

SENATE BILL REPORT

SB 6644

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, February 1, 2010

Title: An act relating to falconry.

Brief Description: Concerning the possession and capture of birds of prey.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/25/10, 2/01/10 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6644 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser, Hargrove and Swecker.

Minority Report: Do not pass.

Signed by Senators Morton, Ranking Minority Member; Stevens.

Minority Report: That it be referred without recommendation.

Signed by Senator Hatfield.

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Falconry Permitting in Washington State. DFW regulations define falconry as the possession and use of raptors for the purpose of hunting or free flight training. The regulations define a raptor as a live migratory bird of the Orders *Falconiformes* or *Strigiformes*, examples of which include hawks, ospreys, falcons, and owls.

The federal government has primary authority over activities relating to migratory birds, and states must operate within the bounds of federal regulations concerning falconry. Prior to

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November 2008, the federal government imposed a dual permitting system, requiring a person to obtain both a state and federal falconry permit in order to practice falconry. In order to receive a permit under the dual permitting system, a person must: apply for a state and federal permit; pass a written examination; and have their raptor housing facility inspected. There is a \$100 fee for the federal permit, which is valid for three years. There is no fee for the state falconry permit.

In 2008 the federal government adopted regulations to streamline falconry permitting. If a state adopts regulations that meet or exceed standards specified by the federal government, that state permit becomes the sole permit necessary to practice falconry. A State has until 2014 to adopt such regulations, at which time the federal government will stop issuing falconry permits.

Limitations on Body-gripping Traps. In general, it is a gross misdemeanor to use, or authorize the use of, a body-gripping trap to capture any animal. Statute defines a body-gripping trap as any trap that grips an animal or an animal's body part, including steel-jawed leghold traps, neck snares, and nonstrangling foot snares.

Summary of Bill (Recommended Substitute): Falconry Permitting in Washington State. A Washington resident must obtain a falconry permit in order to practice falconry in the state. The term of a falconry permit is two years, and the fee is \$100. However, DFW may not impose this fee until the federal government discontinues its current falconry permit fee in Washington State.

A nonresident may generally practice falconry if the person possesses a permit to practice falconry in another jurisdiction and obtains all recreational licensing documents required for hunting in the state. However, in order to capture a raptor in Washington, a nonresident must obtain a raptor capture permit. The permit is valid for one year, and the fee is \$250 for most raptors and \$500 for a peregrine falcon, gyrfalcon, or goshawk.

DFW may use fees collected from the sale of falconry permits and nonresident raptor capture permits for the administration and management of falconry.

Falconry is defined as the capture or attempt to capture, possession, transfer, use, or the disposition of a raptor for the purpose of hunting or free flight training.

Limitations on Body-Gripping Traps. The prohibition on the use of body-gripping traps does not apply to the use of snaring devices designed for the safe capture of a live raptor as authorized under a falconry permit.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): The proposed substitute bill:

- removes the falconry permit requirement for nonresidents, and specifies requirements for nonresident falconry in Washington;
- requires nonresident falconer to acquire a permit prior to capturing a raptor in the state;
- provides that fees for falconry permits must be used for the administration and management of falconry;

- narrows the scope of the falconry exemption to the prohibition on body-gripping trap use to snaring devices designed for the safe capture of a live raptor as authorized under a falconry permit;
- defines terms; and
- makes organizational changes and technical corrections.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: In Washington State falconers support the bill and imposition of the fee. The federal government will stop issuing the falcon permit, and falconers need to partner with state. Ways to improve the bill could be to increase the length of the permit to reduce administrative costs and remove the requirement for non-residents to obtain a falconry permit. Out-of-state residents already have to purchase a small game license, and should not have to purchase a falconry permit as well. The bill clarifies that the use of traditional falcon capture techniques does not violate the state's trapping ban, and this is a key part of the bill.

Persons Testifying: PRO: Eric Cummings, DFW; Larry Ray, Geoff Hirschi, Lydia Ash, Steve Layman, Ross Matteson, Washington Falconers Assn.