



ADMINISTRATIVE RULES OF MONTANA



12.6.1112 TAKING, POSSESSING, AND TRANSPORTING RAPTORS FOR FALCONRY

- (1) A permittee may not intentionally capture a raptor species that their classification as a falconer does not allow them to possess. If a permittee captures such a bird, it must be released immediately.
- (2) A resident falconer may take no more than two raptors from the wild each calendar year to use in falconry. Nonresident falconers must possess a valid state permit for take of raptors from the wild.
 - (a) Take of peregrine falcons from the wild is limited to time periods specified by annual rules. Take is limited to permittees who have received a peregrine take permit from the department and the conditions associated with that permit.
 - (b) Transfer of a bird taken from the wild to another permittee in the same calendar year of capture will count as one of the raptors allowed to be taken from the wild that year for the permittee who captured the bird. It will not count as a capture by the recipient, though it will always be considered a wild bird.
 - (c) A general or master falconer may remove nestlings from a nest or aerie.
 - (d) Raptors may not be taken at any time or in any manner that violates any law of the state, tribe, or agency on whose land a permittee is trapping.
 - (e) A raptor taken from the wild must be reported by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department. Reporting must be done at the first opportunity to do so, but no later than ten days after the capture of the bird.
 - (f) If a permittee who intends to possess a bird is present at the capture site, he or she is considered the person who removes the bird from the wild and is responsible for filing a 3-186A form or by submitting the information electronically as authorized by the department reporting take of the bird from the wild even if another person captures the bird for the permittee.
 - (g) If a permittee is not at the immediate location where the bird is taken from the wild, the person who removes the bird from the wild must be a general or master falconer, and must report take of the bird. If that person then transfers the bird to the permittee, both must file 3-186A forms or submit the information electronically as authorized by the department reporting the transaction at the first opportunity to do so, but no later than ten days after the transfer. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird the permittee took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to the permittee.

- (h) If a permittee has a long-term or permanent physical impairment that prevents the permittee from attending the capture of a species for falconry, a general or master falconer may capture a bird for the permittee. The permittee is then responsible for filing a 3-186A form or by submitting the information electronically as authorized by the department reporting the take of the bird from the wild and the bird will count against the take of wild raptors that the permittee is allowed in any year.
- (3) Other restrictions on taking raptors from the wild for falconry:
- (a) A general or master falconer may take raptors less than one year of age from the wild. However, an American kestrel or great horned owl of any age may be taken from the wild.
 - (b) A master falconer authorized to possess golden eagles for use in falconry, may capture an immature or subadult golden eagle in a livestock or wildlife depredation area during the time the depredation area is in effect and only in compliance with regulations contained in 50 C.F.R. 21.29(e)(3)(iii).
 - (c) Recapture of a lost falconry bird can be done at anytime. Recapture of a wild bird is not considered to be taking a bird from the wild.
 - (d) Recapture of a raptor wearing falconry equipment or a captive-bred bird may be done at any time even if possession of that species is not allowed. The recaptured bird will not count against possession limit or the take from the wild limit. Recapture of the bird must be reported to the department no more than five working days after the recapture. The bird must be returned to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the department.
 - (e) A bird banded with a Federal Bird Banding Laboratory aluminum band may be taken from the wild except a banded peregrine falcon.
 - (f) At least one young must be left in the nest or aerie when taking a nestling.
 - (g) An apprentice falconer may not take a nestling from the wild.
 - (h) A general or master falconer with a valid federal endangered species permit and an endangered species permit from the department may take no more than one bird of a threatened species from the wild each year if the regulations in 50 C.F.R.21.17 allow it.
- (4) If a raptor is injured due to falconer trapping efforts, there are two options for dealing with the injured bird:
- (a) The bird may be reported as take by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department at the first opportunity to do so, but no more than ten days after capture of the bird. The bird must be treated by a veterinarian or a permitted wildlife rehabilitator and the bird will count against the permittee's possession limit.
 - (b) The bird may be given directly to a veterinarian, a permitted wildlife rehabilitator, or an appropriate wildlife agency employee. It will not count against the permittee's allowed take or the number of raptors possessed.
- (5) If a permittee acquires a raptor; transfers, rebands, or microchips a raptor; if a raptor is stolen; if a raptor is lost to the wild and not recovered within 30 days; or if a bird for falconry dies, the

permittee must report the change within ten days by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department.

- (6) If a raptor is stolen, the theft must be reported to the department and to the fish and wildlife service regional law enforcement within ten days of the theft of the bird.
- (7) A raptor of any age may be acquired directly from a rehabilitator at the discretion of the rehabilitator. A bird acquired from a rehabilitator:
 - (a) Must be reported within ten days of the transaction by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department; and
 - (b) Will count as one of the raptors the permittee is allowed to take from the wild that calendar year.

Authorizing statute(s): 87-1-201, 87-5-204, MCA

Implementing statute(s): 87-5-204, 87-5-206, 87-5-208, MCA

History: Eff. 12/31/72; AMD, Eff. 5/1/77; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09; AMD, 2012 MAR p. 501, Eff. 3/9/12.