

Chapter 220-420 WAC

FALCONRY

WAC

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WAC 220-420-010 Falconry definitions. "Abatement" is the use of trained raptors to abate depredation problems caused by migratory birds and other wildlife.

"Captive-bred raptor" means the progeny of a mating of raptors in captivity.

"Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

"Hacking" is the release, sometimes temporary, of a raptor held for falconry to the wild so that it may survive on its own.

(2/15/17)

"Hybrid" means offspring of raptors of one or more distinct species listed in the U.S. Fish and Wildlife 50 C.F.R. § 10.13.

"Imp" is to cut a broken or damaged feather and replace or repair it with an undamaged feather.

"Imprint," for the purposes of falconry, means a raptor that is hand-raised in isolation from the sight of other raptors from two weeks of age until it has fledged. An imprinted raptor is considered to be so for its entire lifetime.

"Raptor" means a migratory bird of the Order Falconiformes or the Order Strigiformes listed in the U.S. Fish and Wildlife Service regulations at 50 C.F.R. § 10.13, including the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).

"Take" means to trap or capture or attempt to trap or capture a raptor from the wild.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-120, filed 8/20/10, effective 9/20/10.]

WAC 220-420-020 Falconry and captive propagation of raptors permitted. (1) The director may issue permits for the taking and possession of raptors for falconry, captive propagation, and for the possession, transfer, use, and disposition of raptors, except for those species restricted by the state or that appear on the federal endangered species list. However, progeny of a federally threatened or endangered raptor held legally before November 10, 1978, may be retained for falconry use under these regulations.

(2) It is unlawful to take or possess a raptor, or raptor eggs, without a permit from the director and/or the U.S. Fish and Wildlife Service. It is unlawful to violate the conditions of a permit issued under this rule.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-100, filed 8/20/10, effective 9/20/10.]

WAC 220-420-030 Reporting falconry activities. (1) Throughout this chapter, reporting of falconry activities is a requirement of regulations. All raptor acquisitions, captures, purchases, gifting, sales, transfers, releases, banding, escapes, loss by death, and all other changes in raptor status are to be reported to the department and the U.S. Fish and Wildlife Service. Reporting will be done by filing a U.S. Fish and Wildlife Service Form 3-186A with both agencies.

(2) The form may be submitted directly to the U.S. Fish and Wildlife Service to a national computer electronic reporting system online via the web site <http://permits.fws.gov/186A>. The department accesses information from that data-

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base to satisfy the state reporting requirement. For those who do not wish to submit electronic reports, the department will accept paper forms and will enter the falconry transaction into the U.S. Fish and Wildlife Service database. The department may charge an administrative processing fee per paper form.

(3) A falconer is required to keep copies of all electronic database submissions or paper forms documenting take, transfer, loss, banding, or microchipping of each falconry raptor until five years after a falconry raptor transaction.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-140, filed 8/20/10, effective 9/20/10.]

WAC 220-420-040 Permits to practice falconry. (1)

An applicant for a Washington falconry permit must complete and submit an application form from the department. The applicant must meet the state residency requirements for Washington.

(2) The temporary possession and short-term handling of a raptor, such as letting any other person hold or practice flying a raptor, is not possession for the purposes of this section if the handler is under the permitted falconer's supervision, employed, or under contract by the permitted falconer. A falconry observer, including a person accompanying a falconer when hunting or otherwise flying a falconry raptor, is not required to possess a falconry permit or a hunting license.

(3) For determining possession and take of raptors for falconry, a regulatory year is the calendar year starting January 1st and ending the following December 31st.

(4) Falconry permits shall be valid from the date issued until the date of expiration on the permit. The permit will be valid for a maximum period of two years to expire on December 31st.

(5) A resident of Washington must have a valid Washington falconry permit to take, possess raptors for falconry, or to practice falconry. To release a falconry raptor to pursue or hunt, depending on the type of game hunted, a resident falconer may need resident state and/or tribal hunting licenses, permits, stamps, and/or a Federal Migratory Bird Hunting and Conservation Stamp (a "Duck Stamp").

(6) A falconer must have permit(s) or legible copies of his/her permit in immediate possession if he/she is trapping, transporting, displaying, or engaging in falconry.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-130, filed 8/20/10, effective 9/20/10.]

WAC 220-420-050 Master falconer classes of permit.

(1) An applicant for a master falconry permit must attest and/or provide evidence of having practiced falconry with his/her own raptor(s) at the general falconer level for at least five years, or provide proof of previously holding a valid master falconry permit.

(2) A master falconer may not intentionally capture a raptor species that this permit classification does not allow

the falconer to possess for falconry. Any raptor captured, that a master falconer is not permitted to take, must be released immediately.

(3) A master falconer, may take raptors less than one year of age from the wild during any period. However, an American kestrel or great horned owl of any age may be taken from the wild during any time of the year.

(4) Regardless of the number of state, tribal, or territorial falconry permits a master falconer may have, he/she may possess no more than five wild taken raptors for use in falconry, including golden eagles (*Aquila chrysaetos*). A master falconer may possess any number of captive-bred raptors; however, the master falconer must train them in the pursuit of wild game and use them in hunting.

(5) A master falconer may take the following species of raptors from the wild in Washington: Red-tailed hawk (*Buteo jamaicensis*), kestrel (*Falco sparverius*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), goshawk (*Accipiter gentilis*), great horned owl (*Bubo virginianus*), and barred owl (*Strix varia*).

(6) A nestling, or fledgling peregrine falcon may be taken by a master falconer who possesses, at the time of capture, a permit from the department authorizing the capture. The number and age class of peregrine falcons to be captured in Washington will be determined by the director in accordance with federal regulations or implementation guidance may vary annually in response to population and productivity data, and as a participant in actions of the Pacific Flyway Council. The director will establish permit issuance procedures, requirements for monitoring capture, and open areas for the capture of peregrine falcons.

(7) A master falconer may possess any species of Falconiform or Strigiform except a bald eagle (*Haliaeetus leucocephalus*). A master falconer may possess any captive-bred individual, or hybrids of any species.

(8) A master falconer who meets the requirements in this section may possess up to three wild taken eagles of the following species for use in falconry: Golden eagle (*Aquila chrysaetos*), white-tailed eagle (*Haliaeetus albicilla*), or Steller's sea-eagle (*Haliaeetus pelagicus*).

(9) The department must have the following documented before approving a request from a master falconer to possess an eagle to use in falconry:

(a) Experience in handling large raptors, such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*), great horned owls (*Bubo virginianus*), red-tailed hawks (*Buteo jamaicensis*), or others. Include information about which species have been handled, the type, and duration of the activity in which experience was gained.

(b) At least two letters of reference from people with experience handling and/or flying large raptors. Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, falconry, propagation, abatement, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the master falconer's capability to care for eagles and fly them in falconry.

(10) A wild taken golden eagle (*Aquila chrysaetos*), white-tailed eagle (*Haliaeetus albicilla*), or Steller's sea-

eagle (*Haliaeetus pelagicus*) in possession will count as one of the five wild taken raptors a master falconer is allowed to possess for use in falconry.

(11) Species of raptors that are not listed in the U.S. Fish and Wildlife Service regulations at 50 C.F.R. § 10.13 are not covered under these regulations. Master falconers may practice falconry or hunt with exotic raptors unless otherwise prohibited. Possession, import, and export of exotics may be subject to other state and federal regulations.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-153, filed 8/20/10, effective 9/20/10.]

WAC 220-420-060 General falconer classes of permit and permitted raptors. (1) An applicant for a general falconry permit must be at least sixteen years of age. If sixteen or seventeen years of age, a parent or legal guardian must sign the application and will be legally responsible for the general falconer's activities until the falconer is eighteen years old.

(2) An applicant must submit a document from a general falconer or master falconer (preferably the apprentice's sponsor) to the department stating that the applicant has practiced falconry at the apprentice falconer level or equivalent for at least two years, including maintaining, training, flying, or hunting the raptor(s) for at least four months in each year. That practice may include capture and release of falconry raptor(s). The applicant may provide proof of a previously held valid general falconry permit. A falconry school program or education is not acceptable to shorten the period of two years at the apprentice falconer level.

(3) A general falconer may not capture a raptor species that this permit classification does not allow the falconer to possess for falconry. A general falconer must release immediately any raptor he/she may not possess.

(4) A general falconer may take raptors less than one year of age from the wild during any time of the year. However, an American kestrel or great horned owl of any age may be taken from the wild during any time of the year.

(5) Regardless of the number of state, tribal, or territorial falconry permits a general falconer may have, he/she may possess no more than three raptors for use in falconry.

(6) A general falconer may take the following species of raptors from the wild in Washington: Red-tailed hawk (*Buteo jamaicensis*), kestrel (*Falco sparverius*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), gyrfalcon (*Falco rusticolus*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), goshawk (*Accipiter gentilis*), great horned owl (*Bubo virginianus*), barred owl (*Strix varia*).

(7) A general falconer may possess any species of Falconiform or Strigiform except a golden eagle (*Aquila chrysaetos*), a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), or a Steller's sea-eagle (*Haliaeetus pelagicus*). A general falconer may use captive-bred individuals or hybrids of the species he/she is allowed to possess.

(8) Species of raptors that are not listed in the U.S. Fish and Wildlife Service regulations at 50 C.F.R. § 10.13 are not

covered under these regulations; however, general falconers may practice falconry or hunt with exotic raptors unless otherwise prohibited. Possession, import, and export of exotics may be subject to other state and federal regulations.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-152, filed 8/20/10, effective 9/20/10.]

WAC 220-420-070 Apprentice falconer classes of permit and permitted raptors. (1) An applicant for an apprentice falconry permit must be at least twelve years of age. If under eighteen years of age, a parent or legal guardian must sign the application and will be legally responsible for the apprentice falconer's activities.

(2) An applicant must correctly answer at least eighty percent of the questions on an examination administered by the department, or provide proof of having previously held a valid apprentice falconry permit. The examination will cover care and handling of falconry raptors, state and federal regulations relevant to falconry, and other appropriate subject matter.

(3) An applicant must submit a letter to the department from a general falconer or a master falconer, who is at least eighteen years of age with at least two years experience at the general falconer level, stating that he/she has agreed to be a sponsor to assist the applicant in learning about the husbandry and training of raptors held for falconry, relevant wildlife laws and regulations, and in deciding what permitted raptor species is appropriate to possess while an apprentice falconer.

(4) The applicant must submit an original, signed certification incorporated into the department application form, worded as follows: *I certify that I have read and am familiar with Washington and U.S. Fish and Wildlife Service falconry regulations, and the federal Migratory Bird Treaty Act, and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to cancellation of the application and/or criminal penalties.*

(5) An apprentice falconer may not intentionally capture a raptor species that this permit classification does not allow the falconer to possess for falconry. Any raptor captured, that an apprentice falconer is not permitted to take must be released immediately.

(6) Regardless of the number of state, tribal, or territorial falconry permits an apprentice falconer may have, he/she may possess no more than one raptor for use in falconry.

(7) An apprentice falconer may take a red-tailed hawk (*Buteo jamaicensis*) or a kestrel (*Falco sparverius*) from the wild in Washington.

(8) An apprentice may possess any species of Falconiform or Strigiform, except a golden eagle (*Aquila chrysaetos*), a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), or a Steller's sea-eagle (*Haliaeetus pelagicus*), or a federally listed threatened or endangered species for falconry. An apprentice falconer may possess captive-bred individuals or hybrids of the species he/she is allowed to possess for falconry.

(9) A wild raptor may be transferred to an apprentice.

(10) An apprentice falconer may not possess a nestling raptor taken from the wild and may not possess a raptor that is imprinted on humans.

(11) An apprentice falconer may take a free flying permitted raptor species less than one year of age from the wild during any period.

(12) Raptor facilities must pass inspection by the department or its designee before an apprentice falconer applicant is granted a permit.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-151, filed 8/20/10, effective 9/20/10.]

WAC 220-420-080 Revocation, modifications, or suspension of falconry permits. A permit issued hereunder may be revoked, modified, or suspended by the director for cause. Cause shall include, but is not limited to, the failure to provide adequate falconry facilities and equipment, the failure to provide adequate care, feed, or maintenance for a raptor, or for inhumane treatment of a raptor.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-110, filed 8/20/10, effective 9/20/10.]

WAC 220-420-090 Reinstatement of an expired falconry permit. (1) If a permit has expired for less than five years, it will be reinstated at the level held previously.

(2) If a permit has expired for five years or more, the permittee must correctly answer at least eighty percent of the questions on the Washington falconry examination. If the falconer passes the test, his/her permit may be reinstated at the previously held level. The reinstated falconer's facilities must pass inspection by the department or its delegate prior to possession of a falconry raptor.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-160, filed 8/20/10, effective 9/20/10.]

WAC 220-420-100 New Washington residents from outside the United States. (1) A new Washington resident from outside the United States may qualify for a falconry permit appropriate for his/her experience. The falconer must demonstrate knowledge of state and federal falconry laws and regulations by correctly answering at least eighty percent of the questions on the Washington falconry examination. If the new falconer passes the test, the department will decide for which level of falconry permit he/she is qualified, consistent with the class requirements for a falconry permit in these regulations.

(2) In addition to passing the examination, the department will base its decision for permit issuance on documentation of the falconer's experience and any other pertinent material and supportive documents provided by the falconer

or a third party. The falconer's facilities must meet the standards in these regulations and be inspected prior to receiving a Washington falconry permit.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-171, filed 8/20/10, effective 9/20/10.]

WAC 220-420-110 Nonresident falconers in Washington. (1) Nonresident falconers may practice falconry in Washington. The nonresident falconer must possess a valid permit to possess raptors and practice falconry in his/her home state, tribe, or country. The nonresident may possess, transport through the state, fly, practice falconry, or hunt with legal raptors held under the authority of such permit.

A falconer from another country may need federal permits to bring a raptor into the United States to be legally possessed in Washington.

(2) A falconer may import a raptor into Washington if a health certificate for the raptor is in the possession of the importer. When flown free, any raptor brought into Washington temporarily from another country must have two attached radio transmitters.

(3) In order to release a falconry raptor to pursue game, or hunt, depending on the type of game hunted, a nonresident falconry permit holder may be required to purchase appropriate nonresident state and/or tribal hunting licenses, permits, tags, Washington Bird Stamp, migratory bird validation, and/or a federal Migratory Bird Hunting and Conservation Stamp.

(4) Nonresident falconers may be authorized by permit from the director to capture one legal raptor per year in Washington with the requirement to purchase a nonresident raptor capture permit. A premium Class 1 nonresident raptor capture permit may authorize a nonresident falconer to capture a peregrine falcon (*Falco peregrinus*), a gyrfalcon (*Falco rusticolus*), or a goshawk (*Accipiter gentilis*). A basic Class 2 nonresident raptor capture permit may authorize a nonresident falconer to capture any other raptor species authorized for capture in Washington.

(5) The taking of a legal raptor by a nonresident must comply with Washington regulations for the appropriate class of falconer. The nonresident raptor capture permit shall be valid for one year.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-172, filed 8/20/10, effective 9/20/10.]

WAC 220-420-120 Falconers moving to Washington. (1) If a falconer with a valid falconry permit issued by another state, territory, or tribe moves to Washington with the intent to establish residency, he must notify the department and apply for a Washington falconry permit after ninety days of residency in Washington.

(2) Prior to being issued a Washington falconry permit, the falconer may continue to hold all raptors which he/she legally held prior to his/her move. The department will issue

an appropriate class of permit based on the out-of-state permit and experience the applicant has possessed.

(3) Until the falconer has established official residency and a Washington permit has been issued, or until the permit expiration date occurs, the department will continue to recognize a valid permit issued from another state.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-173, filed 8/20/10, effective 9/20/10.]

WAC 220-420-130 Falconers moving out of Washington. The department will continue to recognize as valid a Washington falconer's permit for a falconer who has moved out-of-state until he/she has established official residency in the new state.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-174, filed 8/20/10, effective 9/20/10.]

WAC 220-420-140 Transport of raptors out-of-state. Raptors possessed by Washington falconers may be transported out-of-state. If the raptor dies or is lost while out of the country, the falconer must report the loss to the department immediately upon return to Washington.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-175, filed 8/20/10, effective 9/20/10.]

WAC 220-420-150 Acquisition, transfer, release, loss, or banding of a raptor. (1) Acquisition, transfer, rebanding, microchipping, release, loss, banding, or death of a falconry raptor must be reported to the department within ten days.

(2) If a raptor possessed by a falconer is stolen, the falconer must report the theft to the department and to the U.S. Fish and Wildlife Service Regional Law Enforcement office within ten days of the theft of the raptor.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-230, filed 8/20/10, effective 9/20/10.]

WAC 220-420-160 Take from the wild. (1) A falconer must report take of a raptor from the wild no later than ten days after the capture of the raptor.

(2) A falconer may take no more than two raptors from the wild each year to use in falconry.

(3) The number of wild-caught or captive-bred raptors transferred is not restricted, but a falconer may not exceed the possession limit of his/her class of falconry.

(4) A falconer may recapture a falconry raptor that he/she lost at any time. The recapture will not be considered a new take of a wild raptor.

(2/15/17)

(5) If a falconer transfers a raptor taken from the wild to another permittee in the same year in which it is captured, the raptor 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 raptor.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-210, filed 8/20/10, effective 9/20/10.]

WAC 220-420-170 Take of nestling at nest site. (1) It is unlawful to remove an immature raptor from a nest unless one or more live nestling raptors remain in the nest.

(2) A person other than a permitted falconer may climb to a raptor nest and remove a nestling for the falconer, but only with the falconer present at the nest site.

(3) The falconer taking a raptor must be present at the capture site. The falconer is considered the person who removes the raptor from the wild even if a proxy climber, or other person, captures the raptor for the falconer. The falconer is responsible for reporting take of the raptor from the wild.

(4) If a falconer is not at the immediate location where a raptor is taken from the wild for him/her, the person who removes the raptor from the wild must be a general or master falconer, and must report take of the raptor. If that person then transfers the raptor to another falconer, the originating falconer must report the transaction no later than ten days after the take of the raptor. The raptor will count as one of the two wild raptors that the falconer is allowed to capture in any year. The raptor will not count as a raptor taken from the wild by the recipient. The falconer who takes the raptor from the wild must report the take even if he/she promptly transfers it to another falconer.

(5) If a falconer has a long-term or permanent physical impairment or disability that prevents him/her from attending the capture of a raptor, a general or master falconer may capture a raptor for that falconer. The disabled falconer is responsible for reporting take of the raptor from the wild, and the raptor will count against the take of wild raptors he/she is allowed to take in any year. It will not count against the annual wild take for the falconer who captured the raptor for the disabled falconer.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-170, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-222, filed 8/20/10, effective 9/20/10.]

WAC 220-420-180 Capture of marked raptors. (1) A raptor wearing falconry equipment or a captive-bred raptor may be captured at any time even if the falconer capturing it is not authorized to possess the species. The falconer must report the capture of a raptor wearing equipment or a captive-bred raptor that is not his/her own to the department no more than five working days after the capture.

(2) The recaptured falconry raptor must be returned to the person who lost it if that person is authorized to possess it.

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If that person cannot possess the raptor or does not wish to possess it, it may be kept by the falconer who captured it without it counting as a wild take, but he/she must be authorized to possess it.

(3) Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the department. While the falconer who captured the raptor holds it for return to the person who lost it, the raptor will not count against his/her possession limit.

(4) With the exception of a banded peregrine falcon, a falconer may take any raptor authorized for his/her possession from the wild if the raptor is banded with a Federal Bird Banding Laboratory aluminum band.

(5) If a falconer captures a peregrine falcon with a research band, such as a colored band with alphanumeric codes, or a research marker attached to it, it must be immediately released. If the falcon has a transmitter attached to it, the capturing falconer is authorized to possess the raptor up to thirty days to allow time to contact the researcher to determine if he/she wants to replace the transmitter or its batteries. If the researcher wants to do so, or to have the transmitter removed, the researcher or his or her designee may make the change or allow the capturing falconer to do so before the raptor is released. If the researcher does not want to keep the transmitter on the falcon, the raptor may be kept if it was captured in circumstances in which capture of wild peregrines is allowed.

(6) If a falconer captures any other species of raptor that has any band, research marker, or transmitter attached to it, the band numbers and all other relevant information must be promptly reported to the Federal Bird Banding Laboratory at 1-800-327-2263. If the raptor has a transmitter attached to it, the capturing falconer is authorized to possess the bird up to thirty days to allow time to contact the researcher to determine if he/she wants to replace the transmitter or its batteries. If the researcher wants to do so, or to have the transmitter removed, the researcher or his or her designee may make the change or allow the capturing falconer to do so before the raptor is released. If the researcher does not want to keep the transmitter on the raptor, the raptor may be kept if it was captured in circumstances in which capture of that species of wild raptor is allowed.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-215, filed 8/20/10, effective 9/20/10.]

WAC 220-420-190 Acquiring a raptor for falconry from a permitted rehabilitator. A raptor of any age and of a species that can be lawfully possessed, may be acquired by a falconer directly from a rehabilitator or designee of WDFW. Transfer to the falconer is at the discretion of the department in consultation with the rehabilitator. It must be reported within ten days.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-190, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-232, filed 8/20/10, effective 9/20/10.]

WAC 220-420-200 Raptors injured due to falconer trapping efforts. (1) There are two options for dealing with a raptor injured during trapping efforts. In either case, the falconer involved with the capture is responsible for the costs of care and rehabilitation of the raptor.

(2) The raptor may be possessed by the falconer and reported within ten days after capture of the raptor. The raptor will count against his/her possession limit.

(3) The raptor may be given directly to a veterinarian, a permitted wildlife rehabilitator, or an appropriate department representative or delegate. It will not count against the allowed take or the number of raptors the falconer may possess.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-200, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-224, filed 8/20/10, effective 9/20/10.]

WAC 220-420-210 Banding or microchip tagging raptors used in falconry. (1) If a falconer takes a goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) from the wild or acquires one from a rehabilitator, it must be banded with a permanent, nonreusable, numbered U.S. Fish and Wildlife Service leg band that the department will supply. If desired by the falconer, he/she may purchase and implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in the raptor in lieu of a band. The falconer must report the action and the band number and/or microchip information within ten days.

(2) A raptor bred in captivity must be banded with a seamless metal band or have an implanted ISO-compliant (134.2 kHz) microchip. If a seamless band is removed, or if it is lost, report it and request a replacement U.S. Fish and Wildlife Service nonreusable band from the U.S. Fish and Wildlife Service. The falconer must report the action and the band number and the microchip information within ten days.

(3) A seamless band does not need to be applied until a nestling has developed sufficiently for the band to remain in place.

(4) If the band must be removed or is lost from a raptor in possession, report the loss of the band within five days, and request a replacement U.S. Fish and Wildlife Service nonreusable band from the department. Report the rebanding immediately.

(5) It is unlawful to alter, deface, or counterfeit a band. A falconer may smooth any imperfect surface on the rear tab of a band on a raptor taken from the wild if that action does not affect the integrity of the band or the numbering on it.

(6) If health or injury problems are documented for a raptor in possession that is caused by the band, the department will provide an exemption to the requirement for that raptor. In that case, the falconer shall keep and possess a copy of the exemption paperwork with him/her when transporting or flying the raptor. If the raptor is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the band must be replaced with an ISO-compliant microchip purchased by the falconer.

(7) A raptor removed from the wild shall not be banded with a seamless numbered band.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-210, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-310, filed 8/20/10, effective 9/20/10.]

WAC 220-420-220 Designation as a wild raptor. Raptors removed from the wild for falconry are always considered wild taken raptors, no matter how long they are held in captivity or whether they are transferred to other permittees or permit types. For the purposes of the number of wild raptors a falconer may take in a year, a raptor is considered to be taken from the wild only by the person who originally captured it. This raptor will not count against that number for the subsequent falconers to whom it is legally transferred.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-220, filed 8/20/10, effective 9/20/10.]

WAC 220-420-230 Captive propagation of raptors.

(1) A Washington falconry permit is required for anyone in the state to conduct raptor propagation with permitted native North American raptors. The director will cease to issue a specific raptor propagation permit for captive breeding and rearing of raptors at such time as this regulation becomes effective. Thereafter, the U.S. Fish and Wildlife Service will have the sole responsibility for issuing raptor propagation permits in Washington.

(2) The department may promulgate state regulations for the management of captive raptor propagation in addition to federal regulations for raptor propagation.

(3) Raptors possessed under a falconry permit may be used for captive propagation if the propagator has the required U.S. Fish and Wildlife Service propagation permit. It is not necessary to transfer a raptor from a state falconry permit to a U.S. Fish and Wildlife Service propagation permit if the raptor is used for fewer than eight months in a year for captive propagation. The raptor must be transferred by reporting that action if the raptor is permanently transferred for use in propagation. The raptor must then be banded as required by state and federal regulations. The offspring of captive raptors are considered as captive-bred.

(4) Raptors held under falconry and propagation permits shall be maintained in humane and healthful conditions.

(5) Wild-caught raptors taken in Washington may be used for propagation purposes, progeny shall not be sold or traded.

(6) A wild-caught falconry raptor may be transferred to a raptor propagation permit after the raptor has been used in falconry for at least two years, with the exception that transfer of a sharp-shinned hawk (*Accipiter striatus*), a Cooper's hawk (*Accipiter cooperii*), a merlin (*Falco columbarius*), or an American kestrel (*Falco sparverius*) is allowed after one year. This transfer shall be reported within ten days.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21,

(2/15/17)

Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-510, filed 8/20/10, effective 9/20/10.]

WAC 220-420-240 Hacking of falconry raptors. (1) Hacking is an approved method for falconers and propagators to condition raptors for falconry, rehabilitation, for return to the wild, or in preparation for sale of a captive-bred raptor. A general falconer or a master falconer may hack falconry raptors.

(2) Any raptor a falconer intends to hack with intent to continue to possess for recreational falconry counts against his/her permitted possession limit.

(3) Any hybrid a falconer hacks must have two attached functioning radio transmitters during hacking.

(4) A falconer may not hack a falconry raptor near a nesting area of a state or federally threatened or endangered animal species or in any other location where the raptor is likely to harm a state or federally listed threatened or endangered animal species that might be disturbed or taken by a falconry raptor being hacked.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-240, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-520, filed 8/20/10, effective 9/20/10.]

WAC 220-420-250 Closed areas for raptor trapping and practicing falconry.

(1) A falconry permit does not authorize a falconer to capture or release raptors or practice falconry on public lands where it is prohibited, on private property without permission from the landowner or custodian, or on tribal lands without permission. Falconry raptors may drift from the control of the falconer. It is the falconer's responsibility to receive permission to enter to retrieve a falconry raptor from public land where falconry is prohibited, or from private or tribal lands.

(2) Trapping raptors for falconry is not allowed in the Debay and Johnson Slough Unit, the Fir Island Farms Reserve Unit, or the Headquarters (Skagit) Unit in the western half of the Skagit Wildlife Area.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-260, filed 8/20/10, effective 9/20/10.]

WAC 220-420-260 Transfer, selling, or trading raptors under a falconry permit.

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

(2) Wild taken raptors may not be purchased, sold, traded, or bartered. Exchanging raptors with other falconers is not considered to be barter or trade.

(3) It is unlawful to transfer a wild caught raptor to out-of-state recipients for one year from the date of capture.

(4) A raptor may be transferred to another permit type if the recipient of the raptor, which could be the same transfer-

ring falconer, possesses the necessary permits for the other activity.

(5) A wild-caught falconry raptor may be transferred to another permit type in less than two years with the exception of one year for a sharp-shinned hawk (*Accipiter striatus*), a Cooper's hawk (*Accipiter cooperii*), a merlin (*Falco columbarius*), or an American kestrel (*Falco sparverius*), if the raptor has been injured, and a veterinarian or permitted wildlife rehabilitator has determined that the raptor can no longer be flown for falconry. Report this transaction within ten days and provide a copy of the certification from the veterinarian or rehabilitator that the raptor is not useable in falconry to the department.

(6) A surviving spouse, executor, administrator, or other legal representative of a deceased falconry or raptor propagation permittee may transfer any raptor held by the permittee to another authorized permittee within ninety days of the death of the falconry permittee. After ninety days, disposition of a raptor held under the permit is at the discretion of the department.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-260, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-244, filed 8/20/10, effective 9/20/10.]

WAC 220-420-270 Inspections. (1) Falconry, abatement, and propagation raptors, facilities, records, and equipment may be inspected in the presence of a falconry permittee during business hours, or reasonable time of the day, and on any day of the week by state, federal, or other authorized officials.

(2) If a falconer's facilities are not on property owned by the falconer, he/she must submit to the department a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected without advance notice, at any reasonable time of the day in the presence of the property owner.

(3) Inspecting authorities may not enter the facilities or disturb the raptors unless the falconer is present.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-270, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-410, filed 8/20/10, effective 9/20/10.]

WAC 220-420-280 Facilities are required for possession of falconry or abatement raptors. (1) A resident falconer in Washington must maintain approved facilities for housing raptors used in recreational falconry or in abatement. Nonresident falconers must house falconry raptors in adequate temporary facilities.

(2) Raptor facilities shall be approved by the department before a new falconry permittee obtains a raptor.

(3) The U.S. Fish and Wildlife Service establishes standards and specifications for raptor propagation facilities.

(4) All raptors held under a falconry or abatement permit shall be maintained in humane and healthful conditions.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-280,

filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-420, filed 8/20/10, effective 9/20/10.]

WAC 220-420-290 Falconry facilities on property not owned by falconry permittee. Falconry facilities may be on property owned by another person where a falconer resides, or at a different location.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-290, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-430, filed 8/20/10, effective 9/20/10.]

WAC 220-420-300 Facilities and care requirements and guidelines. (1) For housing wild raptors indoors or outdoors, the facility must protect raptors from predators, the environment, and domestic animals. The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors.

Untethered raptors may be housed together if they are compatible with each other. Each raptor must 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 contacting other raptors. Each raptor must have a pan of clean water available unless weather conditions, the perch type used, or other factor makes access to a water pan unsafe for the raptor.

(2) An indoor facility must be large enough to allow for the care and feeding of raptors kept there. Acceptable indoor facilities include perch enclosures where raptors are tethered side by side. If raptors in an indoor facility are not tethered, all walls that are not solid must 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.

(3) Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers. A falconry raptor or raptors may be kept inside a residence if a suitable perch or perches are provided. If inside a home, windows or other aspects of the structure do not need modification. Raptors kept in a home must be tethered when they are not being moved into or out of the location in which they are kept, exercised, worked with, or trained.

(4) An outdoor facility may be made of wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material. The facility must have at least a covered perch to protect a raptor held in it.

(5) New and different types of housing facilities and/or husbandry practices may be used if they satisfy the basic requirements above.

(6) Falconry raptors may be kept outside in the open if they are under watch, at any location, or by a designated individual, for example in a weathering yard.

(7) The department must be informed within five business days if a permittee moves his/her falconry facilities to another location.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-300, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-440, filed 8/20/10, effective 9/20/10.]

WAC 220-420-310 Required equipment. A falconer must have appropriate jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptor(s) in possession.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-310, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-450, filed 8/20/10, effective 9/20/10.]

WAC 220-420-315 Facilities for a raptor when in transport, using it for hunting, or are away from facilities, and temporary housing. (1) A raptor must have a suitable perch and protection from extreme temperatures, wind, and excessive disturbance. A "giant hood" or similar container is an example of an acceptable means for transporting and/or housing a raptor when away from a falconry facility.

(2) A raptor may be temporarily housed outside of a falconer's permanent facilities when a falconer is not transporting it or using it for hunting for no more than one hundred twenty consecutive calendar days if the raptor has suitable facilities as described in WAC 220-420-300.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-420-315, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-460, filed 8/20/10, effective 9/20/10.]

WAC 220-420-320 Care of falconry raptors by another person. (1) Another falconry permittee may care for a raptor or raptors for a falconry permittee at the permittee's facilities or at the caregiver's facilities for up to one hundred twenty consecutive calendar days. The caregiver falconer must have a signed and dated statement from the permittee that authorizes the temporary possession of the raptor, plus a copy of FWS Form 3-186A that shows that the permittee is the possessor of the raptor(s). The statement must include information about the time period for which the caregiver will keep the raptor(s), and about what the caregiver is allowed to do with the raptor(s). The raptor(s) will remain on the permittee's falconry permit, and will not be counted against the possession limit of the caregiver falconer. If the person caring for the raptor(s) holds the appropriate level falconry permit, he/she may fly the raptor(s) including hunting.

(2) Another person who does not have a falconry permit may care for falconry raptor(s) possessed at the permittee's facilities for up to forty-five consecutive calendar days. The raptor(s) will remain on the permittee's falconry permit. The raptor(s) must remain in the authorized facilities. The person(s) caring for the raptor(s) may not fly them for any reason.

(3) The care of the falconer's raptor(s) may be extended by written request to the department in extenuating circum-

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stances, such as illness, military service, or for a family emergency.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-320, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-470, filed 8/20/10, effective 9/20/10.]

WAC 220-420-330 Abatement activities with captive raptors. (1) There is no specific Washington state abatement permit. The U.S. Fish and Wildlife Service has the sole responsibility for issuing special purpose abatement permits in Washington. An abatement operator, or subpermittees thereof, must possess a valid falconry permit from Washington, another state, tribe, or country. A falconry permit is not required for a person who is not engaged in flying a raptor, such as caring for, handling, or otherwise assisting the operator.

(2) An abatement operator, or subpermittees thereof, and raptor handlers using captive bred origin raptors may receive payment for providing abatement services if they are listed in a U.S. Fish and Wildlife Service Abatement Permit. Abatement activities shall comply with any federal depredation order/permit and take permits. The abatement operator may be required to possess a Washington permit issued by the director for the take of wildlife (RCW 77.12.240 and 77.36.030). It is the responsibility of the abatement operator to possess all other relevant state and local permits.

(3) A master falconer may independently conduct abatement activities. A general or apprentice falconer, may conduct abatement activities only as a subpermittee of the holder of the federal abatement permit. A raptor handler who is not engaged in active flying of the raptor is not required to possess a falconry permit.

(4) Wildlife taken under abatement and depredation permits may be stored and/or used as food for raptors.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-330, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-530, filed 8/20/10, effective 9/20/10.]

WAC 220-420-340 Flying a hybrid raptor in falconry. When flown free, a hybrid raptor must have at least two attached radio transmitters.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-340, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-240, filed 8/20/10, effective 9/20/10.]

WAC 220-420-350 Use of falconry raptors in education programs. (1) A general or master falconer may use a raptor in education programs presented in public venues. A permitted falconer does not need a state scientific collection permit or a federal special purpose possession for education permit for public display to conduct education activities using a falconry raptor held under a state, tribal, or territorial falconry permit.

(2) An apprentice falconer may present education programs if under the supervision of a general or master falconer.

(3) A raptor used by a falconer for education must be one primarily used for falconry. A fee for presentation of an education program may be charged, but the fee may not exceed the amount required to recoup the falconer's costs.

(4) In presenting conservation education programs, a falconer must provide information about the biology, ecological roles, and needs of raptors or other migratory birds, although not all of these topics must be addressed in every presentation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-350, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-540, filed 8/20/10, effective 9/20/10.]

WAC 220-420-360 Other uses of falconry raptors. (1)

Falconry raptors may be used in photography, filming, or other such uses 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, although a falconer may not be paid for doing so.

(2) A falconer may not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry.

(3) Falconry raptors may not be used 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:

(a) A falconry raptor may be used to promote or endorse a nonprofit falconry organization or association.

(b) A falconry raptor may be used 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 materials, and scientific research and publication.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-360, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-550, filed 8/20/10, effective 9/20/10.]

WAC 220-420-370 Feathers molted by falconry raptors. (1)

A falconer may possess feathers for each species of raptor authorized to be possessed for as long as the falconer has a valid falconry permit. Falconers may receive feathers of any species authorized to be possessed from other permitted falconers, wildlife rehabilitators, propagators, or other authorized entities in the United States. Feathers may be exchanged with those entities. Raptor feathers and all feathers of other state and federally protected raptors shall not be bought, sold, bartered, or otherwise used for commercial purposes.

(2) A falconer may donate feathers from a falconry raptor, except golden eagle feathers, to any person or institution

with a valid permit to possess them, or to anyone exempt from a permit requirement for feather possession.

(3) Except for primary or secondary flight feathers or retrices from a golden eagle (*Aquila chrysaetos*), the falconer is not required to gather feathers that are molted or otherwise lost by a falconry raptor. A falconer may leave the feathers where they fall, store them, or destroy them.

(4) A falconer must collect molted flight feathers and retrices from a golden eagle. If the falconer chooses not to keep them for imping, golden eagle (*Aquila chrysaetos*) feathers must be sent to the National Eagle Repository.

(5) Send all other feathers (including body feathers) collected from any falconry golden eagle (*Aquila chrysaetos*), that are not needed for imping, to the National Eagle Repository.

(6) Any feathers of falconry raptors in the possession of a falconer, except golden eagle (*Aquila chrysaetos*) feathers, whose permit is expired, suspended, or revoked must be donated to any person or any institution exempt from the permit requirement or authorized by permit to acquire and possess the feathers. If the feathers are not donated, they must be burned, buried, or otherwise destroyed.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-370, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-570, filed 8/20/10, effective 9/20/10.]

WAC 220-420-380 Disposition of carcasses of falconry raptors that die. (1)

The entire body of a golden eagle (*Aquila chrysaetos*), including all feathers, talons, and other parts, must be sent to the National Eagle Repository.

(2) The body or feathers of any other species of raptor may be donated to any person or institution exempt or authorized by permit to acquire and possess such parts or feathers.

(3) The body of any raptor, except that of a golden eagle (*Aquila chrysaetos*), may be kept so that the feathers are available for imping, or that the body may be mounted by a taxidermist. The mount may be displayed in giving education programs. If the raptor was banded, the band must be left on the leg. If the raptor has an implanted microchip, the microchip must be left in place.

(4) If the raptor body or feathers are not donated or kept with the falconer, it must be burned, buried, or otherwise destroyed within ten days of the death of the raptor or after final necropsy by a veterinarian. Carcasses of euthanized raptors could pose a risk of secondary poisoning to scavenging wildlife. A falconer must take appropriate precautions to avoid such poisonings.

(5) If the raptor body and its parts are retained by the falconer, the body and its parts may be possessed for as long as the falconer has a valid falconry permit. Raptor bodies including all parts, and other state and federally protected birds, shall not be bought, sold, bartered, or otherwise used for commercial purposes.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-380, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-580, filed 8/20/10, effective 9/20/10.]

WAC 220-420-390 Provisions for accidental take by falconers. (1) When a raptor being used in falconry accidentally takes any species of wildlife (quarry) for which the hunting season is not currently open, the falconer must release the quarry if it is not seriously injured. If the quarry has been seriously injured or killed, the falconer may not retain or possess the quarry, but the raptor may feed upon the quarry before leaving the site of the kill.

(2) If the accidentally killed quarry is a species identified on the Washington candidate species list (for endangered, threatened, or sensitive status) or is a federally or state endangered or threatened species, or specifically identified by the director, the falconer shall, before leaving the site of the kill, record upon a form provided by the department, or upon a facsimile, the falconer's name, falconry permit number, date, species and sex (if known) of the quarry, and exact location of the kill. The falconer shall submit the information to the department by April 1st following the close of the current hunting season or within ten days of the kill if not during a hunting season. A falconer must also report take of any federally threatened or endangered listed species to the U.S. Fish and Wildlife Service.

(3) Accidental kill by any falconer in any license year shall not exceed a total of five individuals of any combination of species designated under subsection (2) of this section. Following an accidental kill by any falconer of any species designated under subsection (2) of this section, the falconer shall cease hunting for the day.

(4) Falconers must ensure that their activities do not cause the take of federally or state listed threatened or endangered wildlife, for example, by avoiding flying a raptor in the vicinity of the listed species. Notwithstanding any other section of this rule, take of species designated as endangered, threatened, or sensitive in Washington under WAC 220-200-100 or 220-610-010 is not permitted except by permit from the director.

(5) Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-420-390, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-250, filed 8/20/10, effective 9/20/10.]

WAC 220-420-400 Falconers assisting in rehabilitation of raptors to prepare them for release. (1) A general or master falconer may assist a state and federally permitted migratory bird rehabilitator or the department to treat and condition raptors in preparation for their release to the wild. The rehabilitator must provide the falconer with a letter, note, or form that identifies the raptor and explains that the falconer is assisting in its rehabilitation. A falconer may keep a raptor undergoing rehabilitation at an approved raptor facility. The facility does not need to meet rehabilitation facility standards. A falconer may assist the department by trapping raptors for rehabilitation, or for wildlife control for release back to the wild.

(2) A raptor held for rehabilitation does not need to be added to a falconry permit. It will remain under the rehabilitator's permit.

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(3) Any raptor that cannot be permanently released to the wild must be returned to the rehabilitator or the department within the one hundred eighty-day time frame in which the rehabilitator is authorized to possess the raptor, unless the department authorizes the raptor's detention for longer than one hundred eighty days, or unless the rehabilitator or department transfers the raptor to the falconer to possess or hold under his/her falconry permit.

(4) Before releasing a threatened or endangered migratory raptor, it must comply with any requirements for the release from the department and the U.S. Fish and Wildlife Service.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-400, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-560, filed 8/20/10, effective 9/20/10.]

WAC 220-420-410 Releasing a falconry raptor to the wild permanently. (1) A species not native to Washington, or a hybrid of any kind, may not be permanently released to the wild intentionally.

(2) If the species a falconer wants to release is native to Washington and is captive-bred, it may not be released to the wild intentionally without permission from the department. The raptor may be hacked to the wild at an appropriate time of year and an appropriate location. If banded, the falconry band must be removed, and the falconer shall report the release.

(3) If the species a falconer wants to release is native to Washington and was taken from the wild, it may be released at an appropriate time of year and an appropriate location. If the raptor is banded with a cable-tie falconry band, the falconer must remove the band before releasing the raptor. The falconer shall report the release.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-420-410, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-30-242, filed 8/20/10, effective 9/20/10.]