

## SECTION .0800 - FALCONRY

### 15A NCAC 10H .0801 DEFINITIONS

In addition to the definitions contained in G.S. 113-130, and unless the context requires otherwise, as used in 15A NCAC 10B .0216 and in this Section:

- (1) "Falconry permit" or "permit" means a falconry permit or license issued by another state, tribe or territory which has been certified by the U.S. Fish and Wildlife Service.
- (2) "Falconry license" means the annual special purpose falconry license which is 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. When action is required by the commission by any provision of this Section, such action may be performed by the executive director on behalf of the commission.
- (6) "Bred in captivity" or "captive-bred" refers to 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 according to 50 CFR 21.29(f)(1) which is hereby incorporated by reference, including subsequent amendments and editions.

*History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 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.

### 15A NCAC 10H .0802 PERMIT AND LICENSE REQUIREMENTS

(a) No non-resident of this state shall take, possess, transport, or import a raptor for falconry purposes or practice falconry in this state without having first obtained and having in possession:

- (1) a falconry permit from a state, tribe or territory which has been certified 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) No resident of this state shall take, possess, transport, or import a raptor for falconry purposes or practice falconry in this state without having first obtained and having in possession a North Carolina falconry license.

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

*History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;  
Eff. September 1, 1979;  
Amended Eff. January 1, 2012; July 1, 1998.

### 15A NCAC 10H .0803 APPLICATION FOR LICENSE

(a) Any individual who wishes to take raptors in this state or to practice falconry must submit an application for a falconry license on a form supplied by the commission and proof of a successful examination as described in Rule .0804 of this Section. Non-residents may substitute a valid falconry permit or license from their state in lieu of the proof of a successful examination and a letter, if required as described in Rule .0807 of this Section, provided that the state which issued the falconry permit or license has been certified by the U.S. Fish and Wildlife Service as meeting federal falconry standards.

(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 granted, 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 certified by the U.S. Fish and Wildlife Service.

(c) Apprentice license applications must include a letter from a sponsor as described in 50 CFR 21.29(c)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions.

- (d) General license applications must include a letter from a General or Master falconer as described in 50 CFR 21.29(c)(3)(ii) which is hereby incorporated by reference, including subsequent amendments and editions.
- (e) Any application submitted by an individual less than 18 years of age must be co-signed by that individual's parent or legal guardian. The parent or legal guardian is legally responsible for the underage falconer's activities.
- (f) A falconer with an expired license less than five years old may apply for a new license at his previous level on a form supplied by the Commission, provided the falconer can show proof he has previously met the requirements for the level of license sought. A falconer who has not had an active license within the past five years may apply for a new license on a form supplied by the Commission, but he must pass the examination described in Rule .0804 of this Section and pass facilities inspection in order to be reinstated at his previous level. He must prove he has previously met the requirements for the level of license sought.
- (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. 21.28; 50 C.F.R. 21.29;  
Eff. September 1, 1979;  
Amended Eff. January 1, 2012.

#### **15A NCAC 10H .0804 EXAMINATION**

An applicant shall answer correctly at least 80 percent of the questions on a supervised examination administered by the Commission relating to basic biology, care, and handling of raptors, literature, laws, and regulations before the Commission grants a falconry license. The examination is not required of any applicant who holds a currently valid permit from another state, tribe or territory meeting the federal standards and which has been certified by the U.S. Fish and Wildlife Service. The cost for taking the exam 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.

#### **15A NCAC 10H .0805 DURATION OF LICENSE**

A falconry license or the renewal of such a license is valid when issued by the state and expires on June 30.

*History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28;  
Eff. September 1, 1979;  
Amended Eff. January 1, 2012.

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

(a) Sale, transfer, purchase and barter. A licensee may transfer a wild-caught raptor to another licensee if no money or other consideration is involved. A licensee may purchase, trade, sell or barter any lawfully possessed raptor that is bred in captivity under a federal raptor propagation permit and banded with a numbered seamless marker provided by the issuing office, provided:

- (1) the person receiving the raptor is authorized to possess it under this Section, or 50 CFR 21, or the foreign country of his residence or domicile in accordance with 50 CFR 21.29(f)(15); and
- (2) the licensee transferring such raptor has acquired it from a person authorized to possess it as provided by 15A NCAC 10H .0807.

(b) Acquisition from a rehabilitator. 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)(i)-(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

(c) A licensee may not take, possess, or transport a raptor in violation of the restrictions, conditions, and requirements of the federal and state falconry regulations.

(d) Death. If a licensee dies his raptors may be transferred in accordance with 50 CFR 21.29 (f)(21), which is hereby incorporated by reference, including subsequent amendments and editions, for up to 90 days. After 90 days the Commission shall take possession of the birds.

(e) Status change. 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 must be reported as set forth in 50 CFR 21.29(e)(6)(i)-(iii) which is hereby incorporated by reference, including subsequent amendments and editions.

(f) Disposition of dead birds. Dead birds must be disposed of in a manner described in 50 CFR 21.29(f)(13)(i)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.

*History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;  
Eff. September 1, 1979;  
Amended Eff. January 1, 2012; February 1, 1994; April 1, 1991; February 1, 1985.

#### **15A NCAC 10H .0807 LEVELS OF LICENSES**

(a) Falconry licenses. Falconry licenses are issued at three levels based upon the age and experience of the falconer.

(b) Apprentice level falconry licenses are subject to the conditions, requirements and limitations set forth in 50 CFR 21.29(c)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions. The following restrictions are in addition to those set forth in federal code: The apprentice's sponsor must live within 200 miles of the apprentice. A sponsor may not have more than three apprentices at any one time. A sponsor must provide written notification to the Commission when he decides to stop sponsoring an apprentice. The Commission shall notify the apprentice who must obtain another sponsor and so advise the Commission within 90 days. The apprentice's raptors shall be seized by the Commission and the permit revoked if after the 90 day period the apprentice fails to obtain another sponsor and to notify the Commission of the new sponsor. If after 180 days, the apprentice fails to obtain another sponsor and to notify the Commission of the same, he shall reapply and be reexamined prior to the reissuance of his license.

(c) General level falconry licenses are subject to the conditions, requirements and limitations set forth in 50 CFR 21.29(c)(3)(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

(d) Master level falconry licenses are subject to the following conditions, requirements and limitations set forth in 50 CFR 21.29(c)(3)(iii) which is hereby incorporated by reference, including subsequent amendments and editions.

*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.

#### **15A NCAC 10H .0808 FACILITIES AND EQUIPMENT:**

(a) Inspection and Certification. 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 certified by a representative of the Commission as meeting the standards set forth in this Rule. Applicants must have indoor facilities or outdoor facilities as described in Paragraph (b) of the Rule. Applicants may have both types of facilities.

(b) Housing Facilities. The primary consideration of raptor housing, whether indoors (mews) or outdoors (weathering area), being protection of the raptor from the environment, predators, and domestic animals, the applicant shall have holding facilities meeting the following standards:

- (1) All facilities. All facilities must conform to the standards in 50 CFR 21.29(d)(1)(ii)(A) which is hereby incorporated by reference, including subsequent amendments and editions.
- (2) Indoor Facilities (Mews). Indoor facilities must conform to the standards in 50 CFR 21.29(d)(1)(ii)(B) which is hereby incorporated by reference, including subsequent amendments and editions. In addition to the federal standards, the mews must have a door that allows easy access and maintenance, and that shall close automatically or be securable inside and outside. Mews shall be located away from disturbance and shade shall be provided. The floor of the mews shall permit easy cleaning and shall be well drained. The interior of the mews shall be free of splinters, protruding nails and other obstructions that could be injurious to the raptor. Any lighting fixtures shall be shielded or otherwise protected.
- (3) Outdoor Facilities (Weathering Areas). Outdoor facilities must conform to the standards in 50 CFR 21.29(d)(1)(ii)(D) which is hereby incorporated by reference, including subsequent amendments and editions. In addition to the federal standards, covers or roofs shall not be less than seven feet. The enclosed area shall be large enough to insure the raptor cannot strike the fence, cover or roof when flying from the perch. The floor of the weathering area shall allow for drainage to prevent standing water. Protection from sun, wind, and inclement weather shall be provided for the raptor. At least two perches shall be provided for the raptor.
- (4) Human facilities. Raptors may be brought inside a human dwelling as needed to address health, training and safety issues. Human facilities must conform to the standards in 50 CFR 21.29(d)(1)(ii)(C) which is hereby incorporated by reference, including subsequent amendments and editions.

- (5) A licensee may have his raptors in the open temporarily under the conditions set forth in 21.29(d)(1)(iii) which is hereby incorporated by reference, including subsequent amendments and editions.
- (c) Equipment. Licensees must possess the equipment listed in 50 CFR 21.29(d)(3) which is hereby incorporated by reference, including subsequent amendments and editions.
- (d) Maintenance. All facilities and equipment shall be kept at or above the standards contained in Paragraphs (b) and (c) of this Rule at all times, regardless whether the facilities are located on property owned by the licensee or owned by another.
- (e) Transportation and Temporary Holding. A raptor may be transported or held in temporary facilities as described in 50 CFR 21.29(d)(4)(5) which is hereby incorporated by reference, including subsequent amendments and editions.
- (f) Care by others. A licensee may leave his raptors in the care of another person subject to the restrictions in 50 CFR 21.29(d)(6)(7) which is hereby incorporated by reference, including subsequent amendments and editions.
- (g) Change of location. A licensee must inform the Commission within five days if he moves his 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.

#### **15A NCAC 10H .0809 MARKING**

- (a) All peregrine falcons (*Falco peregrinus*), gryfalcons (*Falco rusticolus*), Harris's hawks (*Parabuteo unicinctus*) and goshawks removed from the wild or acquired from a falconer or rehabilitator for falconry purposes must be banded as set forth in 50 CFR 21.29(c)(7)(i) which is hereby incorporated by reference, including subsequent amendments and editions.
- (b) Raptors bred in captivity must be banded as set forth in 50 CFR 21.29(c)(7)(ii) which is hereby incorporated by reference, including subsequent amendments and editions.
- (c) Loss or removal of any band must be reported to the issuing office within five days of the loss and must be replaced as described in 50 CFR 21.29(c)(7)(iii) which is hereby incorporated by reference, including subsequent amendments and editions.
- (d) No person shall counterfeit, alter, or deface any marker required by this Rule, except that licensees may remove the rear tabs on markers and may smooth any surface imperfections provided the integrity of the markers and numbering are not affected.
- (e) No raptor removed from the wild may be marked with a seamless numbered band.
- (f) A falconer may request and receive a band exemption from the issuing office for a raptor with documented health problems or injuries caused by a band but must adhere to the restrictions set forth in 50 CFR 21.29(c)(7)(v) which is hereby incorporated by reference, including subsequent amendments and editions.

*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.

#### **15A NCAC 10H .0810 TAKING RAPTORS**

- (a) No raptor shall be taken from the wild in this state except by an individual holding a currently valid falconry license as defined in Rule .0801 of this Section and a falconry permit 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. If a falconer captures an unauthorized species of raptor or other bird, he must release that bird immediately.
- (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)(i)-(viii) which is hereby incorporated by reference, including subsequent amendments and editions. 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)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions.
- (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) Nestlings. 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 must be left in the nest or aerie.
  - (2) Young birds. First year (passage) birds may be taken only during the period August 1 through the last day of February, except that marked raptors may be retrapped at any time.
  - (3) Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may 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) which is hereby incorporated by reference, including subsequent amendments and editions. The time period for taking is August 1 through the last day of February.
  - (4) Federally Listed Species. Only General and Master falconers may take a federally threatened species and the falconer must follow the restrictions in 50 CFR 21.29(e)(3)(ix) which is hereby incorporated by reference, including subsequent amendments and editions.
  - (5) State listed species. A falconer must 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 must possess a special hunt permit to take a passage peregrine falcon (*Falco peregrinus tundrius*).
- (e) Traps must be designed to prevent injury to the raptor. All traps except box-type traps must 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. Nooses on these traps must be tied in such a manner as to prevent the noose from locking when under pressure. The trapper must 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 50 CFR 21.29(e)(3)(iv)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.
- (g) Licensees must keep their license on their person when trapping raptors.
- (h) Raptors injured due to falconry trapping efforts must be treated humanely and in accordance with 50 CFR 21.29(e)(5) which is hereby incorporated by reference, including subsequent amendments and editions.

*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.

#### **15A NCAC 10H .0811 OTHER RESTRICTIONS AND CONDITIONS**

- (a) Every falconer must carry his license on his 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) which is hereby incorporated by reference, including subsequent amendments and editions.
- (c) A licensee may take his raptors to another country to practice falconry under the conditions set forth in 50 CFR 21.29(f)(15) which is hereby incorporated by reference, including subsequent amendments and editions.
- (d) A licensee who practices falconry in the vicinity of a federally listed species must avoid take of the listed species as described in 50 CFR 21.29(f)(17) which is hereby incorporated by reference, including subsequent amendments and editions.
- (e) If a licensee's raptor takes a non-target species, the licensee may allow his bird to feed on the prey, but not take the non-target species into his 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)(i)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.

*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.

### **15A NCAC 10H .0812 INTERSTATE TRANSPORTATION**

(a) A nonresident of this state who holds a currently valid falconry permit from another state, tribe or territory which has been certified by the U.S. Fish and Wildlife Service may transport his raptors into or through this state for use in the practice of falconry, provided all laws and regulations governing the practice of falconry in this state are observed.

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

*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.

### **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 OR MOVED TO OTHER PERMIT**

(a) No raptor which is not native to the state of North Carolina and no hybrid of any kind may be released to the wild. Native, captive-bred birds may only be released with written permission from the Commission and under the conditions set forth in 50 CFR 21.29(e)(9)(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

(b) Native, wild birds may be released to the wild under the conditions set forth in 50 CFR 21.29(e)(9)(iii) which is hereby incorporated by reference, including subsequent amendments and editions.

(c) Wild-caught birds may be transferred to another type of permit under the conditions set forth in 50 CFR 21.29(f)(5)(i)-(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

(d) Captive-bred birds may be transferred to another type of permit under the conditions set forth in 50 CFR 21.29(f)(6) which is hereby incorporated by reference, including subsequent amendments and editions.

(e) Hacking and other training and conditioning techniques are allowed under conditions set for in 50 CFR 21.29(f)(2)(3) which is hereby incorporated by reference, including subsequent amendments and editions.

*History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;  
Eff. January 1, 2012.

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

(a) Raptors may be used in captive propagation as allowed under the conditions set forth in 50 CFR 21.29(f)(7) which is hereby incorporated by reference, including subsequent amendments and editions.

(b) General and master falconers may use raptors in conservation education programs as set forth in 50 CFR 21.29(f)(8)(i)-(vi) which is hereby incorporated by reference, including subsequent amendments and editions. Other educational uses of raptors are restricted to those allowed in 50 CFR 21.29(f)(9)(i)-(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

(c) General and master falconers may use raptors in abatement activities under the conditions set forth in 50 CFR 21.29(f)(11)(i)-(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

(d) General and master falconers may assist in raptor rehabilitation under the conditions set forth in 50 CFR 21.29(f)(10)(i)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.

(e) Licensees may take bird species for which there is a depredation order by means of falconry in accordance with 50 CFR 21.29(f)(20) which is hereby incorporated by reference, including subsequent amendments and editions.

*History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;  
Eff. January 1, 2012.