

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~October 19, 2007~~ October 2, 2008

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

009 Falconry

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-477, 37-498 ~~through 37-4,102~~, 37-497, 37-701, 37-801 through 37-810. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

009.01 APPLICATION: A permit to take and possess raptors shall not be issued until a written application for a permit on forms provided by the Commission is received along with the required fee. Renewal of permits will depend on the condition that all reports required to be completed by a permittee have been submitted in accord with Commission regulations and State Law. ~~The purpose for taking and possessing raptors shall be limited to the training and use of raptors for the practice of~~ Raptors taken or held under a falconry permit may only be trained for, and used in falconry. General or Master Falconers may use their birds in conservation education programs.

009.02 SPECIAL RAPTOR TRAINING SEASON:

009.02A Open from January 1 through December 31.

009.02B ~~When g~~Game birds or game animals are hunted or used in training, such birds or animals must be legally obtained from a licensed nonresident breeder or Captive Wildlife permittee, ~~. except wild game birds and wild game animals~~ Game birds or game animals may be hunted during the prescribed hunting seasons.

009.03 SPECIAL RAPTOR HUNTING SEASON FOR pheasant, sSharp-tailed grouse, prairie chicken, quail, partridge (gGray [Hungarian] and cChukar), cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel.

009.03A OPEN SEASON: September 1 through March 31.

009.03B AREA OPEN: Entire state except where closed by Commission regulation and except Federal or State sanctuaries or refuges, unless otherwise authorized.

009.03C HOURS OPEN EACH DAY: 30 minutes before sunrise to sunset. Hunting outside this period for game birds and game animals identified in 009.03 is permitted only with written permission from the Commission.

009.03D DAILY BAG LIMIT: Pheasant, quail, sSharp-tailed grouse, prairie chicken, partridge (gGray [Hungarian] and cChukar) - Two (2) birds of either sex.

Cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel - Four (4).

009.03E POSSESSION LIMIT: Pheasant, quail, sharp-tailed grouse, prairie chicken, partridge (gGray [Hungarian] and cChukar) - Four (4) birds of either sex.

Cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel - Eight (8).

009.03F Bag and possession limits are not in addition to other hunting season limits.

009.04 RAPTOR HUNTING SEASON FOR MIGRATORY GAME BIRDS: Including ducks, geese, mergansers, coot, snipe, woodcock, rails (Sora and Virginia), dove (mMourning, wWhite-winged, and Eurasian cCollared), and crow.

009.04A AREA OPEN: According to Management Unit Boundaries as described in 006.01A5a through 006.01A5c (ducks and mergansers); 006.01B (coots); 006.01C1h (light geese); 006.01C2a(4), 006.01C2b(4), 006.01C2c(4), 006.01C2d(4), 006.01C2e(4) (dark geese); 006.01C3d (white-fronted

Title 163
Chapter 4

geese); 005.01B5 (snipe); 005.01C5 (woodcock); 005.01A5 (rails - Sora and Virginia); 005.01D5 (dove - Mourning, ~~w~~White-winged, and Eurasian collared); 006.01D3 (crow).

009.04B HOURS OPEN EACH DAY: 30 minutes before sunrise to sunset.

009.04C DAILY BAG LIMIT: Three (3) birds singly or in the aggregate of either sex.

009.04D POSSESSION LIMIT: Twice the daily bag.

009.04E Bag and possession limits are not in addition to other hunting seasons.

009.04F OPEN SEASON FOR DUCKS, MERGANSERS, COOT.

009.04F1 Early Season Dates:

Low Plains

Zones 1 and 2: September 1 through September 30.

Zones 3 and 4: September 1 through September 30.

High Plains:

To run concurrent with those dates as listed in 006.01G2 and 006.01F3.

009.04F2 Late Season Dates: To run concurrent with those dates as listed in 006.01A1 and 006.01B1.

009.04G OPEN SEASON FOR GEESE, SNIPE, WOODCOCK, RAILS (SORA AND VIRGINIA), DOVE (MOURNING, WHITE-WINGED, AND EURASIAN COLLARED), AND CROW: Hunting shall be conducted in accordance with season dates that are prescribed for the gun hunting seasons.

009.05 GENERAL REGULATIONS. It shall be unlawful:

009.05A for any permittee in the Apprentice Class to take or possess any raptor other than ~~an American kestrel (Falco sparverius), or a red-tailed hawk (Buteo jamaicensis).~~

009.05B for any permittee in the Apprentice Class to possess more than one (1) raptor. ~~and to obtain more than one raptor for replacement during any 12-month period. For any permittee in the General Class to possess more than three (3) raptors. For any permittee in the Master Class to possess more than five (5) raptors.~~

009.05B1 It shall be unlawful for any non-resident falconer to exceed the possession limits outlined in 009.05B while in Nebraska.

009.05C for any permittee in the Apprentice Class to take young raptors not yet capable of flight (eyases).

009.05D for any General or Master Class permittee ~~in the General or Master Class~~ to take no more than two (2) young raptors not yet capable of flight (eyases) ~~except during a period from June 1 through July 15 (45 days) and then only if no more than two (2) eyases are taken by the same permittee during the specified period, in any one year any calendar year.~~

009.05E for any permittee to take eyass birds of the following species in Nebraska without written authorization from the Commission: ~~p~~Prairie ~~f~~Falcon, (Falco mexicanus), ~~cooper's~~ hawk (Accipiter cooperii), ~~s~~Sharp-shinned ~~h~~Hawk (Accipiter striatus), Northern gGoshawk (Accipiter gentilis), ~~m~~Merlin (Falco columbarius), Red-shouldered Hawk (Buteo lineatus), or ~~f~~Ferruginous ~~h~~Hawk (Buteo regalis), ~~without written authorization from the Commission.~~

009.05F for any permittee to take a first year (passage) birds in Nebraska, except during a period from August 1 ~~September 19~~ through January 31. ~~(135 days), except that~~ It shall be unlawful for legally-possessed raptors legally possessed by a permittee and that have escaped may to be trapped at any time throughout the year.

009.05G for any permittee to take a raptor over one year old, except American ~~k~~Kestrels (Falco sparverius) and Great-~~h~~Horned Owls (Bubo

virginianus). and ~~a~~Any raptor, other than endangered or threatened species, or a Bald eEagles, taken under a depredation permit may be used for falconry by permittees in the General or Master Class, and any raptor legally possessed by a permittee that has escaped may be trapped at any time. A Master Falconer authorized to possess Golden Eagles for use in falconry may capture a Golden Eagle under the provisions in 50 CFR part 22.

009.05H for any permittee to keep any raptor in an indoor facility (mew) which that does not have adequate perches, adequate sanitation, a secure door that can be easily closed, at least one window that is protected by suitable materials vertical bars (spaced narrower than the width of the birds body) and which does not have an interior space of at least 250 cubic feet. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed within the enclosure. Heavy duty netting or other such materials may be used to cover the walls or roof of the enclosure.

009.05I for any permittee to keep more than one raptor in the same indoor facility unless each raptor is tethered or separated from other raptors by partitions and the area for each bird is large enough to allow the bird to fully extend its wings.

009.05J for any permittee to keep any raptor in an outdoor facility (weathering area) which that is not fenced and covered with netting or wire or roofed to protect the birds from disturbance and an attack by predators, which does not have at least one perch of an acceptable design for each raptor, protection from excessive sun, wind, and inclement weather and which is not large enough to iensure the birds cannot strike the surrounding fence when flying from the perch, except that perches more than 6 ½ feet high need not be covered or roofed. A raptor may be kept outside if they are under watch by a designated individual in a weathering yard during falconry meets.

009.05K for any permittee to transport or hold a raptor in temporary facilities for more than 30

days and without providing an adequate perch and protection from extreme temperatures and excessive disturbance.

009.05L for any person holding a raptor falconry permit to refuse to allow an authorized agent of the Commission to enter that person's premises at any reasonable hour to inspect any raptor held under said the permit and to inspect the permittee's facilities and equipment required for the possession of such raptor(s).

009.05M for any nonresident who is in possession of a raptor licensed permitted in another state, that intends and who wishes to establish residency in Nebraska, to maintain such possess raptors in captivity in Nebraska without a Nebraska raptor permit, except by or without written authorization from the Commission.

009.05M1 Non-residents have thirty (30) days to submit their Nebraska raptor permit application once residency is established in Nebraska.

009.05N for any permittee to take, purchase, receive, or otherwise acquire, sell, barter, transfer, release to the wild, or otherwise dispose of any raptor unless such permittee submits without submitting a completed an Acquisition/Disposition report, to be supplied by the Commission, completed in accordance with the instructions on the form, within five (5) calendar days of any such the action/transaction.

009.05O for any permittee to possess a raptor under authority of a falconry permit unless the permittee has a properly completed Acquisition/Disposition report for each bird possessed.

009.05P for any permittee to take, possess, or transport any pPeregrine fFalcon (Falco peregrinus), gGyrfalcon (Falco rusticolus), Harris's+ hHawk (Parabuteo unicinctus), prairie falcon (Falco mexicanus), merlin (Falco columbarius), cooper's hawk (Accipiter cooperii), or ferruginous hawk (Buteo regalis) unless such the bird is banded either by a seamless numbered band provided by the U.S. Fish and Wildlife Service or

by a permanent, non-reusable band provided by the Commission. No raptors removed from the wild may be banded with a seamless numbered band. The loss or removal of any band and subsequent rebanding must be reported by submitting an Acquisition/Disposition report and a request for a replacement band must be made to the Commission within five (5) working days of the loss or removal. Any band that is lost or removed must be replaced by a permanent, non-reusable band supplied by the Commission. A band that is causing damage to a raptor may be removed if replaced immediately by another band on the other leg, provided that any such band is submitted to the Commission within five (5) working days after removal. If a health or injury problem exists for a raptor that is caused by the band, and is documented, the Commission may provide an exemption to the requirement for that raptor. A copy of the exemption must be in possession of the falconer when transporting or hunting with the raptor.

009.05Q for any permittee to sell, purchase, barter, or offer to sell, purchase or barter any raptor unless the raptor is captive-bred and is banded by a seamless, numbered band, supplied by the U.S. Fish and Wildlife Service.

009.05R for any permittee to intentionally or negligently release to the wild any species of raptor not indigenous to Nebraska including hybrids. for any permittee to intentionally or negligently release a raptor or raptor hybrid not indigenous to Nebraska permanently into the wild.

009.05S for any permittee to intentionally release any a wild indigenous raptor to the wild without removing its marker and surrendering its band, if such raptor has one, the marker to the Commission within five (5) days of such the release.

009.05T for any permittee to import any raptor into Nebraska, except when written approval is provided to the Commission from the state, province or other governmental agency responsible for raptor licensing in the state from which the raptor will be obtained.

~~009.05U~~ ~~009.05T~~ for any permittee to relocate a raptor in order to allow another person to care for his raptors ~~unless there is~~ without written authorization from the permittee accompanying the birds when they are transferred.; ~~Provided, that~~ ~~t~~The period of care ~~will~~ may not exceed 30 days.; ~~t~~The Commission ~~is~~ must be informed in writing ~~of this action~~ by the permittee ~~of this action~~ within three (3) days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them, and approximately how many days they will be in the care of the second person.

~~009.05V~~ ~~009.05U~~ for any permittee to retain and exchange feathers that are molted or those feathers from birds held in captivity that die, except for imping purposes.

~~009.05W~~ ~~009.05V~~ for any permittee to purposely hunt any game bird or game animal with a raptor, except during the regular gun hunting seasons, Conservation Actions Orders, or special raptor hunting seasons applying to that game species or during the raptor training season when game farm birds which are legally obtained from a licensed nonresident breeder or Captive Wildlife permittee are used, and to fail to comply with the bag and possession limits, hunting permits and stamp requirements, and all other regulations prescribed and fixed for the hunting seasons.

~~009.05X~~ ~~009.05W~~ to intentionally take any protected bird with a raptor, unless the take is otherwise authorized by the Commission. Raptors may feed on any unintentionally taken animal, but said animal may not be taken into the hunter's possession with any purpose but to feed the raptor.

~~009.05Y~~ ~~009.05X~~ for any permittee 16 years of age or older to hunt migratory waterfowl with a raptor without possessing a valid small game hunting permit, a habitat stamp, a Nebraska migratory waterfowl stamp, and Federal migratory bird hunting stamp, ~~provided the requirement for the Nebraska migratory waterfowl stamp shall begin January 1, 2006.~~

~~009.05Z~~ 009.05Y for any person to possess and hunt with a raptor without possessing a copy of their Nebraska falconry permit or a valid falconry permit from another state or country. ~~on his person a permit to take and possess raptors.~~

009.05Z for any resident and non-resident falconer to possess and use raptors at any time to abate depredation problems caused by migratory birds and other wildlife unless a Master or General Class falconer permit is held, a federal abatement permit has been obtained and written permission from the Commission has been received.

009.06 REQUIRED PERMIT QUALIFICATIONS:

009.06A Permit Classes

009.06A1 Apprentice Class

009.06A1a Permittee shall be at least ~~14~~ 12 years old.

009.06A1b ~~A sponsor who is a holder of a General or Master permit with at least two (2) years of experience is required by the holder of an Apprentice permit. A sponsor may not have more than two (2) apprentices at any one time. An Apprentice permit holder shall have a General or Master Class falconer as a sponsor while holding the Apprentice Class permit. Sponsors shall meet qualifications outlined in 009.06A2d, 009.06A2e and 009.06A3b.~~

009.06A1c Should a sponsorship be terminated, the holder of an Apprentice permit must obtain a new sponsor within 30 days of termination or ~~his~~ the Apprentice permit will be revoked.

009.06A2 General Class

009.06A2a Permittee shall be at least ~~18~~ 16 years old.

009.06A2b Permittee shall have at least two (2) years experience in the practice of falconry at the Apprentice level or its equivalent. The Commission shall determine the appropriate amount of experience, if any, required past the two (2) year minimum after consultation with the Apprentice's sponsor.

009.06A2c Evidence ~~is provided~~ that the applicant has had a valid, unrevoked ~~g~~General or ~~m~~Master class ~~raptor~~ falconry license or permit in another state within two (2) years of their application may be substituted for the Apprentice permit requirement. Evidence that the applicant has had at least two (2) years of experience in the practice of falconry in another state at the Apprentice level or its equivalent may be substituted for the Apprentice permit requirement at the discretion of the Commission. The Commission shall determine the appropriate amount of experience, if any, required past the two (2) year minimum after consultation with the Apprentice's former sponsor.

009.06A2d A General Class falconer shall have two (2) years of experience at the General Class level before they may sponsor an Apprentice level falconer.

009.06A2e A General Class falconer may sponsor no more than two (2) Apprentice Level falconers at any one time.

009.06A3 Master Class

009.06A3a Permittee shall have at least ~~five~~ (5) years experience in the practice of falconry at the General Class level or its equivalent.

009.06A3b A Master Class falconer may sponsor no more than two (2) Apprentice Level falconers at any one time.

009.06B Examination

009.06B1 An applicant for any raptor permit must answer correctly at least 80 percent of the questions on a supervised written examination provided and administered by the Commission, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

009.06B2 Re-examination will be required of any applicant that who has failed to renew a raptor falconry permit for within a period of two consecutive years of its expiration date.

009.06C Facilities and Equipment

009.06C1 Since Because the primary consideration for raptor housing facilities is protection from the environment, predators, and undue disturbance, an indoor facility meeting the minimum standards as established in these regulations is required of all applicants for a raptor falconry permit.

009.06C2 The following equipment shall be in possession of the applicant before a permit can be issued: jesses or the materials and equipment to make them, leash and swivel, bath container, appropriate scales or balances for weighing raptors.

~~009.06C2a At least 1 pair of Alymeri jesses or similar type constructed of pliable high-quality leather or suitable synthetic material to be used when any raptor is flown free or when a raptor is not in an indoor facility. (Traditional 1-piece jesses may be used on raptors when being held in an indoor facility.)~~

~~009.06C2b Leashes and swivels - At least 1 flexible, weather resistant leash and 1 strong swivel of acceptable falconry design.~~

~~009.06C2c~~ Bath container - at least one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

~~009.06C2d~~ Weighing Device - A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than ½ ounce (15 gram) shall be provided.

~~009.06C3~~ All facilities and equipment shall be kept at or above the standards established by these regulations at all times when ~~the permittee is in possession of~~ any raptor ~~is in the possession of the permittee~~.

009.07 RAPTOR COLLECTING PERMIT

General Regulations for the collection of Raptors. In addition to the unlawful restrictions described in 009.05A through 009.05Z, it shall be unlawful:

009.07A for any permittee to sell, trade, purchase or barter any wild raptor. Wild raptors may only be transferred.

009.07B for any permittee to take more than two wild raptors in any twelve month period.

009.08 RAPTOR COLLECTING PERMIT QUALIFICATIONS

009.08A A resident of another state must provide completed raptor collecting permit application and provide a copy of the home state falconry permit held prior to being issued a raptor collecting permit in Nebraska.

009.08B Raptor collecting permits will be issued at the discretion of the Commission.

009.08C An applicant must submit an Acquisition/Disposition report, to be supplied by the Commission, completed in accordance with the instructions on the form and within five (5) calendar days of collecting any wild raptor.