

# Title 08 DEPARTMENT OF NATURAL RESOURCES

## Subtitle 03 WILDLIFE

### .09 Wildlife Possession

Authority: Natural Resources Article, §10-907, Annotated Code of Maryland

### .07 Falconry.

#### A. Definitions.

- (1) In this regulation the following terms have the meanings indicated.
- (2) Terms defined.
  - (a) "Eyas" means a nestling raptor incapable of flight.
  - (b) "Falconer" means the holder of a valid falconry permit issued by the Department.
  - (c) "Falconry" means the sport of hunting game birds and mammals or other wildlife by the means of a trained raptor.
  - (d) "Imping" means replacing a damaged feather with a molted feather.
  - (e) "ISO" means the International Organization for Standardization;.(f) "Passage bird" means a raptor in juvenile plumage less than 1 year old and capable of flight.
  - (g) "Permittee" means the holder of a valid falconry permit issued by the Department;
  - (h) "Raptor"
    - (i) "Raptor" means a live bird of the family Accipitridae of the family Falconidae or of the family Strigidae.
    - (ii) "Raptor" does not include a bird of the family Pandionidae or the family Tytonidae.
  - (i) "Take" means to trap or capture or legally acquire, or to attempt to trap or capture or legally acquire, a raptor for falconry;. and
  - (j) "USFWS" means the United States Fish and Wildlife Service.

#### B. Permit and Application Requirements.

- (1) An individual shall have a valid falconry permit from the Department to take, possess, or transport raptors for falconry or to hunt with them.
- (2) To apply for a falconry permit, an applicant shall submit the following information:
  - (a) A completed application form from the Department;
  - (b) For an apprentice permit, the applicant shall obtain a sponsor and have the sponsor sign the bottom of the application;
  - (c) For an apprentice or general falconry permit, a parent or legal guardian shall co-sign the application if the applicant is under 18 years of age; and
  - (d) For renewal of general and master falconry permits, a copy of a current hunting license or a hunting license from the previous hunting season.
- (3) To advance from an apprentice level to a general level falconry permit, the applicant shall provide the following:
  - (a) Information documenting the applicant's experience maintaining falconry raptors, including a summary of what species were held as an apprentice falconer and how long each bird was possessed; and
  - (b) A letter from a general falconer or master falconer serving as the applicant's sponsor attesting that the applicant has practiced falconry with a raptor at the apprentice falconer level for at least 2 years, including maintaining, training, flying, and hunting the raptor for at least 4 months in each year.
- (4) To advance from a general level to a master level falconry permit, the applicant shall attest that the applicant has practiced falconry as a general falconer for at least 5 years.
- (5) A permit may not be issued unless the applicant has adequate facilities and equipment, which are inspected and certified before issuance, by a representative of the Department, as meeting standards set forth in § F of this regulation.
- (6) The application shall be accompanied by a \$25 fee. In addition, an annual fee of \$25 shall be due with each annual report, if the falconer desires to renew a permit.
- (7) A nonresident falconry permit will be recognized as valid in the State if the falconer's resident state is recognized by the USFWS as a participating state, and the falconer's resident state allows reciprocity for Maryland falconers. A nonresident falconer shall possess a copy of the falconer's current resident state falconry permit while conducting falconry in the State.

**C. Classes of Permits.** The following classes of falconry permits are established with the following qualifications and criteria:

- (1) Apprentice Class.
  - (a) An applicant for an apprentice class permit shall be at least 14 years of age;

(b) If the applicant is under 18 years of age, a parent or legal guardian shall sign the application and is legally responsible for all activities;

(c) A falconry permit may not be issued until the applicant has answered correctly at least 80 percent of the questions given on a supervised examination provided by the Department. The examination shall cover care and handling of raptors, federal and State laws and regulations relevant to falconry, and other appropriate subject matter. The examination shall be administered by a representative of the Department at a place and time designated by the representative on a date agreed to by the representative and the applicant. Retaking of the examination shall be provided no sooner than 30 days after failure and no later than 90 days after failure. An applicant shall be provided the opportunity to retake the examination no more than three times in 1 calendar year;

(d) The applicant shall obtain a sponsor that possesses a Maryland master class or a general class falconry permit. The sponsor shall be at least 18 years old and have at least 2 years of experience as a general class falconer. The sponsor shall assist the apprentice, as necessary, in:

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

(ii) Learning about relevant wildlife laws and regulations affecting the sport of falconry; and

(iii) Determining what species of raptor is appropriate for the applicant to possess while an apprentice.

(e) An apprentice may possess no more than one raptor for use in falconry;

(f) An apprentice may only possess a red-tailed hawk, red-shouldered hawk, or American kestrel taken from the wild. An apprentice may not possess a captive-produced raptor;

(g) An apprentice may only take raptors less than 1 year old, except eyases, from the wild. An apprentice may only take red-tailed hawks, red-shouldered hawks, or American kestrels from the wild;

(h) An apprentice may possess a wild raptor trapped by another falconer who possesses a valid falconry permit and transfers the raptor to the apprentice in accordance with § G of this regulation;

(i) An apprentice may not possess a raptor taken from the wild as an eyas;

(j) An apprentice may not possess a bird that is imprinted on humans; and

(k) The apprentice's raptor facilities shall pass an inspection by a representative of the Department before the apprentice will be granted a permit.

#### (2) General Class.

(a) A general falconer shall be at least 16 years of age.

(b) If the general falconer is 16 or 17 years of age, a parent or legal guardian shall sign the application and shall be legally responsible for the falconer's activities.

(c) To become a general falconer, the applicant shall submit a document from the applicant's sponsor stating that the applicant has practiced falconry with a raptor at the apprentice falconer level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor for at least 4 months in each year. That practice may include capture and release of falconry raptors.

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

(e) A general falconer may take and possess any raptor except golden eagle, bald eagle, white-tailed eagle, or Steller's sea-eagle. A general falconer may not take northern harriers, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls from the wild in the State except by special permit. A general falconer may not take northern goshawks from Allegany or Garrett counties. A general falconer may not take an eyas merlin or Mississippi kite from the wild in the State. A general falconer may use captive-bred individuals and hybrids of the species the falconer is allowed to possess.

(f) A general falconer may possess no more than three raptors.

#### (3) Master Class.

(a) A master falconer shall have practiced falconry with the master falconer's own raptor at the general falconer level for at least 5 years.

(b) A master falconer may take and possess any raptor except a bald eagle. However, a master falconer may take and possess a golden eagle, white-tailed eagle, or Steller's sea-eagle only if the master falconer meets the qualifications set forth in § C(3)(g) of this regulation. A master falconer may not take northern harriers, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls from the wild in the State except by special permit. A master falconer may not take an eyas merlin or Mississippi kite from the wild in the State. A master falconer may not take northern goshawks from Allegany or Garrett counties.

(c) A master falconer may possess any captive-bred raptors or hybrid raptors for use in falconry.

(d) A master falconer may possess no more than five wild raptors.

(e) A master falconer may possess any number of captive-bred raptors. However, the master falconer shall train them in the pursuit of wild game and use them in hunting.

(f) A master falconer may possess up to three eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea-eagle.

(g) Before approving a master falconer's request to possess an eagle to use in falconry, the following shall be documented:

(i) The master falconer's experience in handling large raptors, including information about the species the master falconer has handled and the type and duration of the activity in which the master falconer gained the experience; and

(ii) At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks, or great horned owls. Each shall contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the master falconer's ability to care for eagles and fly them in falconry.

(h) A golden eagle, white-tailed eagle, or Steller's sea-eagle the master falconer holds will count as one of the raptors the master falconer is allowed to possess for use in falconry.

#### **D. Marking.**

(1) Any of the following raptors shall be banded with a permanent, nonreusable, numbered USFWS leg band provided by the Department if the bird is taken from the wild or acquired from another falconer or rehabilitator:

- (a) Northern harrier;
- (b) Northern goshawk;
- (c) Harris hawk;
- (d) Peregrine falcon;
- (e) Gyrfalcon;
- (f) Long-eared owl;
- (g) Short-eared owl; or
- (h) Snowy owl.

(2) The falconer may purchase and implant an ISO-compliant 134.2 kHz microchip in addition to the band. The band number shall be reported when the acquisition of the bird is reported. Within 10 days from the day on which the raptor was taken from the wild, the falconer shall report take of the bird by entering the required information, including the band number, in the electronic database of the USFWS or by submitting a USFWS form 3-186A to the Department. A falconer may request an appropriate band from the Department in advance of any effort to capture a raptor.

(3) A raptor bred in captivity shall be banded with a seamless metal band. If a seamless band shall be removed from a raptor bred in captivity or if it is lost, within 10 days from the date of removal or loss the falconer shall report and obtain a replacement USFWS nonreusable band from the Department. The falconer shall submit the required information electronically immediately upon rebanding the raptor to the USFWS's electronic database or by submitting a USFWS form 3-186A to the Department. A seamless band that is removed or lost shall be replaced. A falconer may implant an ISO-compliant 134.2 kHz microchip in a falconry raptor in addition to the seamless band.

(4) If the band shall be removed or is lost from a wild-caught raptor in possession of a falconer, the falconer shall report the loss of the band within 5 days, and the falconer shall then do at least one of the following:

(a) Request a USFWS nonreusable band from the Department and submit the required information within 10 days of rebanding the raptor to the USFWS's electronic database or by submitting a USFWS form 3-186A to the Department; or

(b) Purchase and implant an ISO-compliant 134.2 kHz microchip in the bird and report the microchip information to the USFWS's electronic database or by submitting a USFWS form 3-186A form to the Department.

(5) A falconer may not alter, deface, or counterfeit any band. A falconer may remove the rear tab on a band on a raptor taken from the wild, and the falconer may smooth any imperfect surface as long as it does not affect the integrity of the band or the numbering on it.

(6) If the falconer documents health or injury problems for a raptor in possession that are caused by the band, the Department may provide an exemption to the requirement for that raptor. In that case, the falconer shall keep a copy of the exemption paperwork with the falconer when transporting or flying the raptor. If the bird is a wild goshawk, Harris hawk, peregrine falcon, or gyrfalcon, the falconer shall replace the band with an ISO-compliant microchip supplied by the Department. A microchip for a wild goshawk, Harris hawk, peregrine falcon, or gyrfalcon will not be provided unless the falconer has demonstrated that a band causes an injury or a health problem for the bird.

(7) A falconer may not band a raptor removed from the wild with a seamless numbered band.

#### **E. Transportation and Transfers.**

(1) A raptor held for the use of falconry by a Maryland resident falconer may be transported within, exported from, and imported into the State, if it is properly marked with markers in accordance with § D of this regulation.

(2) An individual who does not have a permit may not ship, transport, carry, or convey any raptor legally acquired, or transfer it to another individual unless the individual first obtains written permission from the Department except to transport a sick or injured raptor to a licensed wildlife rehabilitator.

(3) Any raptor shipped, transported, carried, or conveyed into the State on or in any private or public conveyance shall be accompanied by a shipping permit, transportation tag, or a document authorizing the shipment from the State or country of origin, or other permit that provides proof that the raptor was legally taken, received, or captured and

possessed by the transporter. The individual taking possession of any raptor so entered into the State shall report to the Department within 10 days after the raptor's arrival into the State.

(4) When transporting raptors, or using them for hunting, or when they are away from the falconer's facilities, the falconer shall provide a suitable perch for the raptors and ensure that the raptors are protected from extreme temperatures, wind, and excessive disturbance.

(5) A falconer may sell, purchase, or barter, or offer to sell, purchase, or barter, captive-bred raptors marked with seamless bands to other permittees who are authorized to possess them.

(6) A falconer may not purchase, sell, trade, or barter wild raptors.

(7) Transferring Raptors.

(a) A falconer may transfer a wild-caught raptor to an individual if the recipient of the bird possesses the necessary permits for the other activity. The falconer may transfer the wild-caught raptor to a different permit the falconer possesses for the other activity;

(b) A falconer may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2 years or 1 year for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel. When transferring a bird, the falconer shall provide a copy of the standard USFWS form 3-186A form documenting acquisition of the bird by the propagator to the federal migratory bird permit office that administers the propagation permit;

(c) A falconer may transfer a wild-caught bird to another individual who possesses an education or scientific collection permit within 2 years of capture or 1 year for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel 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;

(d) If a raptor is transferred to an individual who possesses an education or scientific permit, the falconer shall within 10 days of transferring the bird provide a copy of the USFWS form 3-186A documenting acquisition of the bird to the federal migratory bird permit office that administers the education or scientific permit; and

(e) When a falconer transfers a bird to an individual who possesses an education or scientific permit, the falconer shall provide a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in falconry and a copy of the standard USFWS form 3-186A form to the federal migratory bird permits office that administers the education or scientific permit within 10 days of the transfer.

(8) A falconer may transfer captive-bred falconry raptors if the holder of the other permit type is authorized to possess the bird. Within 10 days the falconer shall report the transfer by entering the required information in the USFWS electronic database or by submitting a standard USFWS form 3-186A to the Department.

(9) If a falconer dies, a surviving spouse, executor, administrator, or other legal representative of a deceased falconer may transfer any bird held by the falconer to another authorized permittee within 90 days after the death of the falconer. After 90 days, disposition of a bird held under the permit is at the discretion of the Department.

#### **F. Facilities and Care Requirements.**

(1) A falconer shall keep all raptors held under a falconry permit in a humane and healthy environment.

(2) Whether they are indoors, referred to as mews, or outdoors, referred to as weathering area, the raptor facilities shall protect raptors in them from the environment, predators, and domestic animals. The falconer is responsible for the maintenance and security including protection from predators of raptors in possession.

(3) The falconer shall have raptor housing facilities approved by the Department. The facility shall have both indoor and outdoor facilities. A representative of the Department shall certify that the facilities and equipment meet the following standards:

(a) For housing raptors indoors or outdoors, the facility shall protect raptors from predators and domestic animals, as follows:

(i) The facility shall have a suitable perch for each raptor, have at least one opening for sunlight, and shall provide a healthy environment for raptors inside;

(ii) The falconer may house untethered raptors together if they are compatible with each other;

(iii) Each raptor shall have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or attempt to fly while tethered without damaging its feathers or coming into contact with other raptors; and

(iv) Each falconry bird shall 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.

(b) An indoor facility shall be large enough to allow easy access for the care and feeding of raptors kept there, and shall meet the following requirements:

(i) If raptors housed in this indoor facility are not tethered, all walls that are not solid shall 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; and

(ii) 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 falconer may keep a falconry raptor or raptors inside the falconer's place of residence if the falconer provides a suitable perch or perches. If the falconer houses the raptor inside the falconer's home, the falconer does not need to modify windows or other openings of the structure. Raptors kept in the home shall be tethered when they are not being moved into or out of the location in which they are kept.

(d) An outdoor facility shall be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material, and shall have the following:

(i) The facility shall be covered and have at least a covered perch to protect a raptor held in it from predators and weather;

(ii) The facility shall be large enough to insure that the birds cannot strike the enclosure when flying from the perch; and

(iii) Other types of housing facilities and husbandry practices may be used if approved by the Department.

(4) A falconer may keep falconry raptors outside in the open if they are under watch by the falconer or a family member at any location or by a designated individual in a weathering yard at a falconry meet.

(5) A falconer shall inform the Department within 5 business days if the falconer changes the location of the falconer's facilities.

(6) The falconry facilities may be on property owned by another individual where the falconer resides, or at a different location. Regardless of location, the facilities shall meet the standards described above in this section.

(7) A falconer shall submit to the Department a signed and dated statement showing that the falconer agrees that the falconry facilities and raptors may be inspected without advance notice by the Department at any reasonable time of day, while the falconer is present. If the facilities are not on property that the falconer owns, the falconer shall submit a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected by the Department at any reasonable time of day in the presence of the property owner while the falconer is present.

(8) Falconry equipment and records may be inspected in the presence of the falconer during any reasonable time of day on any day of the week by Department officials.

(9) A falconer may house a raptor 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.

(10) Another falconer may care for a raptor or raptors for a falconer at the falconer's facilities or at that individual's facilities for up to 120 consecutive calendar days. The other individual shall have a signed and dated statement from the falconer authorizing the temporary possession, plus a copy of USFWS form 3-186A that shows that the falconer is the possessor of each of the raptors. The statement shall include information about the time period for which the individual will keep the raptor, and about what the individual is allowed to do with it or them.

(a) The falconer's raptor will remain on the falconer's falconry permit, and will not be counted against the possession limit of the individual caring for these raptors;

(b) If the individual caring for the raptor holds the appropriate level falconry permit, the individual may fly these raptors in whatever way the falconer authorizes, including hunting; and

(c) This care of a falconer's raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency;

(11) Another individual may care for falconry birds a falconer possesses at the falconer's facilities for up to 45 consecutive calendar days, and shall adhere to the following:

(a) The raptor will remain on the falconer's permit;

(b) The raptors shall remain in the falconer's facilities;

(c) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency; and

(d) The individual caring for the falconer's raptors may not fly them for any reason.

(12) A falconer shall have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptors in possession.

#### **G. Taking Raptors from the Wild.**

(1) A falconer may take no more than two raptors from the wild each year to use in falconry, except that no northern harriers, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls may be taken from the wild in the State except by special permit. A falconer may not take northern goshawks from Allegany or Garrett counties.

(2) A general or master falconer may take only raptors less than 1 year of age from the wild, except for an American kestrel and great horned owl. The open season for taking eyases is any time of the year that young raptors are in the nest. The open season for taking passage birds and American kestrels and great horned owls over 1 year old is any time of year. When taking a repton from the wild the falconer shall meet the following requirements:

(a) A falconer shall leave at least one young from any nest from which the falconer takes an eyas;

(b) An apprentice falconer may not take an eyas from the wild; and

(c) A general or master falconer may not take an eyas merlin or Mississippi kite from the wild in the State.

(3) If a falconer transfers a bird the falconer took from the wild to another permittee in the same year in which the bird was captured, the bird will count as one of the raptors the falconer is allowed to take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.

(4) A general or master falconer may remove eyases from a nest in accordance with State and federal restrictions. To take an eyas from a nest located on State property the falconer shall inform the land unit manager in advance and obtain written permission from the land unit manager.

(5) A falconer may not take raptors at any time or in any manner that violates any law of the State on whose land the falconer is trapping.

(6) A falconer can report the take from the wild of a raptor by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department. The falconer shall do this within 10 days after the capture of the bird.

(7) If a falconer is present at the capture site, even if another individual captures the bird for the falconer, the falconer is considered the individual who removes the bird from the wild. That falconer is responsible for filing a USFWS form 3-186A reporting take of the bird from the wild.

(8) If a falconer receiving a raptor is not at the immediate location where the bird is taken from the wild, the individual who removes the bird from the wild shall be a general or master falconer, and shall report take of the bird. The bird will count as one of the two raptors the individual who took it from the wild is allowed to capture in any year. The individual who takes the bird from the wild shall report the take even if the individual promptly transfers the bird to another falconer.

(9) If a falconer has a long-term or permanent physical impairment that prevents the falconer from attending the capture of a species the falconer can use for falconry, a general or master falconer may capture a bird for that falconer. That falconer is then responsible for filing a USFWS form 3-186A reporting take of the bird from the wild, and the bird will count against the take of wild raptors that falconer is allowed in any year.

(10) A falconer may not intentionally capture a raptor species that the falconer's classification does not allow the falconer to possess for falconry.

(11) If a falconer captures a bird the falconer is not allowed to possess, the bird shall be released immediately.

(12) A falconer shall promptly release any bird captured unintentionally.

(13) A falconer may recapture a falconry bird the falconer lost at any time. Recapture of a falconry bird is not considered to be taking a bird from the wild.

(14) A falconer may recapture a raptor wearing falconry equipment, such as jesses, or a captive-bred bird at any time, even if the falconer is not allowed to possess the species. The bird will not count against the falconer's possession limit nor will its take from the wild count against that limit. The falconer shall report the recapture of the bird to the Department no more than 5 working days after the recapture. The falconer shall return a recaptured falconry bird to the individual who lost it, if that individual may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the Department.

(15) If a raptor, including a peregrine falcon, captured by a falconer is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the falconer shall report the capture of the bird to the Department no more than 5 working days after the capture. The falconer shall return a recaptured falconry bird to the individual who lost it. If that individual cannot possess the bird or does not wish to possess it, the falconer may keep it. Otherwise, disposition of a bird whose legal possession cannot be determined will be at the discretion of the Department. While the falconer keeps a bird for return to the individual who lost it, the bird will not count against that falconer's possession limit.

(16) If a falconer captures a peregrine falcon that has a research band, such as a colored band with alphanumeric codes, or a research marking attached to it, the falconer shall immediately release the bird, except that if the falconer has a transmitter attached to it, the falconer is authorized to possess the bird up to 30 days if the falconer wishes to contact the researcher to determine if the researcher wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or the researcher's designee can make the change or allow the falconer to do so before the falconer releases the bird.

(17) If a raptor captured by a falconer has any other band, research marking, or transmitter attached to it, the falconer shall promptly report the band numbers and all other relevant information to the federal Bird Banding Laboratory.

(18) A falconer may take any raptor that the falconer is authorized to possess from the wild if the bird is banded with a federal Bird Banding Laboratory aluminum band except that the falconer may not take a banded peregrine falcon from the wild.

(19) If a raptor is injured due to a falconer's trapping efforts, the falconer has two options for dealing with a bird injured by the falconer's trapping efforts, but in either case the falconer is responsible for the costs of care and rehabilitation of the bird.

(a) The falconer may put the bird on a falconry permit. The falconer shall report take of the bird by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A the Department at the first opportunity to do so, but no more than 10 days after capture of the bird. The falconer shall then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will count against the falconer's possession limit; and

(b) The falconer may give the bird directly to a veterinarian or a permitted wildlife rehabilitator authorized to possess migratory birds. If the falconer does so, it will not count against the allowed take or the number of raptors the falconer may possess.

(20) A falconer may acquire a raptor of any age of a species that the falconer is permitted to possess directly from a licensed wildlife rehabilitator. Transfer to the falconer is at the discretion of the rehabilitator.

(a) If a falconer acquires a bird from a rehabilitator, within 10 days of the transaction the falconer shall report it by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department; and

(b) If a falconer acquires a bird from a rehabilitator, it will count as one of the raptors the falconer is allowed to take from the wild that year.

#### **H. General Conditions.**

(1) A falconer shall have a falconry permit or legible copies of them in immediate possession if the falconer is not at the location of the falconer's facilities and the falconer is trapping, transporting, working with, or flying a falconry raptor.

(2) Feathers that are molted or feathers from raptors that die while held in captivity, may be retained and exchanged by a falconer, for the purpose of imping under the following conditions:

(a) For imping, a falconer may possess flight feathers for each species of raptor the falconer possess or previously held for as long as the falconer has a valid falconry permit. A falconer may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and a falconer may give feathers to them. A falconer may not buy, sell, or barter such feathers;(b) A falconer may donate feathers from a falconry bird, except golden eagle feathers, to any individual or institution with a valid permit to have them, or to anyone exempt from the permit requirement under federal regulation 50 CFR § 21.12;

(c) Except for primary or secondary flight feathers or retrices from a golden eagle, a falconer is not required to gather feathers that are molted or otherwise lost by a falconry bird. The falconer may leave the feathers where they fall, store them for imping, or destroy them. However, a falconer shall collect molted flight feathers and retrices from a golden eagle. If the falconer chooses not to keep them for imping, the falconer shall send them to the National Eagle Repository; and

(d) If a falconer's permit expires or is revoked, the falconer shall donate the feathers of any species of falconry raptor except a golden eagle to any individual or any institution exempt from the permit requirement under federal regulation 50 CFR § 21.12 or authorized by permit to acquire and possess the feathers. If the falconer does not donate the feathers, the falconer shall burn, bury, or otherwise destroy them.

(3) When flying a hybrid raptor, the hybrid shall have attached to it at least two functioning radio transmitters to help locate the bird.

(4) A falconer shall not release to the wild a raptor that is not indigenous to the State or a hybrid raptor. The raptor may be transferred to another falconer.

(5) Release of falconry birds to the wild in the State may only occur under the following conditions:

(a) If the species to be released is native to the State and is captive-bred, a falconer may not release the bird to the wild without written permission from the Department. If permitted to do so, the falconer shall allow the bird to adjust to the wild at an appropriate time of year and an appropriate location. The falconer shall leave the seamless band on the bird. The falconer shall report release of the bird by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department; or

(b) If the species to be released is native to the State and was taken from the wild, a falconer may release the bird only at an appropriate time of year and an appropriate location. The falconer shall remove its falconry band and report release of the bird by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department.

(6) A falconer may use raptors possessed for falconry in captive propagation if the falconer or the individual overseeing the propagation has the necessary federal permit. The falconer does not need to transfer a bird from the falconer's falconry permit if the falconer uses it for fewer than 8 months in a year in captive propagation, but the falconer shall do so if the falconer permanently transfers the bird for propagation. The bird shall then be banded as required in § D of this regulation.

(7) A general or master falconer may only use a falconry bird the falconer possesses in conservation education programs presented in public venues provided that:

(a) The falconer uses the bird primarily for falconry;

(b) The falconer may only charge a fee for presentation of a conservation education program that does not exceed the amount required to recoup the falconer's costs;

(c) In conservation education programs, the falconer shall provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics shall be addressed in every presentation; and

(d) The falconer is responsible for all liability associated with conservation education activities undertaken.

(8) A falconer may allow 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, though the falconer may not be paid for doing so. The following conditions shall be adhered to:

(a) A falconer shall not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry; and

(b) A 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:

(i) A falconer shall use a falconry raptor to promote or endorse a nonprofit falconry organization or association; and

(ii) A falconer may use a falconry raptor 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 trials, and scientific research and publication.

(9) A general or master falconer may assist a State and federally permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. The falconer may keep a bird the falconer is helping to rehabilitate in the falconer's facilities. The following conditions shall be adhered to:

(a) The rehabilitator shall provide the falconer with a letter or form that identifies the bird and explains that the falconer is assisting in its rehabilitation;

(b) The falconer does not need to meet the rehabilitator facility standards. The falconer need only meet the facility standards in § F of this regulation;

(c) The falconer does not have to add any raptor the falconer possesses for this purpose to the falconer's permit; it will remain under the permit of the rehabilitator;

(d) The falconer shall return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day timeframe in which the rehabilitator is authorized to possess the bird, unless the Department authorizes the falconer to retain the bird for longer than 180 days; and

(e) Upon coordination with the rehabilitator, the falconer shall 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 the falconer to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to the falconer to hold under the falconer's permit.

(10) The carcasses of dead falconry birds shall be disposed of as follows:

(a) The falconer shall send the entire body of a golden eagle held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository;

(b) The falconer may donate the body or feathers of any other species of falconry raptor to any individual or institution exempt under federal regulation 50 CFR § 21.12 or authorized by federal permit to acquire and possess such parts or feathers;

(c) If the bird was banded or microchipped prior to its death, the falconer may keep the body of any falconry raptor except that of a golden eagle. The falconer may keep the body so that the feathers are available for imping, or the falconer may have the body mounted by a taxidermist. The falconer may use the mount in giving conservation education programs. If the bird was banded, the falconer shall leave the band on the body. If the bird has an implanted microchip, the falconer shall leave the microchip in place;

(d) If the falconer does not wish to donate the bird body or feathers or keep it, the falconer shall burn, bury, or otherwise destroy it within 10 days of the death of the bird or after final examination by a veterinarian to determine the cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. The falconer shall take appropriate precautions to avoid such poisonings; and

(e) If the falconer does not donate the bird body or feathers or have the body mounted by a taxidermist, the falconer may possess the flight feathers for as long as the falconer has a valid falconry permit. However, the falconer may not buy, sell, or barter the feathers. The falconer shall keep the paperwork documenting the acquisition of the bird.

(11) While practicing falconry, a falconer shall ensure that the falconer's activities do not cause the take of federally listed threatened or endangered wildlife. Take under the federal Endangered Species Act means to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. Within this definition, harass means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm means an act that actually kills or injures wildlife.

(12) If a falconer moves to a new state, within 30 days the falconer shall inform both the Department and the permitting authority for the falconer's new place of residence of the falconer's address change. To obtain a new falconry permit, the falconer shall follow the permit application procedures of the authority under which the falconer wishes to acquire a new permit. The falconer may keep falconry birds while applying for a new falconry permit. However, the State, tribe, or territory into which the falconer moves may place restrictions on the possession of falconry birds until the falconer meets the residency requirements there.

### **I. Reporting Requirements.**

(1) Acquisition, transfer, loss, or rebanding of a raptor shall be reported as follows:

(a) A falconer shall enter the required information in the USFWS's electronic database or submit in paper form the USFWS form 3-186A to the Department if:

- (i) The falconer acquires, transfers, rebands, or microchips a raptor;
  - (ii) The falconer's raptor is stolen;
  - (iii) The falconer loses a raptor to the wild that it is not recovered within 30 days; or
  - (iv) The falconer's bird dies.
- (b) If a falconer's raptor is stolen, the falconer shall report the theft to the Department and to the USFWS regional law enforcement office within 10 days of the theft of the bird; and
- (c) The falconer shall keep copies of all electronic database submissions documenting take, transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after the falconer has transferred or lost the bird, or it has died.
- (2) Each falconer shall file an annual report to the Department by August 1 of each year, using a form supplied by the Department listing:
- (a) All raptors in possession as of June 30, by species, marker numbers, sex if known, age if known, the date and where or from whom acquired; and
  - (b) All raptors possessed or acquired at any time since the previous annual report but no longer possessed, by species, marker numbers, sex if known, age if known, date and where or from whom acquired or given to, whether escaped, died, or released, and when the event occurred.

#### **J. Hunting with Raptors.**

- (1) The Department shall promulgate by regulation a lawful hunting season for use of raptors to take game birds and mammals and further regulate the species that may be taken with raptors.
- (2) A falconer shall have a valid falconry permit and current hunting license to hunt game species with raptors. If hunting migratory game birds, the falconer also shall have a current federal Migratory Bird Hunting and Conservation Stamp.
- (3) A falconer may possess game species at the falconer's facility in excess of the established possession limits for game species other than migratory birds for the purpose of feeding the raptors held for falconry.
- (4) A falconer, whose hunting raptor accidentally kills wildlife that is out of season or of the wrong species or sex, shall leave the dead wildlife where it lies, except that the raptor may feed upon the wildlife before leaving the site of the kill.
- (5) A nonresident falconer may hunt in the State provided the falconer possesses a current falconry permit or license from their state and that state provides reciprocity to Maryland falconers. A nonresident hunting license is also required to hunt with a raptor in the State.

#### **K. Reinstatement of a Falconry Permit.**

- (1) If a falconry permit has lapsed for fewer than 5 years, it may be reinstated at the level the falconer previously held if the falconer has proof of the falconer's certification at that level.
- (2) If a falconry permit has lapsed for 5 years or longer, the falconer shall correctly answer at least 80 percent of the questions on an examination administered by the Department. If the falconer passes the exam, the falconer's permit shall be reinstated at the level the falconer previously held. The falconer's facilities shall pass inspection before the falconer may possess a falconry bird.