

Texas Falconry Regulations: 2006

§65.261 Applicability

This subchapter applies to all raptors indigenous to state of Texas.

§65.262 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. All other words and terms shall have the meanings assigned by Parks and Wildlife Code.

- (1) Captive bred--Raptors, including eggs hatched in captivity, from parents that mated or otherwise reproduced in captivity.
- (2) Educational display--Activities conducted for the purposes of encouraging management and conservation of raptors or furthering awareness and understanding among the general public of the biology of protected wildlife.
- (3) Eyas--A young raptor taken from the nest or still in the nest.
- (4) Holding--Retaining in captivity.
- (5) Imping--The use of a feather to replace a broken feather of a raptor.
- (6) Mew--An indoor facility for keeping a raptor.
- (7) Passage bird--A raptor less than one year of age that has left the nest.
- (8) Raptor--A live migratory bird of the Order Falconiformes or the Order Strigiformes.
- (9) Release to the wild--Release of wildlife to an area where it is capable of leaving at will.
- (10) Take--To trap or capture, or attempt to trap or capture, a wild raptor.
- (11) Weathering area--Outdoor facilities providing a raptor protection from the environment.

§65.263 General Provisions

- (a) No person shall take or possess a raptor in this state unless that person possesses valid state and federal permits to do so.
- (b) Public display of raptors shall be:
 - (1) for educational display purposes only; and
 - (2) shall be performed only by general or master permit holders or apprentice permit holders under the direct supervision of a general or master permit holder.
- (c) General and master permittees may not sponsor more than three apprentices at one time.

§65.264 Applications and Permits

- (a) All permit applications shall be made using forms supplied by the department and shall be submitted with a copy of the applicant's federal falconry permit, or a copy of the completed application for the federal falconry permit.
- (b) Upon receipt of a completed application and applicable fees, the department shall forward the application to the U.S. Fish and Wildlife Service for concurrence and final processing prior to the issuance of a state permit.

- (c) No state permits shall be issued until the applicant's facilities have passed an inspection conducted by a department representative.
- (d) Permits may be issued for any period of time not exceeding three years from date of issuance and shall expire on June 30.
- (e) The requirements of subsections (b) - (d) do not apply to applications for a nonresident trapping permit.

§65.265 Permit Classes: Qualifications and Restrictions

A person who is not a resident of this state may not hold any permit issued under this subchapter other than a nonresident trapping permit.

- (1) Apprentice class permittees.
 - (A) Qualifications. An applicant for an apprentice falconry permit must:
 - (i) be at least 14 years of age;
 - (ii) have a sponsor at the general or master class during their apprenticeship; and
 - (iii) have passed, with a minimum score of 80, a supervised, department administered falconry examination.
 - (B) Restrictions. An apprentice class permittee:
 - (i) may possess only one of the following: American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), or red-shouldered hawk (*Buteo lineatus*). A bird in possession of an apprentice under this subparagraph must have been trapped by the apprentice. Any red-tailed hawk or red-shouldered hawk in possession must have been captured as a passage bird;
 - (ii) may not replace a raptor more than once between July 1 of one year and June 30 of the immediately following year;
 - (iii) must secure a new sponsor within 30 calendar days in the event of sponsorship termination. Failure to secure a new sponsor and notify the department in writing may result in permit revocation; and
 - (iv) may not take eyas raptors.
- (2) General class permittees.
 - (A) Qualifications. An applicant for a general class falconry permit must:
 - (i) be at least 18 years of age; and
 - (ii) have at least two years of verified experience at the apprentice level. Verification shall be in the form of a signed affidavit(s) from the applicant's sponsor(s) attesting that the applicant has flown a bird possessed under the applicant's permit for a minimum of four months/per year over each twelve-month period of the apprenticeship.
 - (B) Restrictions. A general class permittee:
 - (i) may not possess more than two raptors;
 - (ii) may not replace more than two raptors between July 1 of one year and June 30 of the immediately following year; and
 - (iii) must send written notification to the department within five calendar days in the event of sponsorship termination.

- (3) Master class permittees.
 - (A) Qualifications. An applicant for a master class falconry permit must have at least five years of experience of falconry at the general level.
 - (B) Restrictions. A master class permittee:
 - (i) may not possess more than three raptors;
 - (ii) may not replace more than three raptors between July 1 of one year and June 30 of the immediately following year; and
 - (iii) must send written notification to the department within five calendar days in the event of sponsorship termination.

- (4) Raptor propagator:
 - (A) Qualifications. An applicant for a raptor propagator permit must:
 - (i) be a resident of Texas;
 - (ii) be 18 years of age or older;
 - (iii) have at least five years of experience in the practice of falconry; and
 - (iv) possess a valid general or master permit.
 - (b) Restrictions. Raptor propagators may not possess or breed species of raptors listed as endangered unless the propagator can document proof of seven years' experience caring for and handling raptors.

- (5) Nonresident trapping permittees:
 - (A) Qualifications: An applicant for a nonresident trapping permit must possess a license, issued by their state of residence, equivalent to the Texas general or master falconer license.
 - (B) Restrictions: A nonresident shall not trap more than one raptor per year in this state.

§65.266 General Facility Standards

- (a) Permit holders shall comply with the applicable facilities and equipment standards of this subchapter in addition to any specific requirements stated in their permits. All facilities and equipment are subject to inspection by the department.
- (b) Permit holders shall provide facilities appropriately sized, constructed, and maintained so as to provide a safe environment for raptors held under a permit issued under the authority of this subchapter. The primary consideration for raptor housing facilities, whether indoors (mews) or outdoors (weathering area), is protection from the elements, predators and undue disturbance.
 - (1) Clean water shall be available at all times except when medical circumstances require the temporary denial of water.
 - (2) Veterinary care shall be available to all raptors.
- (c) Permittees shall maintain facilities that meet the following standards.
 - (1) Indoor facility standards.
 - (A) In any facility housing more than one raptor, the raptors shall be tethered or separated by partitions.

- (B) Each raptor in possession must be provided with a minimum of 32 square feet and the area must be large enough to allow the raptor to fully extend its wings.
- (C) There shall be at least one window, protected on the inside by vertical bars spaced narrower than the width of the raptor's body, and a secure door that can be easily closed.
- (D) The floor of the mew shall permit easy cleaning and shall be well drained.
- (E) Adequate perches shall be provided.
- (2) Outdoor facility (weathering area) standards.
 - (A) Weathering areas shall be fenced and covered with netting or roofed to protect the raptors from disturbance and attack by predators.
 - (B) The enclosed area shall be large enough to insure that raptors cannot strike the fence when flying from a perch.
 - (C) A weathering facility shall provide each raptor with adequate protection from excessive sun, wind, and inclement weather.
- (3) Only one facility is required if it meets the requirements for both indoor and outdoor facilities.
- (d) Permittees shall have at least one each of the following items:
 - (1) gauntlet glove;
 - (2) one pair of aliymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free (traditional one piece jesses may not be used at any time);
 - (3) hood;
 - (4) a strong swivel of acceptable falconry design per raptor;
 - (5) a reliable scale or balance suitable for weighing a raptor, graduated to increments of not more than 1/2 ounce (15 grams);
 - (6) a flexible, weather-resistant leash per raptor;
 - (7) a bath container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor; and
 - (8) one portable perch for each raptor.
- (e) A raptor may be held in temporary facilities not to exceed 30 days. Temporary facilities shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances. The provisions of this subsection include authorization to transport a raptor to and from a temporary facility.
- (f) Another general or master falconer may care for the raptors of a permit holder for up to 30 days if written authorization from the permit holder accompanies the raptors when they are transferred.
- (g) Feathers that are molted and feathers from raptors that die in captivity may be retained and exchanged by permit holders only for imping purposes.

§65.267 Reports

Permittees shall submit to the department a legible copy of any federal form or report submitted to the U.S. Fish and Wildlife Service at the same time such paperwork is forwarded to that agency.

§65.269 Trapping Seasons and Collecting Area

- (a) The trapping season for raptors begins September 15 and ends December 31. The season for taking eyasses begins May 1 and ends June 30. A marked raptor may be retrapped at any time.
- (b) Except as expressly authorized in writing by the department, raptors shall not be trapped at any time in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, or Terrell Counties.
- (c) No eggs may be taken from raptor nests.
- (d) Eyasses shall be taken only by a general or master falconer. No person shall take more than two eyasses during the season for taking eyasses.
- (e) Only American kestrels (*Falco sparverius*) and great-horned owls (*Bubo virginianus*) may be taken when over one year old.
- (f) Any raptor other than an endangered species taken under a federal depredation (or special purpose depredation) permit may be used for falconry by a general or master falconer. Endangered species taken under a depredation permit shall not be released to the wild without prior department approval of the release site.
- (g) Nonresidents in possession of a valid Nonresident Trapping Permit may trap raptors from the wild according to the terms of the permit.

§65.270 Marking

- (a) No person may possess an unmarked gyrfalcon, peregrine falcon, or Harris hawk under a permit issued pursuant to this subchapter unless the person has notified the department within two business days of acquisition. Upon notification, the department shall issue a numbered nonreusable marker supplied by the U.S. Fish and Wildlife Service, which must be attached to the raptor immediately upon receipt.
- (b) It is unlawful for any person to alter, counterfeit, or deface a marker, except that a permit holder may remove the rear tab on markers and smooth an imperfect surface, provided the integrity of the marker and numbering are not affected.

§65.271 Trapping and Sale

- (a) A general or master permit holder may transfer raptors to another general or master permit holder.
- (b) Not more than one out-of-state transfer of a wild-trapped raptor may be made during any 12-month period by a permit holder.
- (c) A general or master permit holder may buy raptors from any legal source and may sell captive-bred raptors to another general or master permit holder in this state and to persons outside the state who are authorized under federal and state law to purchase raptors.

§65.272 Change of Address

The department shall be notified within 14 days of any change of address of a permit holder within the state.

§65.273 Temporary Relocation out of State

A permit holder who temporarily relocates to another state may maintain a Texas falconry permit provided a permanent residence is maintained by the permittee in the State of Texas. A falconry permit may be reissued for one two-year period for any

permit holder temporarily residing out of state. A permit holder who has remained out of state for a period longer than two years will be presumed to have established permanent residence in another state and a Texas falconry permit will not be reissued.

§65.274 Permanent Relocation to Texas

A person holding a valid falconry permit issued by another state and who is establishing residence in Texas must apply to the department for a Texas falconry permit within ten days of bringing permitted raptors to the state. The department shall determine permit issuance based on previous licensed experience obtained in other states.

§65.275 Special Provisions

Raptors possessed prior to January 15, 1975, and their progeny may be retained and shall not be part of the number of raptors authorized by a permit.

§65.276 Open Seasons and Bag Limits

There shall be an open season during which game animals and game birds except for migratory birds may be taken by means of falconry.

- (1) Open season: September 1-August 31.
- (2) Daily bag and possession limits:
 - (A) game animals: as specified for individual counties in Subchapter A of this chapter (relating to Statewide Hunting and Fishing Proclamation);
 - (B) game birds other than migratory birds: one per day, either sex, per raptor, and the possession limit is two, either sex, per raptor.

§65.277 Violations and Penalties

- (a) Any violation of Parks and Wildlife Code, a regulation of the commission, or provision of a permit shall be cause for the department, at its discretion, to deny further permit issuance.
- (b) Penalties for a violation of this chapter are as provided by Parks and Wildlife Code, §49.017.