This care of your raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The department may consider such instances on a case-by-case basis.*

*(2) Care of falconry raptors by someone who does not have a falconry license. Another person may care for falconry birds of the licensee at the licensee's facilities for up to 45 consecutive calendar days.*

*(a) The raptor(s) will remain on the licensee's falconry license.*

*(b) The raptors must remain in the licensee's facilities.*

*(d) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency.*

*(e) The person(s) caring for the licensee's raptors may not fly them for any reason.*

**Section 3. - Falconry birds use in Propagation—**

*Raptors used in falconry may be used in captive propagation by licensed propagators. A falconry bird does not need to be transferred from the falconry license if it is used for fewer than 8 months in a year in captive propagation, but if used 8 months or more the bird must be permanently transferred. The bird must then be banded for propagation as required by the USFW. The transfer must be reported within 5 ~~10~~ days in the electronic database at the Internet address provided by the USFWS and by submitting a paper form 3-186A to the department.*

**Section 4. - Falconers assisting rehabilitation—**

*A General or Master Falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. The bird that the General or*

*Master falconer is helping to rehabilitate may be kept in the General or Master falconer's facilities.*

*(i) The rehabilitator must provide the General or Master falconer with a letter or form that identifies the bird and explains that they are assisting in its rehabilitation.*

*(ii) The General or Master falconer does not need to meet the rehabilitator facility standards and are not subject to inspection for compliance with the rehabilitation standards. They must only meet the facility standards are required for falconry.*

*(iii) Raptors a General or Master falconer possess for this purpose do not need to be added to their falconry license, they will remain under the permit of the rehabilitator.*

*(iv) Any such bird that cannot be permanently released to the wild must be returned to the rehabilitator for placement within the 180-day timeframe in which the rehabilitator is authorized to possess the bird, unless the department authorizes you to retain the bird for longer than 180 days.*

*(v) Upon coordination with the rehabilitator, the General or Master falconer must release all releasable raptors to the wild or return them to the rehabilitator for release within the 180-day timeframe in which the rehabilitator is authorized to possess the birds, unless the department authorizes you to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to you to hold under your falconry permit.*

#### **Section 5. - Hacking —**

*Hacking of falconry raptors . A General Falconer or a Master Falconer, may hack a falconry raptor or raptors.*

*(i) Any bird being hacked counts against falconer's possession limit and must be a species authorized to possess.*

*(ii) Any hybrid hacked must have two attached functioning radio transmitters during hacking.*

*(iii) The falconer may not hack a falconry bird near a nesting area of a Federally threatened or endangered bird species or in any other location where the raptor is likely to harm a Federally listed threatened or endangered animal species that might be disturbed or taken by your falconry bird.*

**Section 6. – Other Falconry practices.**

*The falconer may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons, or kites in training or conditioning falconry raptors. The falconer may fly falconry birds at bird species not protected under the Migratory Bird Treaty Act or at pen-raised animals.*

**Section 7. - New Section - Use of falconry raptors in education programs.**

*1. A General or Master falconer may use a bird in possession in conservation education programs presented in public venues.*

*(a) A state or federal education permit to conduct conservation education activities using a falconry raptor held under a State falconry license is not required.*

*(b) A conservation program may be presented by an Apprentice Falconer if they are under the supervision of a General or Master Falconer at the time of the presentation.*

*(c) The falconer must use the bird primarily for falconry.*

*(d) A fee may be charged for the presentation of a conservation education program. The fee may not exceed the amount required to recoup the costs associated with the presentation.*

*(e) In the conservation education program the following information must be provided. Information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. The falconer shall not give presentations that do not address falconry and conservation education.*

*(f) The licensed falconers are responsible for all liability associated with conservation education presentations.*

*(2) Other educational uses of falconry raptors. Photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, are allowed, though the falconer shall not be paid for doing so.*

*(i) A licensed falconer shall not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry.*

*(ii) A licensed falconer shall not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions:*

*(A) To promote or endorse a nonprofit falconry organization or association.*

*(B) To promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education materials, and scientific research and publication.*

**Section 8. - Using a falconry bird in abatement activities.**

- 1. A Master Falconer, may conduct abatement activities with a bird or birds possessed for falconry, if they have a USFWS Special Purpose Abatement permit. A General Falconer may conduct abatement activities only as a subpermittee of the holder of the abatement permit.*
- 2. The holder of the USFWS abatement permit may receive payment for providing abatement services except as provided in subsection 4.*
- 3. The holder of the USFWS abatement permit must also hold a Nevada commercial permit to take wildlife.*
- 4. 48 hours prior to the initial day of abatement activities the holder of the USFWS abatement permit must provide a copy of the permit to the Department.*
- 5. With a falconry bird, a licensed falconer may take any species listed in parts CFR 21.43, [44, 45, or 46] of this subchapter at any time in accordance with the conditions of the applicable USFWS depredation order, as long as the licensed falconer is not paid for doing so.*
- 6. As used in this section abatement refers to the training and use of raptors to flush, haze, or take birds or other wildlife to mitigate depredation and nuisance problems, including human health and safety threats.*

**Section 9. - Disposition of carcasses of falconry birds that die.**

- 1. A licensed falconer may donate the body or feathers of any other species of falconry raptor to any person or institution exempt by the USFWS or authorized by permit to acquire and possess such parts or feathers.*
- 2. If the bird was banded or microchipped prior to its death*

*(a) The body of any falconry raptor may be kept so that the feathers are available for imping, or you may have the body mounted by a taxidermist; or*

*(b) Use the mount in giving conservation education programs; and*

*(c) If the bird was banded, the band must remain on the body; or*

*(d) If the bird has an implanted microchip, the microchip must remain in place.*

*3. If the licensed falconer does not wish to donate the bird body or feathers or keep it, it must be burned, buried, or otherwise destroyed within 10 days of the death of the bird or after final examination by a veterinarian to determine cause of death.*

*4. If the licensed falconer does not donate the bird body or feathers or have the body mounted by a taxidermist, it may be possessed for the flight feathers for as long as the falconer has valid falconry license. The falconer may not buy, sell, or barter the feathers.*

*The falconer must keep the paperwork documenting the acquisition of the bird.*

**Section 10. - NAC 503.200 is hereby amended to read as follows**

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

2. “Captivity” means a live raptor that is held in a controlled environment which is intensively manipulated by man 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.

3. “Eyas” means a nestling bird not yet capable of flight.

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

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

6. “Raptor” means a live migratory bird of the orders *Falconiformes* and *Strigiformes*, other than the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle (*Aquila chrysaetos*) ***and includes wild-caught, captive-bred, or hybrid raptors protected under the MBTA to use in falconry.***

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

8. ***“Possession” does not include letting another person hold or practice flying a raptor you possess under your permit, for the purposes of this section if you are present and the person is under your supervision.***

9. ***“Hacking” as used in this section hacking is a falconry training method for young raptors to gain hunting experience. This technique is used to prepare the raptor to become an independent hunter. The sequence of training includes captivity, releasing, flight, and the raptor is recaptured for falconry.***

10. ***“Wild Raptor” as used in this section are raptors removed from the wild for falconry and will always be considered “wild” raptors. No matter how long such a bird is held in captivity or whether it is transferred to another permittee or permit type, it is always considered a “wild” bird. It is considered to be taken from the wild only by the person who originally captured it. The raptor will not be considered taken from the wild by any subsequent permittee to whom it is legally transferred.***

11. ***“Regulatory year” for governing falconry. For determining possession and take of raptors for falconry, a year is any 12-month period for take as determined by the Commission.***

12. ***“License year” for governing a falconry license. The determination of the valid period for a falconry license will be based on a calendar year.***



**Section 11. - NAC 503.205 is hereby amended to read as follows:**

**503.205** License or permit required to hunt, trap, possess or sell raptors; possession of eggs and feathers.

1. 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. *The person must have the license or permit in immediate possession if they are not at the location of their falconry facilities and are trapping, transporting, working with, or flying falconry raptor(s).*

2. 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 raptors may be possessed if the holder of the permit notifies the headquarters of the Department in writing within 5 *working* ~~calendar~~ 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 licensee to the Department within 5 *working* ~~calendar~~ days after the first egg has been laid. The licensee will dispose of the egg as directed by the Department.

3. Raptor feathers that are molted or are from raptors held in captivity that die, may be retained and exchanged by licensees for imping purposes only.

*a. For imping a falconer may possess flight feathers for each species of raptor in possession or previously held for as long as you have a valid falconry license. A licensed falconer may receive or transfer feathers for imping from other licensed falconers, wildlife rehabilitators, or propagators in the United States. A licensed falconer may not buy, sell, or barter such feathers.*

*b. A licensed falconer may donate feathers from a falconry bird, ~~except golden eagle feathers~~, to any person or institution with a valid license or permit to have them, or to anyone exempt from the permit requirement by the United States Fish And Wildlife.*

*c. If a falconry license expires or is revoked, the feathers of any species of falconry raptor must be donated to any person authorized by license or permit to acquire or possess the feathers or any institution exempt from the permit requirement by the USFWS. If the feathers are not donated, they must be burned, buried, or otherwise destroyed.*

**Section 12. - NAC 503.210 is hereby amended to read as follows:**

**503.210 Practice of falconry: General requirements.**

When practicing falconry on game species, a 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 by the Department, 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 licensee. *A falconer must report the incidental take of threatened and endangered species to the USFWS within 72 hours.* 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 licensee, *however the licensee may allow the raptor to feed upon the game.* A 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 licensee does not have permission to hunt.

**Section 13. - NAC 503.215 is hereby amended to read as follows:**

**503.215** Acquisition, *Reporting* and banding of raptors.

1. No person may acquire a raptor unless he first obtains from the Department a numbered, nonreusable ~~marker~~ *leg band or microchip for the following; supplied by*

*(a) For wild raptors;*

*(1) For goshawk, Harris's hawk (Parabuteo unicinctus), peregrine falcon (Falco peregrinus), or gyrfalcon (Falco rusticolus) taken from the wild or acquire one from another falconer or a rehabilitator, and if the raptor is not already banded;*

*(i). A falconer must band it with a permanent, nonreusable, numbered U.S. Fish and Wildlife Service leg band that department will supply; or*

*(ii). In addition to the band, a falconer may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip.*

*(2) A raptor removed from the wild must not be banded with a seamless numbered metal band.*

*(b) Raptors bred in captivity must be banded with a seamless metal band. If a seamless band must be removed or is lost, within ~~10~~ 5 working days of removal or loss it must be reported to the USFWS. The falconer must request a replacement USFWS nonreusable band or a Department leg band from the department. A falconer may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition to the seamless band.*

~~[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,~~

~~EDC B-B-8 IFA EDG FJHIDG~~

2. The altering, counterfeiting or defacing of a *leg band* ~~[marker]~~ is prohibited except that a permittee may remove the rear tab from a *leg band* ~~[marker]~~ and make smooth any imperfect surface if the integrity of the marker and its numbering are not affected.

*(3) If a band has been lost or removed, the disposition of a leg band must be filed electronically at the Internet address provided by the USFWS and by submitting a paper 3-186A form to the department within 5 days of removal or discovering the loss. The falconer must do at least one of the following:*

*(a) The falconer must submit the required information within 5 ~~[10]~~ days of rebanding the raptor at the Internet address provided by the USFWS and by submitting a paper 3-186A form to the department.*

*(b) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information at the Internet address provided by the USFWS and by submitting a paper 3-186A form to the department.*

*(4) If a leg band causes documented health or injury problems for a raptor in possession the department may provide an exemption to the banding; and*

*(a) The falconer must keep a copy of the exemption paperwork in possession when transporting or flying the raptor; and*

*(b) If the bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, replace the band with an ISO-compliant microchip that the USFWS will supply the department.*

*(5) If a falconer acquires a raptor; transfers, intentionally releases, rebands, or microchips a raptor; if a raptor in possession is stolen, lost to the wild and not recovered within 30 days; or if a bird possessed for falconry dies; the falconer must report the change within 5 ~~[10]~~ days by*

*entering the required information in the electronic database at the Internet address provided by the FWS [~~http://permits.fws.gov/186A~~] and [~~or~~] by submitting a paper form 3-186A to the department*

*(a) If a raptor in possession is stolen, the falconer must report the theft to the department and to your Fish and Wildlife Service Regional Law Enforcement office within 5 [~~10~~] days of the theft of the bird.*

*(b) The falconer must keep copies of all electronic database and paper 3-186A submissions documenting take, transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after you have transferred or lost the bird, or it has died.*

*(6) Acquiring a bird for falconry from a permitted rehabilitator. A falconer may acquire a raptor of any age of a species that they are licensed to possess directly from a rehabilitator. Transfer to the falconer is at the discretion of the rehabilitator.*

*(a) If a falconer acquires a bird from a rehabilitator, within 5 [~~10~~] days of the transaction, the falconer must report it by entering the required information in the electronic database at the Internet address provided by the USFWS and [~~http://permits.fws.gov/186A-or~~] by submitting a paper form 3-186A to the department.*

*(b) If the falconer acquires a bird from a rehabilitator, it will count as one of the raptors [~~you are~~] allowed to take from the wild that year.*

*(7) Restrictions on transfers of falconry raptors from other falconers. The department does not restrict the number of wild-caught or captive-bred raptors transferred, but a licensed falconer must not exceed their possession limit.*

**Section 14. - NAC 503.220 is hereby amended to read as follows:**

**NAC 503.220** Introduction into or removal from State of raptors.

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 license which is issued by the Department and lists the raptors in his 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 numbered *legband* ~~{marker}~~ 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 person who is a resident of another state *or country* and who holds a valid falconry license issued by the appropriate agency of that state *or country* may bring into or remove from this State a raptor in his 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 numbered *legband* ~~{marker}~~ which is supplied by the United States Fish and Wildlife Service or the appropriate agency of the state *or country* which issued the license if required, as appropriate, and which is not reusable, is attached to the raptor.

4. 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 domicile in another state; or

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

**Section 15. - NAC 503.225 is hereby amended to read as follows:**

**503.225** Purchase, sale or transfer of raptors.

1. A person who holds a valid falconry license issued by the Department may receive by transfer legally acquired raptors from other persons possessing a valid falconry license or *other licensees or permittee authorized to possess them* ~~[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.

4. Each time a person acquires a raptor, he shall notify the Department within 5 ~~[calendar]~~ *working* days after the acquisition. To comply with the provisions of this subsection, a person who acquires a raptor *shall* ~~[may]~~ submit to the Department a copy of Form 3-186A, which must be submitted to the United States Fish and Wildlife Service *at the Internet address provided by the USFWS*.

*5. A person may not purchase, sell, trade, or barter wild raptors they may only be transferred*

*(a) Transfer of wild-caught raptors captured for falconry to another type of permit may occur if the recipient of the bird, possesses the appropriate permit for the other activity.*

*(b) The department will allow the transfer of a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for;*

*(i) at least 2 years for all other species*

*(ii) at least 1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel*

*(c) A copy of the 3-186A form documenting the transfer of the bird and documenting acquisition of the bird by the propagator must be submitted to the department and to the Federal migratory bird permit office that administers the propagation permit.*

*(d) If the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry.*

*A transfer of a wild-caught bird to another permit type may occur in less than 2 years and for all other species and in less than 1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel.*

*(A) Within 5 ~~10~~ days of transferring the bird, the falconer must provide a copy of the 3-186A form documenting acquisition of the bird to the Federal migratory bird permit office that administers the other permit type and to the department.*

*(B) When the falconer transfers the bird, they must provide a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in falconry to the Federal migratory bird permits office that administers the other permit type.*

*(6) Transfer of captive-bred falconry raptors to another type of permit if;*

*(a) The holder of the other permit type is authorized to possess the bird(s), and*

*(b) Within 5 ~~10~~ working days the falconer must report the transfer by entering the required information in the electronic database at the Internet address provided by the USFWS and by submitting a standard paper form 3-186A to the department.*

*(7) Transfer of falconry raptors if a licensed falconer dies. A surviving spouse, executor, administrator, or other legal representative of a deceased falconry licensee may transfer any*



*bird held by the licensee to another authorized licensed falconer within 90 days of the death of the falconry licensee. After 90 days, disposition of a bird held under the permit is at the discretion of the department.*

**Section 16. - NAC 503.230 is hereby amended to read as follows:**

**503.230** Intentional release of raptor.

1. A falconry licensee *is prohibited releasing permanently to the wild a raptor not indigenous to the State or is a hybrid of any. The falconry licensee may transfer it to another falconry permittee authorized to possess that species.*

2. *If the species is captive bred and is indigenous to Nevada, the falconry licensee* must obtain written authorization from the Department before a raptor of any species ~~[not indigenous to Nevada]~~ is intentionally released to the wild. *If permitted to release, the bird must be hacked to the wild at an appropriate time of year and an appropriate location.*

3. *If the species to be intentionally released is indigenous to the State and was taken from the wild, the falconry licensee* must obtain written authorization from the Department before ~~the [a]~~ raptor ~~[of any species not indigenous to Nevada]~~ is intentionally released to the wild. *It can only be released at an appropriate time of year and an appropriate location as determined by the Department in the written authorization.*

4. The *legband* ~~[marker]~~ from ~~[the]~~ *an intentionally* released bird must be removed and surrendered to the Department within 5 ~~[calendar]~~ *working* 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]~~ *working* days after the date on which the bird is released.

**Section 17. - NAC 503.235 is hereby amended to read as follows:**

**503.235** Falconry license: Requirement; application; examination; conditions; exceptions.

1. Except as otherwise provided in subsection 7, a person who *is a resident of* ~~[resides in]~~ 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 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 has been issued a driver's license;
- (f) The number of raptors the applicant possesses and the species of each;
- (g) The age of each raptor, if known;
- (h) The sex of each raptor, if known;
- (i) The source and date of acquisition of each raptor;
- (j) The band number of each raptor *if required*; and
- (k) The applicant's signature and the date on which he signed the application.

*(l) For apprentice license applicants the following certification statement has to be acknowledged. "I certify that I have read and am familiar with the regulations in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001"*

*(m) If the applicant is under 18 years of age, a parent or legal guardian must sign the application and is legally responsible for the applicant's activities.*

2. If the applicant has moved to this State with the intention of making this State his permanent residence and he holds a falconry license issued by the state *or country* from which he is moving, the applicant may attach a copy of his falconry license to his application in lieu of taking the examination required by subsection 3. If the applicant fails to attach a copy of his falconry license issued by his previous state of residence, he will be required to take the examination required by subsection 3.

3. Except as otherwise provided in subsection 2, before the Department issues a falconry license, 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) If a falconry license has lapsed:*

*(a) For fewer than 5 years, it may be reinstated at the level previously held if the applicant provides proof of that certification at that level.*

*(b) If the falconry license has lapsed for 5 years or longer, the applicant must correctly answer at least 80 percent of the questions on an examination administered by the Department. If the applicant passes the exam, the falconry license will be reinstated at the level previously held upon proof of that certification.*

*(5) A license to practice falconry may be issued at an appropriate level if the applicant has experience in falconry but a new resident in the United States and Nevada. The applicant may qualify for the falconry permit appropriate for their experience. To demonstrate their knowledge of U.S. falconry laws and regulations, they must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the Department. If the applicant passes the test, the Department shall decide which level of falconry classification the applicant is qualified, consistent with the class requirements in NAC 503.240 and the documentation of experience submitted by the applicant.*

*(6) Facilities must pass the Department's requirements before possession of a falconry bird.*

(7) ~~[4]~~. A person must possess a valid falconer's 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.

(8) ~~[5]~~. 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. An applicant whose license has been denied may appeal the denial to the Commission.

(9) ~~[6]~~. A person who *is not a resident of* ~~[does not reside in]~~ the State of Nevada does not have to obtain a falconry license of the proper class from the Department to practice falconry while visiting this State if he possesses a valid falconry license issued by the state *or country* of which he is a resident.

(10) ~~[7]~~. 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.

*(11) If a falconer moves outside of Nevada and takes falconry birds with them, within 30 days the falconer must inform both the Department and the permitting authority for the new place of residence of the address change. Persons that have moved to Nevada with intention of making it their permanent residence and bring falconry birds may possess falconry birds until residency requirements are met. The person within 30 days of meeting the residency requirements must obtain a falconry license.*

**Section 18. - NAC 503.240 is hereby amended to read as follows:**

**503.240** Falconry license: Classifications; issuance.

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 ~~14~~ 12 years of age; and

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

*(c) The applicant must have a letter from a Master Falconer or a General Falconer with a valid Nevada falconry license that is at least 18 years old and has at least 2 years experience at the General Falconer level, stating that they will sponsor and assist the applicant, as necessary, in:*

*(1) Learning about the husbandry and training of raptors held for falconry;*

*(2) Learning and about relevant wildlife laws and regulations, and*

*(3) Deciding what species of raptor is appropriate to possess while an Apprentice.*

3. The Department may issue a general license to an applicant who:

(a) Is at least **16** ~~[18]~~ years of age;

~~[(b) Has at least 2 years' experience in the practice of falconry as an apprentice licensee or the equivalent classification of an apprentice licensee:]~~

~~(b) [(e)]~~Has possessed a raptor during each year that he was licensed as an apprentice or the equivalent *including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year. That practice may include capture and release of falconry raptors;* and

~~(c) [(d)]~~ Submits a signed letter from his sponsor which recommends the issuance of a general license to the applicant *stating that the applicant has practiced falconry with raptor(s) at the Apprentice Falconer level or equivalent for at least 2 years; and*

~~(d) The applicant may not substitute any falconry school program or education to shorten the period of 2 years at the Apprentice level.~~

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

**Section 19. - NAC 503.245 is hereby amended to read as follows:**

**503.245** Sponsorship of apprentice licensee.

1. A person who is a general or master falconry licensee or the equivalent may sponsor an apprentice falconry licensee.

2. A person may not sponsor more than three apprentice licensees at one time.

3. If sponsorship is terminated, the holder of an apprentice license must obtain a new sponsor within 30 days of the date of termination of the sponsorship or his apprentice license will be revoked.

**Section 20. - NAC 503.250 is hereby amended to read as follows:**

**503.250** Possession and replacement of raptors by apprentice, general licensee or master licensee.

1. An apprentice licensee:

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

(b) ~~May possess only an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*) or a red-shouldered hawk (*Buteo lineatus*).~~ *May possess a raptor of any Falconiform or Strigiform species, including wild, captive-bred, or hybrid individuals, except a federally listed threatened or endangered species, a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), a Steller's sea-eagle (*Haliaeetus pelagicus*), or a golden eagle (*Aquila chrysaetos*).*

(c) *An apprentice is not required to capture a wild raptor; it can be transferred to the apprentice by another falconry licensee*

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

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

2. A general licensee:

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

(b) *May take and possess any species of Falconiform or Strigiform except a golden eagle, a bald eagle, a white-tailed eagle, or a Steller's sea-eagle.*

(c) *May use captive-bred individuals and hybrids of the species they are allowed to possess.*

3. A master licensee:

(a) ~~§~~ Shall not possess more than *five* ~~three~~ *wild* raptors nor obtain more than two raptors taken from the wild for replacement during any 12-month period.

*(b) May take and possess any species of Falconiform or Strigiform except a bald eagle, golden eagle, a white-tailed eagle, or a Steller's eagles .*

*(c) May possess any captive-bred individuals or hybrids of species.*

*(d) May possess any number of captive-bred raptors and the master falconer must train them in the pursuit of wild game and use them in hunting.*

**Section 21. - NAC 503.255 is hereby amended to read as follows:**

**503.255** Equipment required for license.

Before obtaining a license, an applicant must allow an inspection by a representative of the Department to ensure that the applicant 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.~~

(4) ~~§~~. 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 a raptor when transporting it, using it for hunting, or are away from the permanent facilities ~~home~~ with it and must include a suitable perch and is protected from*



*extreme temperatures, wind, and excessive disturbance. A “giant hood” or similar container is acceptable for transporting or housing a raptor when away from the permanent facility where it is housed.*

*(6) Equipment when flying a hybrid raptor in falconry. When flown free, a hybrid raptor must have attached at least two functioning radio transmitters to help locate the bird.*

**Section 22. - NAC 503.260 is hereby amended to read as follows:**

**503.260** Inspections *and Facilities.*

1. *Before obtaining a license an applicant must allow an inspection of the raptor facilities by a representative of the Department to ensure that the applicant meets the following requirements:*

*(a) Raptor housing facilities must be approved by the department before a bird to use in falconry is obtained. The department must certify that the facilities and equipment meet the following standards:*

*(i) For housing raptors indoors or outdoors, the facility must protect raptors from predators and domestic animals.*

*(A) The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors inside.*

*(B) Untethered raptors may be housed together if they are compatible with each other.*

*(C) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.*

- (D) Each falconry bird must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.*
- (ii) An indoor facility must be large enough to allow easy access for the care and feeding of raptors kept there.*
- (A) If raptors housed in this indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.*
- (B) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.*
- (C) A falconry raptor or raptors may be kept inside the licensee's place of residence if provided a suitable perch or perches. If housed inside the licensee's place of residence there is not a need to modify windows or other openings of the structure. Raptors kept in the licensee's place of residence must be tethered when they are not being moved into or out of the location in which they are kept.*
- (iii) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.*
- (A) The facility must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.*

- (B) The facility must be large enough to insure that the birds cannot strike the enclosure when flying from the perch.*
- (C) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements above and are approved by the Department.*
- (b) Falconry raptors may be kept outside in the open if they are under watch, by the licensee or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.*
- (c) The licensee must inform the Department within 5 business days if you change the location of the licensee's permanent facilities.*
- (2) Falconry facilities on property not owned by the licensee.*
- (a) The falconry facilities may be on property owned by another person where the licensee resides, or at a different location. These facilities must meet the standards the department.*
- (b) The licensee must submit to the department a dated statement showing that the licensee agrees that the falconry facilities and raptors may be inspected without advance notice by department at any reasonable time of day, with the licensee present. If the facilities are not on property that are owned by the licensee, the licensee must submit a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected by department any reasonable time of day in the presence of the property owner; except that the authorities may not enter the facilities or disturb the raptors unless the licensee is present.*
- (3) All raptors under a falconry license must be held in humane and healthful conditions. The licensed falconer is responsible for the maintenance and protection of raptors possessed under that license.*

(4) ~~H~~ Any person holding a falconry license must allow the Department's employees to enter his premises *during business hours* ~~[at any reasonable hour]~~ to inspect equipment, mews or other raptor housing facilities and raptors possessed by the licensee or 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, or federal regulations relating to falconry.

(5) ~~F~~ 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 licensee's possession.

*(6) Temporarily housing of a raptor outside of the licensee's permanent facilities when the licensee is not transporting it or using it for hunting. A raptor can be housed in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.*

*(7) Residence part of the year in another jurisdiction.*

*(a) If the licensee maintains a primary residence in Nevada but the licensee resides for more than 120 consecutive days in a State or territory or on tribal lands other than Nevada, the facilities of the second location must listed on the Nevada falconry license.*

*(b) If a falconer lives for more than 120 consecutive days in Nevada other than where they maintain their primary residence, the falconry facilities in Nevada must meet the standards in this section and the person must have a valid falconry license from the State, country, Tribal, or territorial land where they maintain their primary residence.*

**Section 23. - NAC 503.265 is hereby amended to read as follows:**

**503.265** Application for license must include information on raptors in applicant's possession.

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 application for the license each species of raptor and the band number of each raptor he 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.