

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

LCB File No. R046-11

Effective April 5, 2013

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

AUTHORITY: §§1-21, NRS 501.105, 501.181, 503.582 and 503.583.

A REGULATION relating to falconry; authorizing the taking under certain circumstances of raptors by a person other than the holder of a permit to take raptors; authorizing the retaking under certain circumstances of raptors that have been previously identified as falconry raptors; specifying the duties of a holder of a permit to take raptors who takes a raptor that is injured during the taking; providing for the banding or other identification of falconry raptors; authorizing the practice of falconry and the application for and obtaining of a permit to take raptors for falconry by residents of a country other than the United States who have a falconry license issued by that country; amending provisions specifying the conditions under which raptors may be taken; requiring traps used to take raptors to be attended at all times; 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 10, inclusive, of this regulation.

Sec. 2. 1. *A holder of a permit to take raptors may authorize another person to take a raptor for the holder of the permit subject to the conditions specified in this section.*

2. If the holder of the permit is at the site of the taking:

(a) The holder of the permit shall report the taking to the Department on Form 3-186A not later than 5 days after the taking; and

(b) The taken raptor counts toward the number of raptors the holder of the permit may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.

3. If the holder of the permit has a long-term or permanent physical impairment that prevents him or her from being at the site of the taking:

(a) The holder of the permit shall report the taking to the Department on Form 3-186A not later than 5 days after the taking; and

(b) The taken raptor counts toward the number of raptors that the holder of the permit may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.

Sec. 3. 1. Except as otherwise provided in section 4 of this regulation, a falconry licensee may at any time retake a raptor of any species subject to the provisions of this section.

2. Except as otherwise provided in subsection 5, a falconry licensee who retakes a raptor shall:

(a) Report the retaking to the Department on Form 3-186A not later than 5 days after the retaking; and

(b) As soon as practicable after the retaking, and except as otherwise provided in subsections 4 and 5:

(1) Return the raptor to the person who originally identified it as a falconry raptor; or

(2) Deliver the raptor to the Department for return to the person who originally identified it as a falconry raptor.

3. If a falconry licensee who retakes a raptor returns or delivers it pursuant to subsection 2, the raptor does not count 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.

4. A falconry licensee who retakes a raptor may keep the raptor if:

(a) The Department determines that the person who originally identified it as a falconry raptor is deceased, cannot be located, is not authorized to possess it or does not wish to possess it;

(b) The falconry licensee:

(1) Submits Form 3-186A to the Department; and

(2) Is otherwise authorized to keep the raptor; and

(c) The Department authorizes the falconry licensee to keep the raptor.

5. Except as otherwise provided in sections 4 and 5 of this regulation, a falconry licensee may retake and keep a raptor banded with a leg band issued by the Bird Banding Laboratory of the United States Geological Survey.

6. If a falconry licensee retakes and keeps a raptor pursuant to subsection 4 or 5, the raptor 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. 4. 1. *Except as otherwise provided in section 5 of this regulation, if a falconry licensee takes a raptor to which any research band, research marking or transmitter is attached, the falconry licensee:*

(a) Shall report the taking to the Department and the Bird Banding Laboratory of the United States Geological Survey not later than 5 days after the taking;

(b) May report the taking to any researcher who is identified on the band, marker or transmitter; and

(c) Not later than 30 days after the taking, shall release the raptor or surrender it to the researcher or the Department.

2. Notification provided to the Department and the Bird Banding Laboratory pursuant to paragraph (a) of subsection 1 must include any identifying number on the research band, research marking or transmitter attached to the raptor.

3. Before releasing a raptor to a researcher pursuant to paragraph (c) of subsection 1, the falconry licensee may, at the direction of the researcher, replace the transmitter or the batteries of the transmitter or remove the transmitter.

4. A raptor taken and temporarily possessed pursuant to this section does not count 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. 5. *1. Except as otherwise provided in subsections 2 and 3, if a falconry licensee takes a peregrine falcon to which any research band or research marking is attached, the falconry licensee shall immediately release the falcon.*

2. If a falconry licensee takes a peregrine falcon to which a transmitter is attached, the falconry licensee:

(a) Shall report the taking to the Department not later than 5 days after the taking;

(b) May report the taking to any researcher who is identified on the transmitter and may, at the direction of the researcher, replace the transmitter or the batteries of the transmitter or remove the transmitter; and

(c) Not later than 30 days after the taking, shall release the falcon or surrender it to the researcher or to the Department.

3. A peregrine falcon taken and possessed pursuant to this section may not be possessed for more than 30 days after the taking.

Sec. 6. 1. If a holder of a permit to take raptors takes a raptor that is injured while being taken, the holder of the permit:

(a) Is responsible for the cost of any care and rehabilitation provided to the raptor, regardless of whether the holder of the permit keeps the raptor; and

(b) Shall:

(1) Attach a leg band to the raptor pursuant to section 7 of this regulation;

(2) As soon as practicable after the taking, transport the raptor to the Department or to a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service; and

(3) Not later than 5 days after the taking, report the taking to the Department on Form 3-186A.

2. A raptor that is injured while being taken may not be removed from this State unless the raptor has been declared rehabilitated by the Department or by a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service to whom the raptor was transported pursuant to subsection 1.

3. A raptor which is transported to the Department or to a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service pursuant to subsection 1 and which is:

(a) Subsequently returned to the person who took the raptor counts toward the number of raptors that the person may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.

(b) Not returned to the person who took the raptor does not count toward the number of raptors that the person may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.

Sec. 7. 1. *Except as otherwise provided in sections 8 and 9 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;

(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 which is supplied by the Department.

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. 8. 1. *If a leg band attached to a raptor pursuant to section 7 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. 9. 1. *If an owner of a raptor provides evidence satisfactory to the Department that a leg band attached to the raptor pursuant to section 7 or 8 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 7 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. 10. *The provisions of NAC 503.200 to 503.345, inclusive, and sections 2 to 10, 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. 11. 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 10, inclusive, of this regulation*, unless the context otherwise requires:

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 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.

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

6. *“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.

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

~~{6.}~~ 8. “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.}~~ 9. “Raptor rehabilitator” means a person who has been issued a permit to rehabilitate raptors pursuant to NAC 503.315.

10. “Retake” means to take, by a falconry licensee who is not the person who originally identified the raptor as a falconry raptor, a raptor that has been marked with a leg band, transmitter or any other item identifying it as a falconry raptor.

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

Sec. 12. 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 7 or 8 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. 13. NAC 503.300 is hereby amended to read as follows:

503.300 *1.* Each year, the Commission may establish a resident and nonresident quota for raptors that may be taken from the wild under a permit.

2. A holder of a permit *to take raptors* may ~~{obtain}~~ *take* from the wild only the number of raptors permitted, but in no event ~~{}~~ more than two raptors per *calendar* year ~~{}~~, *regardless of whether the raptor is subsequently transferred during that calendar year.*

3. Before obtaining a permit to ~~{capture}~~ *take* raptors, a permittee must possess a valid falconry license issued by this State, ~~{or, if he or she is not a resident of this State and does not possess a falconry license issued by this State,}~~ a valid falconry license issued by the state of which the permittee is a resident ~~{}~~ *or, if he or she is not a resident of the United States, by the country of which the permittee is a resident.*

Sec. 14. NAC 503.305 is hereby amended to read as follows:

503.305 A holder of a permit to ~~{capture}~~ *take* raptors is subject to the following conditions:

1. ~~{Eyasses may be taken only by a}~~ *Except as otherwise provided in subsection 5, a general or master ~~{falconer}~~ falconry licensee may take only raptors less than 1 year of age and only* during the period specified by the Commission. No more than two eyasses may be taken by a ~~{permittee}~~ *holder of a permit to take raptors* during that period.

2. ~~{Passage}~~ *At least one eyas must be left in each nest or aerie from which any eyas is taken.*

3. *The physical characteristics of a nest or aerie from which any eyas is taken may not be altered.*

4. *Except as otherwise provided in subsection 6, passage* birds may be taken only during the period specified by the Commission.

~~{3. Not more than 180 days during any calendar year will be specified for the taking of eyasses or passage birds, but a marked raptor may be retrapped at any time.~~

~~—4.}~~ 5. The only raptors over 1 year of age which may be taken are the American kestrel (*Falco sparverius*) and the great horned owl (*Bubo virginianus*), except that under a depredation (special purpose) permit which was jointly authorized by the United States Fish and Wildlife Service and the Department, any raptor other than raptors of threatened or endangered species may be taken for falconry purposes by a general or master ~~falconer.~~

~~—5. Peregrine} falconry licensee.~~

6. *An apprentice falconry licensee may take only passage birds of the species specified on the falconry license of the apprentice falconry licensee.*

7. *Except as otherwise provided in section 5 of this regulation, peregrine* falcons may not be taken in Nevada. ~~{Such falcons}~~ *A peregrine falcon that is* legally obtained may be imported and possessed under the terms and conditions of a falconry license issued by the Department.

~~{6.}~~ 8. Birds of the following species may not be ~~{captured,}~~ *taken*, transported, possessed or used in the practice of falconry:

- (a) Bald eagle ~~{}~~ (*Haliaeetus leucocephalus*);
- (b) Osprey ~~{}~~ (*Pandion haliaetus*);
- (c) White-tailed kite ~~{; and}~~ (*Elanus leucurus*);
- (d) *Golden eagle* (*Aquila chrysaetos*);
- (e) *White-tailed eagle* (*Haliaeetus albicilla*);
- (f) *Stellar's sea eagle* (*Haliaeetus pelagicus*);

(g) Any owl except the great horned owl †

—7.† (*Bubo virginianus*); and

(h) *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.*

9. *Except as otherwise provided in sections 2 to 6, inclusive, of this regulation, if the holder takes a raptor that the holder is not authorized to possess, the holder shall release the raptor immediately.*

10. Permits to take raptors are not transferable.

Sec. 15. NAC 503.310 is hereby amended to read as follows:

503.310 1. A raptor may be taken by a trap or bird net which is humane in its operation and use. ~~Snare-type~~ All traps must be attended at all times. ~~All other traps must be identified with the name and address of the licensee and checked at least once every 24 hours.~~ Raptors may not be ~~captured~~ taken by means of a steel-jawed trap or jump-trap. Apprentice *falconry* licensees may use only bal-chatri, harness or bow net traps in acquiring raptors.

2. As used in subsection 1:

(a) “Bal-chatri” means a hemispherical cage on which many nooses are tied baited with a bird or mammal and placed in view of a wild raptor to serve as a trap in which neither raptor nor bait is injured.

(b) “Harness” means a light leather or cloth saddle covered with nooses which is placed on tethered bait.

(c) “Bow net” means a circular hoop hinged in the middle and covered with netting. It is usually attached to the ground so one side can swing freely.

Sec. 16. NAC 503.320 is hereby amended to read as follows:

503.320 A holder of a permit *to take raptors* who is successful in taking a raptor shall immediately attach the ~~raptor~~ *leg* band ~~provided by the Department to a leg of the raptor~~ *obtained pursuant to section 7 of this regulation* and personally present the raptor to a representative of the Department for validation of the permit no later than 72 hours after the raptor is taken. No raptor may be transported from this State until ~~the~~ *a nonreusable and numbered leg* band is attached and the person transporting it has had the permit validated by the Department.

Sec. 17. NAC 503.325 is hereby amended to read as follows:

503.325 A holder of a permit *to take raptors* who has not taken a raptor ~~for each permit~~ shall return the unused permit and *leg* band to the Department for cancellation within 5 days after the close of the season.

Sec. 18. NAC 503.330 is hereby amended to read as follows:

503.330 1. If a holder of a permit *to take raptors* has submitted any false statement on his or her application for the permit or fails to return the permit and ~~raptor~~ *leg* band for cancellation or validation within the period specified, the Department ~~will~~ *shall* deny him or her a ~~raptor~~ permit *to take raptors* for the following year.

2. Any person who has been denied a ~~raptor~~ permit *to take raptors* pursuant to the provisions of this section may have the privilege reinstated if the person pays to the Department an administrative fine of \$50.

Sec. 19. NAC 503.335 is hereby amended to read as follows:

503.335 1. An application for ~~taking~~ *a permit to take* raptors ~~for falconry~~ must be submitted to the Department at an address specified on the application by the deadline for the submission of such applications as established by the Commission.

2. The applicant must include on the application:

(a) The name of the applicant;

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

(c) The date of birth of the applicant;

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

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

(f) The number of the applicant's falconry license, the class of the license and the name of the state *or country* which issued the license;

(g) A description of each raptor, by species:

(1) In the applicant's possession as of the date of the application, specifying those raptors which the applicant acquired during the 12 months immediately preceding the date of the application; and

(2) Which the applicant acquired during the 12 months immediately preceding the date of the application but which is no longer in the applicant's possession;

(h) The age, sex and *leg* band number of each such raptor;

(i) The date that each raptor was acquired;

(j) If applicable, the date on which each raptor acquired by the applicant during the 12 months immediately preceding the date of the application was transferred, released, lost or died;

(k) Whether each raptor in the possession of the applicant was caught in the wild or bred in captivity; and

(l) The applicant's signature and the date on which the application was signed.

↪ An incomplete application will be returned without action.

3. An applicant must possess a valid falconry license from this State , ~~or~~ another state *or, if the applicant is not a resident of the United States, the country of which the applicant is a resident* at the time that he or she applies for a permit to take raptors pursuant to this section. If the applicant does not possess such a license, the applicant must apply for a falconry license at the same time that he or she applies for the permit to take raptors ~~for falconry~~ pursuant to this section.

Sec. 20. NAC 503.340 is hereby amended to read as follows:

503.340 Each application must be accompanied by the following fee:

1. For each permit to take ~~a raptor~~ *raptors* issued to a resident, \$15.
2. For each permit to take ~~a raptor~~ *raptors* issued to a nonresident, \$120.
3. For acting upon each application, a nonrefundable fee of \$5.

Sec. 21. NAC 503.345 is hereby amended to read as follows:

503.345 1. If a quota is not filled from applications received on or before the latest date for acceptance, the Department will accept applications received after that date and award permits *to take raptors* in the order of receipt of the applications until the quota is filled.

2. An applicant who does not draw a permit *to take raptors* may reapply for any species of raptor ~~whose~~ *for which the* quota is not filled after the drawing. The Department will award permits *to take raptors* for the unfilled quota in the order of receipt of the applications.

STATE OF NEVADA
Nevada Department of Wildlife
CGR 397 R046-11 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 this regulation regulates.
- (2) Beneficial effect – There is no change to the economic affect on the public which it regulates.
- (3) Immediate effect – There is no change to the economic affect on the public which it regulates.
- (4) Long-term effect – There is no change to the economic affect on the public which it regulates.

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.

A section regarding the take of raptors from the wild by someone other than the permit holder was removed. This would be more stringent than federal requirements.

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.