

SECTION .0800 - FALCONRY

15A NCAC 10H .0801 DEFINITIONS

(a) In addition to the definitions contained in G.S. 113-130, as used in 15A NCAC 10B .0216 and in this Section, the following definitions apply:

- (1) "Falconry permit" or "permit" means a falconry permit or license issued by another state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service, as meeting the federal falconry standards in 50 CFR 21.29.
- (2) "Falconry license" means the annual special purpose falconry license required by G.S. 113-270.3(b)(4) and referenced in the rules of this Section.
- (3) "State" means the State of North Carolina, except when the context indicates reference to another state of the United States.
- (4) "Commission" means the North Carolina Wildlife Resources Commission.
- (5) "Executive Director" means the Executive Director of the North Carolina Wildlife Resources Commission.
- (6) "Bred in captivity" or "captive-bred" means raptors hatched in captivity from parents that mated or otherwise transferred gametes in captivity.
- (7) "Raptor" means a live migratory bird of the Order Accipitriformes, Order Falconiformes, or the Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*).
- (8) "Wild-caught" and "wild" raptors means any free-ranging wild raptor held in captivity regardless of its length of captivity or ownership changes in accordance with 50 CFR 21.29(f)(1).

(b) For this Section, 50 CFR 21.29 is hereby incorporated by reference, including all subsequent amendments and editions. 50 CFR 21.29 may be found free of charge at: www.ecfr.gov.

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012; May 1, 2007; May 1, 1995; August 1, 1988; February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0802 PERMIT AND LICENSE REQUIREMENTS

(a) Non-residents of this State shall not take, possess, transport, or import a raptor for falconry purposes or practice falconry in this State without first obtaining the following:

- (1) a falconry license or permit from a state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service as meeting federal falconry standards; and
- (2) a North Carolina falconry license as required by G.S. 113-270.3(b)(4), unless traveling through North Carolina with no intention of practicing falconry while in North Carolina.

(b) Residents of this State shall not take, possess, transport, or import a raptor for falconry purposes or practice falconry in this State without having first obtained a North Carolina falconry license.

(c) A North Carolina resident who holds a falconry license issued by the Commission may transport his or her raptors into or through other states, tribal lands, and territories for use in falconry, and shall observe all laws and regulations of such states governing the possession and transportation of raptors and the practice of falconry.

(d) In addition to criminal penalties for violation provided by federal law and state statute, licenses shall be subject to suspension or revocation in accordance with applicable state and federal law.

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0803 APPLICATION FOR LICENSE

- (a) Any individual who wishes to take raptors or to practice falconry in this State shall apply for a falconry license from the Commission, at www.ncwildlife.org, by providing the following information: applicant's name, residence address, date of birth, and facility address, if applicable. Applicants shall either have passed the examination as described in Rule .0804 of this Section or provide proof of a valid falconry permit or license from another state, provided the state that issued the falconry permit or license has been approved by the U.S. Fish and Wildlife Service.
- (b) Individuals who have relocated to North Carolina have 60 days from the date of relocation to apply for a North Carolina falconry license. Until his or her license is issued by the Commission, the individual may keep any lawfully obtained raptors in facilities described in Rule .0808 of this Section and may practice falconry provided he or she has a permit or license from a state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service.
- (c) Apprentice license applications shall include a letter from a sponsor as described in 50 CFR 21.29(c)(2)(i)(C).
- (d) General license applications shall include a letter from a General or Master falconer as described in 50 CFR 21.29(c)(2)(ii)(C).
- (e) Any application submitted by an individual less than 18 years of age shall be co-signed by that individual's parent or legal guardian. The parent or legal guardian is responsible for the underage falconer's activities.
- (f) A falconer with an expired license may apply for a new license at his or her previous level, provided the license has not been expired for more than five years, and the falconer can show he or she has previously met the requirements for the level of license sought. A falconer whose license has been expired for more than five years may apply for a new license, but he or she shall pass the examination described in Rule .0804 of this Section and pass a facility inspection described in Rule .0808 of this Section, in order to be reinstated at his or her previous level. He or she shall provide records showing the requirements for the level of license sought have been previously met.
- (g) Applications shall be accompanied by a fee in the amount of ten dollars (\$10.00).

*History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.*

15A NCAC 10H .0804 EXAMINATION

- (a) Prior to applying for a falconry license, an applicant shall successfully pass, with a score of at least 80 percent, a falconry examination administered by the Commission, as detailed in 50 CFR 21.29(c).
- (b) The examination is not required of any applicant who holds a valid permit from another state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service.
- (c) The examination shall not be required for license renewal, provided the license has not been expired for more than five years.
- (d) The cost for taking the examination is ten dollars (\$10.00).

*History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.*

15A NCAC 10H .0805 DURATION OF LICENSE

A falconry license shall be valid upon issuance and expires on June 30 of each year.

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29; Eff. September 1, 1979; Amended Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2018.

15A NCAC 10H .0806 ACQUISITION, SALE AND STATUS CHANGE

- (a) A licensee may transfer a wild-caught raptor to another licensee if no money, goods, or services are exchanged. A licensee may purchase, sell, trade, or barter any lawfully possessed raptor that is bred in captivity under a federal raptor propagation permit and banded with a numbered seamless marker issued by the Commission, provided that the parties involved in the transaction are authorized to possess the raptor under this Section, 50 CFR 21, or the foreign country of his or her residence or domicile, in accordance with 50 CFR 21.29(f)(15).
- (b) A licensee may acquire a raptor from a permitted rehabilitator subject to the restrictions and conditions set forth in 50 CFR 21.29(e)(7).
- (c) A licensee shall not take, possess, or transport a raptor in violation of the restrictions, conditions, and requirements of the CFR 21.29, G.S. 113-270.3, and this Section.
- (d) Upon the death of a licensee, any lawfully held raptors shall be transferred in accordance with 50 CFR 21.29(f)(21).
- (e) Any status change of a raptor, including death of the raptor or the licensee, loss due to theft, acquisition, sale, transfer, intentional release, and rebanding shall be reported to the U.S. Fish and Wildlife Service, as set forth in 50 CFR 21.29(e)(6).
- (f) Dead birds shall be disposed of in a manner described in 50 CFR 21.29(f)(13).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29; Eff. September 1, 1979; Amended Eff. January 1, 2012; February 1, 1994; April 1, 1991; February 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2018.

15A NCAC 10H .0807 LEVELS OF LICENSES

- (a) Falconry licenses shall be issued at three levels based upon the age and experience of the falconer.
- (b) Apprentice level falconry licenses shall be subject to the conditions, requirements, and limitations set forth in 50 CFR 21.29(c)(2)(i). In addition to the requirements of 50 CFR 21.29(c)(2)(i), the following conditions apply:
 - (1) the apprentice's sponsor shall live within 200 miles of the apprentice;
 - (2) a sponsor shall not have more than three apprentices at any one time; and
 - (3) a sponsor shall provide written notification to the Commission when he or she decides to stop sponsoring an apprentice. The Commission shall notify the apprentice, who must obtain another sponsor and notify the Commission within 90 days.
 - (A) If after the 90-day period, the apprentice fails to obtain another sponsor, the disposition of the raptor(s) shall be determined on a case-by-case basis by the Commission and may include release or transfer to another licensed falconer, and the apprentice's license shall be suspended.

- (B) If after 180 days, the apprentice fails to obtain another sponsor, the Commission shall revoke his or her license and he or she shall be required to reapply for an apprentice license.
- (c) General level falconry licenses shall be subject to the conditions, requirements, and limitations set forth in 50 CFR 21.29(c)(2)(ii).
- (d) Master level falconry licenses shall be subject to conditions, requirements, and limitations set forth in 50 CFR 21.29(c)(2)(iii).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29; Eff. September 1, 1979; Amended Eff. January 1, 2012; May 1, 1995; May 1, 1991; February 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2018.

15A NCAC 10H .0808 FACILITIES AND EQUIPMENT

- (a) Prior to initial issuance of a North Carolina falconry license to a resident of North Carolina, the applicant's raptor housing facilities and falconry equipment shall be inspected and approved by a representative of the Commission as meeting the standards set forth in this Rule. Applicants shall have indoor or outdoor holding facilities as described in Paragraph (b) of the Rule. Applicants may have both types of facilities.
- (b) The applicant shall have holding facilities meeting the following standards, regardless of whether the facilities are located on property owned by the licensee or owned by another:
- (1) All facilities shall conform to the standards in 50 CFR 21.29(d)(1)(ii)(A).
 - (2) Indoor facilities shall conform to the standards in 50 CFR 21.29(d)(1)(ii)(B). In addition to the incorporated CFR, the mew shall have a door that allows access for maintenance, that is securable inside and outside, and closes automatically. Mews shall be located away from disturbance and shade shall be provided. The floor of the mew shall allow for cleaning and drainage. The interior of the mew shall be free of obstructions that could be injurious to the raptor. Any lighting fixtures shall be shielded or otherwise protected.
 - (3) Outdoor facilities shall conform to the standards in 50 CFR 21.29(d)(1)(ii)(D). In addition to the incorporated CFR, covers or roofs shall not be less than seven feet high. The enclosed area shall be large enough to ensure the raptor cannot strike the sides, cover, or roof of the enclosure when flying from the perch. The floor of the weathering area shall allow for drainage to prevent standing water. At least two perches shall be provided for the raptor.
 - (4) Raptors may be brought inside a human dwelling as needed to address health, training, and safety issues. The residence shall conform to the standards in 50 CFR 21.29(d)(1)(ii)(C).
 - (5) A licensee may have his or her raptors outside in the open under the conditions set forth in 50 CFR 21.29(d)(1)(iii).
- (c) Licensees shall possess the equipment listed in 50 CFR 21.29(d)(3).
- (d) All facilities and equipment shall be maintained at or above the standards contained in Paragraphs (b) and (c) of this Rule at all times.
- (e) A raptor may be transported or held in temporary facilities as described in 50 CFR 21.29(d)(4) and (5).
- (f) A licensee may leave his or her raptors in the care of another person subject to the restrictions in 50 CFR 21.29(d)(6) and (7).
- (g) A licensee shall inform the Commission within five business days if he or she moves his or her facilities.

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29; Eff. September 1, 1979; Amended Eff. January 1, 2012; May 1, 1995; April 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2018.

15A NCAC 10H .0809 BANDING AND MARKING

- (a) All peregrine falcons (*Falco peregrinus*), gyrfalcons (*Falco rusticolus*), Harris's hawks (*Parabuteo unicinctus*), and goshawks removed from the wild or acquired from a falconer or rehabilitator for falconry purposes shall be banded as set forth in 50 CFR 21.29(c)(6)(i).
- (b) Raptors bred in captivity shall be banded as set forth in 50 CFR 21.29(c)(6)(ii).
- (c) Loss or removal of any band shall be reported to the Commission within five days of the loss and shall be replaced as described in 50 CFR 21.29(c)(6)(iii).
- (d) No person shall counterfeit, alter, or deface any band required by this Rule, except that licensees may remove the rear tabs on bands and may smooth any surface imperfections, provided the integrity of the bands and numbering are not affected.
- (e) A raptor removed from the wild shall not be marked with a seamless numbered band.
- (f) A falconer may request and receive a band exemption from the Commission for a raptor with documented health problems or injuries caused by a band, but shall adhere to the restrictions set forth in 50 CFR 21.29(c)(6)(v).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29; Eff. September 1, 1979; Amended Eff. January 1, 2012; April 1, 1991; July 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2018.

15A NCAC 10H .0810 TAKING RAPTORS

- (a) No raptor shall be taken from the wild in this State except by an individual holding a current falconry license as defined in Rule .0801 of this Section, or a falconry permit or license from the individual's state of residence if the individual is a non-resident of North Carolina. Falconers may only take species of raptors from the wild that are authorized under their level of permit or license. If a falconer captures an unauthorized species of raptor or other bird, he or she must release that bird immediately upon capture.
- (b) All levels of licensees may take up to two raptors from the wild annually, subject to the conditions and restrictions set forth in 50 CFR 21.29(e)(2). Apprentices may keep only one bird at a time.
- (c) Apprentices may take any species of raptor from the wild except for those species specified in 50 CFR 21.29(c)(2)(i)(E).
- (d) Any raptor native to this State may be taken from the wild subject to the restrictions on species and license level as follows:
 - (1) Only persons holding General or Master level falconry licenses may take nestlings. Nestlings may only be taken from May 1 through June 30. No more than two nestlings may be taken by the same licensee. At least one nestling shall be left in the nest or aerie.
 - (2) First year (passage) birds may be taken from August 1 through the last day of February, except that marked raptors may be retrapped at any time.
 - (3) American kestrels (*Falco sparverius*) and great horned owls (*Bubo Virginianus*) may only be taken when over one year old. Only General and Master falconers may take this age class in accordance with 50 CFR 21.29(e)(3)(i). The time period for taking is from August 1 through the last day of February.
 - (4) Only General and Master falconers may take a federally threatened species and the falconer shall follow the restrictions in 50 CFR 21.29(e)(3)(ix).
 - (5) A falconer shall obtain a North Carolina endangered species permit before taking any raptors listed in 15A NCAC 10I .0103, 15A NCAC 10I .0104, or 15A NCAC 10I .0105. Furthermore, a falconer shall possess a special hunt permit to take a passage peregrine falcon (*Falco peregrinus tundrius*).

(e) Traps shall be designed to prevent injury to the raptor. All traps except box-type traps shall be attended and visible to the trapper at all times when in use. Box-type traps must be checked every 24 hours. Traps must be of one of the following types:

- (1) Leg noose snare traps, the nooses of which shall be tied to prevent the noose from locking when under pressure. The trapper shall use a drag weight based on the species being trapped.
- (2) Nets that collapse on and enclose around the raptor.
- (3) Box-type traps with automatic closing entry doors or funnels.

(f) Licensees may recapture their own birds or any birds wearing falconry equipment at any time. Disposition of banded birds, captive-bred birds, and birds wearing falconry equipment is as allowed in accordance with 50 CFR 21.29(e)(3)(iv)-(v).

(g) Licensees shall keep their license on their person when trapping raptors.

(h) Raptors injured due to falconry trapping efforts shall be treated humanely and in accordance with 50 CFR 21.29(e)(5).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0811 OTHER RESTRICTIONS AND CONDITIONS

(a) Every falconer shall carry his or her license on his or her person when conducting any falconry activities away from approved facilities as described in Rule .0808 of this Section.

(b) Visitors to the United States may practice falconry under the conditions set forth in 50 CFR 21.29(f)(14).

(c) A licensee may take his or her raptors to another country to practice falconry under the conditions set forth in 50 CFR 21.29(f)(15).

(d) A licensee who practices falconry in the vicinity of a federally listed species shall avoid take of the listed species as described in 50 CFR 21.29(f)(17).

(e) If a licensee's raptor unintentionally takes a species, the licensee may allow his or her bird to feed on the prey, but shall not take the species into his or her possession.

(f) Feathers that are molted may be retained and exchanged by falconry licensees only for imping purposes or otherwise disposed of as set forth in 50 CFR 21.29(f)(12).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0812 INTERSTATE TRANSPORTATION

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. February 1, 2018.

15A NCAC 10H .0813 RAPTOR PROPAGATION PERMIT

History Note: Authority G.S. 113-134; 113-270.3(b)(5); 50 C.F.R. 21.29;
Eff. February 1, 1994;
Amended Eff. July 1, 1994;
Repealed Eff. January 1, 2012.

15A NCAC 10H .0814 RELEASE OF RAPTORS AND MOVING RAPTORS TO ANOTHER LICENSE OR PERMIT

- (a) Non-native and hybrid raptors shall not be released into the wild. Native, captive-bred birds may only be released upon written request and approval from the Commission and under the conditions set forth in 50 CFR 21.29(e)(9)(ii).
- (b) Native wild birds may be released into the wild under the conditions set forth in 50 CFR 21.29(e)(9)(iii).
- (c) Wild-caught birds may be transferred to another type of license or permit under the conditions set forth in 50 CFR 21.29(f)(5).
- (d) Captive-bred birds may be transferred to another type of license or permit under the conditions set forth in 50 CFR 21.29(f)(6).
- (e) Hacking and other training and conditioning techniques are allowed under conditions set for in 50 CFR 21.29(f)(2) and (3).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0815 OTHER USES AND ALLOWED ACTIVITIES

- (a) Raptors may be used in captive propagation as allowed under 50 CFR 21.29(f)(7).
- (b) General and Master falconers may use raptors in conservation education programs as set forth in 50 CFR 21.29(f)(8). Other educational uses of raptors are restricted to those allowed in 50 CFR 21.29(f)(9).
- (c) General and Master falconers may use raptors in abatement activities under the conditions set forth in 50 CFR 21.29(f)(11).
- (d) General and Master falconers may assist in raptor rehabilitation under the conditions set forth in 50 CFR 21.29(f)(10).
- (e) Licensees may take bird species for which there is a federal depredation order by means of falconry in accordance with 50 CFR 21.29(f)(20).

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.