

301 KAR 2:195. Falconry, raptor take, and raptor propagation.

RELATES TO: KRS 150.010, 150.180, 150.183, 150.290, 150.305, 150.320, 150.330, 150.360

STATUTORY AUTHORITY: KRS 150.025(1), 150.280(1), 50 C.F.R. Parts 13, 17, 21, 22

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife. 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species. This administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.

Section 1. Definitions. (1) "Adult" means a raptor that is at least one (1) year old.

(2) "Captive-bred raptor" means a raptor, or the eggs thereof, hatched in captivity from parents in captivity.

(3) "Eyas" means a young raptor that is still in the nest and not capable of flight.

(4) "Falconry" means caring for and training wild or captive-bred raptors for the pursuit of wild game.

(5) "Hack" means the temporary release of a raptor held for falconry to the wild so that it can survive on its own.

(6) "Hybrid raptor" means an offspring produced by two (2) distinct raptor species.

(7) "Imprinted" means a raptor that has been hand-raised by a human in isolation from the sight of other raptors from two (2) weeks of age through fledging.

(8) "Native raptor" means a raptor species which has historically existed or currently exists in the wild in Kentucky without introduction by humans.

(9) "Passage bird" means a raptor less than one (1) year of age that is capable of sustained flight and is no longer dependent on parental care.

(10) "Wild raptor" means a raptor that was originally taken from the wild.

Section 2. Federal requirements. Except as established in Sections 3 through 11 of this administrative regulation, a person shall be in compliance with the federal requirements established in 50 C.F.R. Parts:

(1) 13;

(2) 17;

(3) 21; and

(4) 22.

Section 3. Permits and Licenses. (1) A person shall be required to obtain and possess a valid falconry permit to take or possess a raptor for use in falconry.

(2) A raptor obtained with a valid falconry permit shall not be used or kept for purposes other than falconry.

(3) A person with a valid state or federal falconry permit:

(a) May take wildlife pursuant to applicable statewide requirements if the falconer:

1. Has a valid Kentucky hunting license; or

2. Is hunting license exempt pursuant to KRS 150.170; and

(b) Shall not be required to obtain a wildlife transportation permit pursuant to 301 KAR 2:081

and 2:082 if the person:

1. Is importing or transporting a legally held falconry raptor into Kentucky; or
2. Is transporting a legally held falconry raptor into and through Kentucky to a destination outside of Kentucky.

Section 4. Falconry Permit Requirements, Classes of Permits, and Apprentice Sponsors. (1)

To obtain a falconry permit of any class, a person shall:

- (a) Complete a Kentucky Falconry Permit Application form provided by the Department; and
- (b) Submit to the department:
 1. The completed application;
 2. The appropriate fee, as established in 301 KAR 3:022; and
 3. A completed Raptor Facilities and Equipment Inspection Report form signed by a department conservation officer, department biologist, or department approved representative.
- (2) An apprentice falconry permit applicant shall:
 - (a) Be at least twelve (12) years old;
 - (b) Obtain a sponsor who holds a valid Kentucky general or master falconry permit pursuant to subsection (12) of this section;
 - (c) If under eighteen (18) years old, have a parent or legal guardian co-sign the application;
 - (d) Contact the department to schedule a time to take a written exam administered by the department;
 - (e) Provide photo identification prior to taking the exam;
 - (f) Complete the written exam within ninety (90) minutes;
 - (g) Only take the written exam one (1) time in a given day; and
 - (h) Pass the written examination by scoring a minimum of eighty (80) percent.
- (3) An applicant shall not take more than three (3) exams in any twelve (12) month period.
- (4) A person shall submit an application within twelve (12) months of passing the falconry exam, or the application shall be invalid.
- (5) An apprentice class falconry permit holder shall:
 - (a) Only possess one (1) of the following wild or captive-bred raptors at any given time:
 1. American kestrel (*Falco sparverius*);
 2. Red-tailed hawk (*Buteo jamaicensis*);
 3. Red-shouldered hawk (*Buteo lineatus*); or
 4. Harris's hawk (*Parabuteo unicinctus*);
 - (b) Not possess a raptor:
 1. Taken from the wild as a nestling; or
 2. That is imprinted on humans; and
 - (c) Only take a wild raptor under the direct supervision of the permit holder's sponsor.
- (6) A general class falconry permit applicant shall:
 - (a) Be at least sixteen (16) years old;
 - (b) If under eighteen (18) years old, have a parent or legal guardian co-sign the application;
 - (c) Have practiced falconry at the apprentice level for at least two (2) years; and
 - (d) Have complied with all previous year reporting requirements, if applicable, pursuant to Section 7 of this administrative regulation.
- (7) A first time general class permit applicant shall:
 - (a) Submit to the department a completed Kentucky Apprentice Falconer Activity Report;
 - (b) Practice falconry with a wild raptor at the apprentice level for at least two (2) years; and
 - (c) Maintain, train, and hunt with a raptor for an average of six (6) months per year with at least four (4) months in each year.
- (8) A general class falconry permit holder shall:

(a) Be allowed to possess the following:

1. A raptor obtained from the wild;
2. A hybrid raptor; or
3. A captive-bred raptor; and

(b) Not possess more than three (3) of the following raptors at any given time:

1. Great horned owl (*Bubo virginianus*); or

2. Any member of the Order Falconiformes, except for the following species which shall not be possessed:

- a. Golden eagle (*Aquila chrysaetos*);
- b. Bald eagle (*Haliaeetus leucocephalus*);
- c. White-tailed eagle (*Haliaeetus albicilla*); or
- d. Stellar's sea eagle (*Haliaeetus pelagicus*).

(9) A master class falconry permit applicant shall:

(a) Have held a valid general class falconry permit for at least five (5) years; and

(b) Have complied with all previous year reporting requirements, pursuant to Section 7 of this administrative regulation.

(10) A first time master class permit applicant shall submit to the department a completed Kentucky General Falconer Upgrade Report, signed by the applicant and one (1) reference who is a permitted master or general class falconer, attesting that the applicant has practiced falconry:

(a) At the general class permit level for at least five (5) years; and

(b) For an average of four (4) months a year, in at least four (4) out of the last five (5) years.

(11) A master class falconry permit holder:

(a) Shall not possess more than five (5) of the following wild raptors at any given time:

1. Great horned owl; and

2. Any member of the Order Falconiformes except a bald eagle;

(b) Shall obtain prior approval from the department pursuant to the requirements of 50

C.F.R. 21 and 22 to possess any of the following raptors:

1. Golden eagle;

2. White-tailed eagle; or

3. Stellar's sea eagle; and

(c) May possess any number of captive-bred raptors of the species allowed in paragraph (a) and (b) of this subsection.

(12) An apprentice sponsor shall:

(a) Not have more than three (3) apprentices at any given time;

(b) Be at least eighteen (18) years old;

(c) Possess a valid Kentucky general or master class falconry permit;

(d) Have held a general class falconry permit for a minimum of two (2) years; and

(e) Submit a signed letter to the department:

1. Attesting that the sponsor will assist the apprentice in:

a. Learning about the husbandry and training of raptors held for falconry;

b. Learning relevant wildlife laws and regulations;

c. Deciding which species of raptor is most appropriate for the apprentice to possess;

d. Providing direct supervision to the apprentice while trapping wild raptors; and

e. Evaluating the apprentice's facility and bird a minimum of one (1) time every twelve (12) months; and

2. Containing the sponsor's:

a. Name;

b. Falconry permit number;

- c. Address; and
- d. Telephone number.

(13) A sponsor who is withdrawing sponsorship of an apprentice shall:

- (a) Notify the department in writing within five (5) days of withdrawing the sponsorship; and
- (b) Provide the apprentice with a signed and dated document stating the length of time that the apprentice practiced falconry under the sponsor's guidance.

(14) An apprentice who loses sponsorship shall obtain a new sponsor within thirty (30) days from the sponsor's notification of withdrawal.

(15) A new sponsor shall be in compliance with the requirements established in subsection (7) of this section.

(16) If an apprentice fails to obtain a new sponsor within thirty (30) days, the department shall:

- (a) Revoke the apprentice's falconry permit; and
- (b) Confiscate any raptor in the apprentice's possession if the apprentice does not transfer ownership of the raptor to another licensed falconer.

(17) A non-resident falconer who moves to Kentucky to establish residency shall apply for the appropriate Kentucky falconry permit within thirty (30) days after moving.

(18) A resident falconry applicant who is a new resident of the United States shall obtain the appropriate Kentucky falconry permit by:

- (a) Meeting the application requirements established in subsection (1) of this section;
- (b) Contacting the department to schedule a time to take a written examination administered by the department;
- (c) Passing the written examination by scoring a minimum of eighty (80) percent; and
- (d) Providing to the department written documentation of previous falconry experience including:
 1. The number of years the applicant has practiced falconry;
 2. The raptor species used in falconry; and
 3. The game species taken with falconry.

(19) A person who held a valid Kentucky falconry permit within the last five (5) years, but has allowed the permit to lapse, may apply for reinstatement at the class level previously held by:

- (a) Complying with the application requirements established in subsection (1) of this section; and
- (b) Providing the department with proof of previous certification at that class level.

(20) An apprentice or general falconer whose Kentucky falconry permit has lapsed for a period greater than five (5) years may apply for reinstatement at the class level previously held by:

- (a) Complying with the application requirements established in subsection (1) of this section;
- (b) Complying with the examination requirements established in subsection (2) of this section; and
- (c) Providing the department with proof of previous certification at that class level.

(21) A master class permittee whose Kentucky falconry permit has lapsed for a period greater than five (5) years will be reinstated at the general class level, provided he satisfies the application requirements in subsection (1) of this section.

(a) A person formerly permitted at the master class level and reinstated at the general class level shall actively practice falconry for an average of four (4) months a year in at least two (2) out of the last three (3) years prior to upgrading to a master class permit.

(b) A person applying for master class reinstatement shall:

1. Submit to the department a Kentucky General Falconer Upgrade Report;

2. Have complied with all previous years' reporting requirements, as established in Section 7; and

3. Provide the department with proof of previous certification at the master class level.

(22) A falconry permit holder shall not be required to pay the permit fee established in 301 KAR 3:022 if the permit holder's current permit has not yet expired and the permit holder is applying for:

- (a) An upgrade to the next falconry class; or
- (b) A facility relocation.

Section 5. Facility, Equipment, and Care Requirements. (1) A falconry permit holder shall comply with all federal requirements established in 50 C.F.R. Part 21 for the permit holder's:

- (a) Facility;
- (b) Equipment; and
- (c) Treatment and care for possessed raptors.

(2) A permittee shall keep all:

- (a) Raptors in humane and healthy condition; and
- (b) Facilities and equipment in serviceable, safe, and sanitary condition, as established in 50 C.F.R. Part 21.

(3) A falconry permit holder who is relocating a raptor facility shall:

- (a) Notify the department within five (5) business days of relocation; and
- (b) Have a relocated raptor facility inspected and approved by a department conservation officer, department biologist, or department approved representative within thirty (30) days of relocation.

(4) A department conservation officer, department biologist, or department approved representative shall only inspect a raptor facility:

- (a) In the presence of the permit holder;
- (b) On a weekday; and
- (c) Between 8 a.m. and 8 p.m. local time.

Section 6. Banding, Tagging, and Telemetry Requirements. (1) A falconry permit holder shall comply with federal banding, tagging, and telemetry requirements established in 50 C.F.R. Part 21.

(2) A falconry permit holder who is required by federal regulations to band a raptor shall:

- (a) Contact the department to request leg bands at least fifteen (15) days prior to obtaining a raptor; and
- (b) Only use U.S. Fish and Wildlife Service leg bands that are issued by the department.

(3) A falconry permit holder shall attach at least two (2) radio transmitters to a hybrid raptor if the permit holder is flying it untethered in the wild.

Section 7. Raptor Take and Release, Recordkeeping, and Reporting Requirements. (1) Unless exempted by KRS 150.170, a Kentucky falconry permit holder shall have in possession a valid Kentucky hunting license when taking a raptor from the wild.

(2) When taking a raptor from the wild, a nonresident shall have in possession:

- (a) A valid Kentucky nonresident hunting license;
- (b) A valid falconry permit or equivalent from the nonresident's home state; and
- (c) An approved Kentucky Nonresident Raptor Take Form.

(3) To obtain a Kentucky Nonresident Raptor Take Form, a person shall:

- (a) Print a copy of the form from the department's Web site at fw.ky.gov; or
- (b) Contact the department at 800-858-1549 and request a mailed copy.

(4) A person shall submit to the department a completed and signed Kentucky Nonresident Raptor Take Form at least fifteen (15) working days prior to the requested take date.

(5) A falconry permit holder shall be responsible for complying with all applicable federal requirements if taking raptors on federal land.

(6) A falconry permit holder who is a nonresident shall only take one (1) legal raptor in Kentucky per calendar year.

(7) An approved Kentucky Nonresident Raptor Take Form shall only be issued to a person whose state of residence allows a Kentucky resident to legally take a raptor from that state.

(8) A nonresident falconer who takes a raptor in Kentucky shall submit to the department a completed and signed Falconry Take Location Report within five (5) days of taking a bird.

(9) A licensed falconer shall comply with all raptor take requirements established in 50 C.F.R. 21 in addition to the requirements established in this section.

(10) A resident falconry permit holder shall not take more than two (2) raptors from the wild in any calendar year.

(11) An eyas shall only be taken:

(a) By a general or master class falconry permit holder; and

(b) From January 1 through July 31.

(12) A person shall not take more than one (1) sharp-shinned hawk (*Accipiter striatus*) eyas per calendar year.

(13) There shall be an annual maximum quota for sharp-shinned hawk eyases of:

(a) Ten (10) for Kentucky residents; and

(b) Five (5) for nonresidents.

(14) Prior to taking a sharp-shinned hawk eyas, a person shall be responsible for calling the department at 800-858-1549 to check if the sharp-shinned hawk eyas annual quota has been reached.

(15) A person shall not take a sharp-shinned hawk eyas from a nest unless there are at least three (3) eyases in the nest.

(16) Each person who takes a sharp-shinned hawk eyas shall submit to the department the Falconry Take Location Report within five (5) days of possession.

(17) Any permit class falconer may take a passage bird if it is a species the falconer is allowed to possess as established in Section 4 of this administrative regulation.

(18) The allowable period of take for:

(a) A passage bird, other than a great horned owl, shall be September 1 through January 31;

(b) An adult or passage bird great horned owl shall be September 1 through October 31; and

(c) An adult American kestrel shall only be taken from September 1 through January 31.

(19) An adult American kestrel or adult great horned owl shall only be taken by a:

(a) General class permit holder; or

(b) Master class permit holder.

(20) A person shall not release the following raptors into the wild:

(a) A non-native raptor;

(b) A hybrid raptor; or

(c) A captive-bred, native raptor.

(21) Prior to releasing a raptor into the wild, a person shall remove all leg bands from the bird, except that a falconer who intends to release a wild caught peregrine falcon previously used in falconry shall contact the department's Falconry Coordinator to:

(a) Have the department band the bird with a permanent band; and

(b) Release the bird only in a county approved in writing by the department's Falconry Co-

ordinator.

(22) A falconry permit holder shall complete and submit to the department a federal form 3-186A or enter the required information in the federal database at <https://epermits.fws.gov/falcP/> within five (5) days if a raptor is:

- (a) Acquired;
- (b) Transferred;
- (c) Released;
- (d) Lost;
- (e) Rebanded;
- (f) Microchipped;
- (g) Stolen; or
- (h) Dead.

(23) A falconer shall retain copies of each submitted 3-186A form or the electronically submitted data for a minimum of five (5) years following a raptor's:

- (a) Transfer;
- (b) Release;
- (c) Loss; or
- (d) Death.

Section 8. Transfer of Ownership and Propagation. (1) A falconry permit holder may transfer ownership of a wild-caught raptor pursuant to 50 C.F.R. Part 21, but shall not engage in the following activities with wild-caught raptors:

- (a) Selling;
- (b) Purchasing;
- (c) Trading; or
- (d) Bartering.

(2) A falconry permit holder may transfer a wild-caught raptor to a person who possesses a valid federal raptor propagation permit if:

- (a)1. The raptor has been used in falconry for at least one (1) year for the following species:
 - a. Sharp-shinned hawk;
 - b. Cooper's hawk (*Accipiter cooperii*);
 - c. Merlin (*Falco columbarius*); or
 - d. American kestrel; or
- 2. The raptor has been used in falconry for at least two (2) years for all other legal species of raptor; and

(b) The person receiving the transferred bird possesses a valid state captive wildlife permit.

(3) A person who legally possesses a captive-bred raptor may engage in the activities listed in subsection (1)(a) through (d) of this section if:

- (a)1. The transferred bird is marked with a metal leg band; or
- 2. The transferred bird is implanted with a microchip pursuant to 50 C.F.R. Part 21; and
- (b) The person in receipt of the bird possesses:
 - 1. The appropriate class falconry permit; or
 - 2. A valid federal raptor propagation permit.

(4) A person shall not breed or propagate a native raptor without first obtaining:

- (a) A federal raptor propagation permit, pursuant to 50 C.F.R. Part 21; and
- (b) The appropriate Kentucky captive wildlife permit, pursuant to 301 KAR 2:081.

(5) A person who is propagating a native raptor shall submit to the department copies of all the following materials required by 50 C.F.R. Part 21:

- (a) The raptor propagation application;

(b) Propagation records; and

(c) Propagation reports.

(6) The materials required in subsection (5) of this section shall be submitted to the department by the same dates required in 50 C.F.R. Part 21.

Section 9. Other Activities. (1) A falconry permit holder may use a raptor for conservation education programs, pursuant to 50 C.F.R. Part 21.

(2) A falconry permit holder who is in compliance with the permit requirements for Special Purpose Abatement, pursuant to 50 C.F.R. Part 21, may receive payment for nuisance wildlife control work if the permit holder also possesses a valid Kentucky Commercial Nuisance Wildlife Control permit, pursuant to 301 KAR 3:120.

(3) A person may assist a permitted wildlife rehabilitator, as established in 301 KAR 2:075, in conditioning raptors for subsequent release into the wild if the person is:

(a) A general or master class falconry permit holder; and

(b) Working with a species the falconry permit holder is allowed to possess.

(4) A general or master class permit holder may hack a raptor, previously used for falconry, if the permit holder is in compliance with 50 C.F.R. 21 and contacts the department to provide the information established in paragraph (a) through (d) of this subsection.

(a) The hack site location;

(b) The species of raptor;

(c) The origin of the raptor; and

(d) The planned hacking dates.

Section 10. Passage Tundrius Peregrine Falcon Take Opportunity Drawing. (1) Dependent upon the number of passage tundrius peregrine falcon take opportunities allocated to the department by the U.S. Fish and Wildlife Service, the department shall administer a random drawing annually for the passage tundrius peregrine falcon take opportunities allocated.

(2) One passage tundrius peregrine falcon take opportunity, authorizing the take of one (1) passage tundrius peregrine falcon, will be awarded per drawn falconer.

(3) To be eligible for the passage tundrius peregrine falcon take opportunity drawing, falconers shall:

(a) Be a resident of Kentucky;

(b) Have a valid Kentucky resident hunting license or be license exempt, as established in KRS 150.170;

(c) Have a valid Kentucky master class falconry permit, pursuant to Section 4 of this administrative regulation;

(d) Submit to the department a complete and accurate online application at fw.ky.gov by July 31; and

(e) Not have been convicted of violating any Kentucky falconry regulation in the past five (5) years.

(4) The department will notify the drawn falconer, by their preferred method of contact as indicated on the application, no later than August 15.

(5) Upon notification, drawn falconers must contact the department's Falconry Coordinator by phone or email within ten (10) calendar days to accept the passage tundrius peregrine falcon take opportunity. Failure to accept a passage tundrius peregrine falcon take opportunity within ten (10) calendar days will result in a forfeiture of the passage tundrius peregrine falcon take opportunity.

(6) If the passage tundrius peregrine falcon take opportunity is forfeited, the department shall conduct additional random drawings until the passage tundrius peregrine falcon take op-

portunity is accepted or until the take period has passed, as established in this section.

(7) If a passage tundrius peregrine falcon take opportunity is awarded and accepted, the drawn falconer shall:

(a) Carry on his or her person an authorization letter provided by the department to take one (1) passage tundrius peregrine falcon;

(b) Only take a passage tundrius peregrine falcon between September 20 and October 20 of the year the passage tundrius peregrine falcon take opportunity is awarded;

(c) Not take or attempt to take a passage tundrius peregrine falcon from a county in which the trapping of a passage tundrius peregrine falcon is prohibited, as established by the department;

(d) Immediately release any captured peregrines of non-tundrius subspecies or birds with a band or research marker, except that bands and research marker information must be photographed or otherwise recorded and reported to the department within forty-eight (48) hours of release;

(e) Report to the department's Falconry Coordinator the take of a passage tundrius peregrine falcon within twenty-four (24) hours by phone or email at FWFalconry@ky.gov;

(f) Within ten (10) calendar days of taking of a passage tundrius peregrine falcon, make arrangements for the department to:

1. Inspect the passage tundrius peregrine falcon. If the captured falcon is determined not to be a passage tundrius peregrine falcon, the bird shall be surrendered to the department on site; and

2. Band the captured passage tundrius peregrine falcon with a U.S. Fish and Wildlife Service falconry band; and

(g) Not be eligible to participate in the random drawing for the subsequent two (2) years.

(8) The passage tundrius peregrine falcon take opportunity is nontransferable.

Section 11. Revocation of Permits and Appeal Procedure. (1) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit for a period of one (1) year of a person who:

(a) Violates any provision of KRS Chapter 150;

(b) Violates any department regulation;

(c) Violates any federal statute or regulation related to hunting, fishing, or wildlife; or

(d) Falsifies a falconry permit application.

(2) A person whose permit is denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(3) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(4) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(5) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Kentucky Falconry Permit Application", 2018 edition;

(b) "Raptor Facilities and Equipment Inspection Report", 2013 edition;

(c) "Falconry Take Location Report", 2013 edition;

(d) "Kentucky Nonresident Raptor Take Form", 2013 edition;

(e) "Kentucky Apprentice Falconer Activity Report", 2018 edition;

- (f) "Kentucky General Falconer Upgrade Report", 2018 edition;
 - (g) "Kentucky Passage Tundrius Peregrine Falcon Falconry Take Opportunity Application", 2019 edition; and
 - (h) "Kentucky Counties Where Trapping Of Passage Tundrius Peregrine Falcons Is Prohibited", 2019 edition.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time. (18 Ky.R. 948; 1331; eff. 10-22-1991; 33 Ky.R. 3456; eff. 8-6-2007; 39 Ky.R. 1776; 2018; eff. 5-3-2013; 44 Ky.R. 1646; 1989; eff. 4-6-2018; 46 Ky.R. 2109, 2621; eff. 6-30-2020.)