

## § 7:25-5.16 General falconry rules

(a) The following rules govern the taking, possession, training, transfer, marking and housing facilities of raptors, the classification of permittees and the use of raptors for falconry, to take, kill, or pursue wild birds or wild animals.

1. Definitions: The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

i. Falconry: The sport of hunting with trained raptors--including the training of raptors. The use of raptors to hunt, take, kill, pursue to attempt to take wild game animals.

39

ii. Raptors: Live birds of the family Accipitrididae, other than the bald eagle (*Haliaeetus leucocephalus*) or of the family Falconidae or the great horned owl (*Bubo virginianus*) of the family Strigidae.

iii. Take: To trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry. iv. Facilities: Equipment and shelters necessary to protect, house and train raptors. v. Nestlings or eyasses: Young raptors not yet capable of flight. vi. Passage birds: Raptors in their first year of life.

vii. Permit Year: All permits expire on June 30 of the third calendar year after issue.

viii. Transfer: To convey, carry, remove or send from one person, place, or position to another.

ix. Sponsor: A holder of a general or master falconry permit who has accepted the responsibility for the conduct and training of an apprentice falconer.

x. Endangered, threatened: Includes all raptors appearing on a U.S.

Department of Interior or N.J. Division of Fish and Wildlife list of endangered, threatened or rare species.

xi. Captive bred: Raptors hatched and raised in captivity by breeders with necessary Federal permits.

xii. Hacking-back: Return of a captive raptor to the wild through the gradual process, eliminating any dependency on man.

xiii. Imping: The replacement of broken or damaged wing or tail feathers by affixing previously molted feathers to the damaged feather.

2. Classes of permits are as follows:

i. Apprentice: Permittee shall be at least 14 years of age.

(1) A sponsor who is holder of a general or master falconry permit is required for all permittees in the apprentice class. Apprentice permittee must notify the Division of Fish and Wildlife in writing 10 days after his or her sponsorship has been withdrawn for any reason.

(2) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.

(3) Permittee may possess a red-tailed hawk (*Buteo jamaicensis*).

ii. General: Permittee shall be at least 18 years of age.

(1) Permittee shall have been licensed at least two years as an apprentice falconer and have had a raptor in possession for at least 12 months. Permittee shall have had two seasons of active field flying experience with a raptor. Sponsor for apprentice must certify in writing that the apprentice is now qualified to become a general falconer.

(2) Except as provided below, a permittee may not have more than

two raptors in possession and may not take more than two raptors for replacement birds during any one permit year. A General Class falconer may apply for approval to possess a third raptor. A General Class falconer who wishes to possess three raptors shall first contact the Division and demonstrate that the falconer has the time, equipment, and facilities to ensure all birds are properly housed, adequately exercised and used for hunting.

40

(3) Permittee may not take, transport or possess any golden eagle (*Aquila chrysaetos*) or any species listed as endangered or threatened by the U.S. Department of the Interior or the N.J. Division of Fish and Wildlife provided, however, that captive bred birds, or a species legally acquired from the wild from states outside New Jersey where it is not classified as endangered or threatened, may be possessed. Eyass birds or nestlings of threatened or endangered raptors may not be taken within New Jersey. Passage peregrine falcons (*Falco peregrinus*) may be taken in compliance with this Code (N.J.A.C. 7:25-5) and Federal regulations.

(4) Permittee who refused sponsorships of any apprentice applicant for any reason shall report his or her reasons for his or her refusal to the N.J. Division of Fish and Wildlife in writing within 10 days upon written request of the Division.

iii. Master: Permittee shall have at least five years of falconry experience in the practice of falconry at the general class. A raptor shall have been in possession for no less than 36 months during this time.

(1) Except as provided below, a permittee may not possess more than three raptors, and may not take more than two raptors for replacements during any permit year. A Master Class falconer may apply for approval to possess up to an additional two raptors. A Master Class falconer who wishes to possess more than three and

up to five raptors shall first contact the Division and demonstrate that the falconer has the time, equipment, and facilities to ensure all birds are properly housed, adequately exercised and used for hunting.

(2) A permittee may not take, transport or possess any species listed as endangered on an U.S. Department of Interior or N.J. Division of Fish and Wildlife list, provided, however, that captive bred birds, or a species legally acquired from the wild from outside New Jersey where it is not classified as endangered or threatened may be possessed. Eyass birds or nestlings of threatened or endangered species may not be taken within New Jersey. Passage peregrine falcons (*Falco peregrinus*) may be taken in compliance with this Code (N.J.A.C. 7:25-5) and Federal regulations.

(3) Permittee may not take, transport or possess any golden eagle for falconry purposes unless authorized in writing by the N.J. Division of Fish and Wildlife.

(4) A permittee may not take, transport or possess as part of his or her three bird limitation, more than one raptor listed as threatened on U.S. Department of the Interior or New Jersey Division of Fish and Wildlife list and then only in compliance with all Federal requirements and written permission from the New Jersey Division of Fish and Wildlife.

(5) Permittee who refuses sponsorship of an applicant for any reason shall report his reasons for this refusal to the Division in writing within 10 days upon written request of the Division.

(6) A Federal permit is required for master falconers engaged in raptor propagation, sale, purchase or barter.

3. The examination and assignment of class of falconry permit holders are as follows:

i. All persons desiring a falconry permit will be required to answer

correctly at least 80 per cent of the questions on a supervised examination. All falconry examinations will be provided or approved by the U.S. Fish and Wildlife Service.

ii. The examinations may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.

41

4. Facilities and equipment: Falconry equipment shall be inspected and certified by a representative of the Division as meeting the following standards:

i. Facilities: The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators or undue disturbance. The applicant shall have the following facilities:

(1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(2) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each bird. Adequate perches shall be provided.

ii. Equipment: The following items shall be in the possession of the applicant before he can obtain a permit or license:

(1) Jesses--At least one pair of Aylmeri jesses or similar type constructed of pliable, highquality leather or suitable synthetic material to be used when any raptor is flown free. This flying jess should have no slits, only one hole no longer than 0.1 inch in diameter. Traditional one piece jesses may be used on raptors when not being flown.

(2) Leashes and swivels--At least one flexible weather-resistant leash and one strong swivel of acceptable falconry design.

(3) Proper glove with a snap and falconer's bag with food storage area.

(4) Bath container--At least one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

(5) Outdoor perches--At least one weathering area perch of an acceptable design shall be provided for each raptor.

(6) Weighing device--A reliable scale or balance suitable for weighing the raptor(s) held shall be provided.

(7) Hoods--A well fitted hood should be available for use with each bird during transport. (Birds need not necessarily be hooded for transport.)

iii. Maintenance: All facilities and equipment shall be kept at or above the preceding standards at all times.

iv. Transportation: temporary holding--A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances, for a period not to exceed 30 days.

v. Veterinary care: The falconer shall prove to the satisfaction of the Division that he has on call consultation for medical care of the raptor. (Name and telephone number of veterinarian shall be supplied on application.)

5. Restrictions on taking and breeding raptors are as follows:

i. No person shall take, possess, transport or obtain a raptor unless they are in possession of a current falconry permit, nongame permit as described in N.J.A.C. 7:25-4.2(a) or endangered species permit as described in N.J.A.C. 7:25-4.10(b). Apprentice falconers shall take or attempt to take their first raptor while in the accompaniment of a general or master falconer.

ii. Young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer and only during the period April 1 to July 15 inclusive. No more than two eyasses may be taken by the same permittee during the specified period. No more than one eyass per nest may be taken, leaving at least one eyass in the nest. A three-foot metal flashing painted a dark color must be fastened completely around the nest tree at least four feet from the base of the tree. The flashing shall be removed after the nestlings have fledged.

iii. First year (passage) birds may only be taken during the period September 1 to December 31 inclusive.

iv. Captive bred raptors may be used for falconry in accordance with Federal regulations. Captive bred raptors in possession of a permittee shall be counted as part of the possession limit of said permittee.

v. Raptor propagation and activities associated with the captive breeding of raptors for falconry purposes are permitted by master falconers with Federal captive breeding permits only, in

accordance with Title 50, Code of Federal Regulations, Part 21, 30. No additional State permit is required for captive propagation of raptors of captive bred origin.

vi. Adult American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may only be taken during the period September 1 to December 31 inclusive. No other adult raptors may be taken with the exception that any raptor other than endangered or threatened species that may be taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

vii. A master or general permittee may trade or transfer a raptor to another master or general permittee if the transaction occurs entirely within the state and no money or other consideration is involved. A master or general permittee may transfer a raptor to another master or general permittee in an interstate transaction if the prior written approval of the State agency which issued the permit is obtained and no money or other consideration is involved in the transaction.

viii. Bal-Chatri type live traps, other live traps and nets may be used for taking raptors providing they are used in such a manner which would minimize any danger of injuring the raptor. All traps or nets used must have attached thereto a tag or label clearly showing the name and address, permit number and class of the permittee.

ix. Owners of escaped raptors marked in accordance with these regulations may recapture these marked raptors at any time. However, all other banded raptors trapped while attempting to capture a raptor for falconry shall immediately be released unharmed and a report containing the date, time, band number, location and species shall be submitted to the Division within 10 days of capture.



x. Restrictions on take of passage peregrine falcons (*Falco peregrinus*) are as follows:

(1) Passage peregrine falcons may only be taken by General or Master Class falconers who possess a valid Special Peregrine Falcon Permit issued by the Division.

(2) Passage peregrine falcons may only be taken during the period September 20 through October 20, inclusive, except as provided in (a)5iii above.

(3) One passage peregrine falcon of either sex may be taken.

(4) Banded peregrine falcons may not be taken. Banded peregrine falcons must be released immediately upon capture. Band numbers must be reported to the Division within 48 hours of capture.

(5) All Special Peregrine Falcon Permit conditions shall be complied with.

(6) Resident and non-resident falconers who wish to obtain a Special Peregrine Falcon Permit should apply to the Division for the permit between January 1 and July 31. The New Jersey passage peregrine falcon permit quota will be established on a yearly basis by the U.S. Department of the Interior, U.S. Fish and Wildlife Service. The initial selection of permits will be conducted by random drawing from the pool of resident applicants. In the event the permit quota is not filled during the initial drawing, a second selection of permits will be conducted by random drawing from the pool of non-resident applicants. Successful applicants will be notified by September 1. After September 1, any remaining permits will be issued on a first-come, first-served basis.

6. Marking of raptors shall be as follows:

i. Wild-caught birds must be tagged with the falconer's name and phone number on the jesses or bells. Captive bred birds must have a seamless Federal marker affixed to one leg.

- ii. Any marker, mutilated or lost, shall be reported in writing within 72 hours to the Division of Fish and Wildlife, Trenton. Markers no longer legible shall be reported in the same manner. Markers causing leg damage must be removed and reported.
- iii. It shall be unlawful for any person to alter or deface a marker. However, the falconer may smooth any imperfect surface provided the integrity of the marker and numbering is not affected. It shall be unlawful to use or possess a counterfeit marker.
- iv. Markers shall be removed from birds which die or are intentionally released into the wild and shall be forwarded to the Trenton office within 10 days along with a report of the probable cause of death or the area of the release. When possible, a U.S. Fish and Wildlife Service numbered band should be put on the raptor before release. Raptors of a species not indigenous to New Jersey shall not be released intentionally without written authorization of the Division.

#### 7. Hunting with raptors shall be as follows:

- i. The flying and training of raptors by holders of valid falconry permits may be conducted on a year round basis.
- ii. Game species may be hunted only in accordance with the Game Laws and the seasons and bag limits established each year for falconry by the Division. The hunting of pheasants, rabbits, jackrabbits, hares, chukar partridge, quail, squirrels, wild turkeys and woodchuck on Sundays with raptors is permitted during the prescribed seasons. The hunting of waterfowl on Sundays with raptors is prohibited.

44

- iii. Raptors may be used to take game birds on a licensed semi-wild or commercial game preserve by holders of valid falconry permits.

8. Rules for non-resident falconers are as follows:

i. Non-residents of New Jersey who possess a valid falconry permit from another state may bring any raptor legally possessed by them under authority of their falconry permit into New Jersey to attend falconry meets or to hunt, provided:

(1) No laws or regulations of other states are violated;

(2) No Federal laws are violated; and

(3) Non-resident New Jersey hunting license is obtained and all hunting regulations are observed.

ii. Non-residents of New Jersey who possess a valid falconry permit from another state, and who move into New Jersey for the purpose of becoming a resident may bring any raptors with them that they legally possess provided that they construct required facilities within 30 days and apply for New Jersey Falconry Permit no later than 60 days after moving into New Jersey. A permit in the same classification as one they held in their previous state of residence may be issued without a written examination.

iii. Non-residents of New Jersey who possess a valid falconry permit from another state may request permission to take or attempt to take a raptor for falconry purposes by writing to the Division. Non-resident falconers attempting to take raptors in New Jersey for falconry purposes must possess written authorization from the Division and a valid non-resident firearm hunting license.

(1) The falconry permit issued by the former state of residence will be authority to possess and exercise raptors until a New Jersey permit is obtained provided no raptors are taken from the wild and raptors are not used to take any quarry without a valid New Jersey hunting license.

9. Miscellaneous rules are as follows:

- i. A proper and valid firearm hunting license must be displayed while hunting with or attempting to take raptors. The falconry permit, or a photocopy thereof, must be carried by permittee when engaged in the sport of falconry.
  - ii. Persons having and holding raptors under authority of a falconry permit whose facilities do not meet the established standards shall take immediate action to have the facilities comply within 30 days. No permit will be renewed at any time after adoption of these rules if the facilities do not meet the required standards.
  - iii. Persons having raptors in their possession whose falconry permits are not renewed or are revoked with cause shall have 30 days to return their birds to the wild by "hacking back", transfer to a licensed general or master falconer, or shall forfeit the raptors to the Division.
  - iv. Whoever, while engaged in the sport of falconry, should unintentionally kill any wildlife for which there is no open season, shall leave the killed specimen at the site and notify a Regional Law Enforcement Office or the Trenton Office of the Division of Fish and Wildlife, within 12 hours of such killing.
- 45
- v. Another person may care for the raptors of a permittee if written authorization, showing period covered, from the permittee accompanies the raptors when transferred, provided that if the period of care will exceed 30 days, written permission shall be obtained from the Division.
  - vi. Feathers that are molted or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only. Carcasses of birds which die in captivity must be turned over to the Division for disposal.
  - vii. A sponsor may have more than three apprentices at any one

time.

viii. A person who lawfully possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors provided facility requirements are met and the birds are included on the falconry permit. All such birds shall be identified with markers supplied by the U.S. Fish and Wildlife Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

ix. Species of raptors not native to the state of New Jersey or otherwise covered by the regulations shall be allowed for the purpose of falconry provided they are legally acquired and are in compliance with all applicable Federal and State regulations. A falconer may not possess more than six species of raptors not native to the North American Continent during any one year.

x. The possession of firearms while engaged in falconry is illegal.

10. Reporting shall be as follows:

i. Whenever a raptor is acquired, transferred, released or lost, due to escape or death, a copy of Federal Form 3-186A must be submitted to the division within 10 days of the transaction or occurrence.

ii. A report is also required upon termination of the permit for any reason.

iii. This report must be an accurate account of all activities carried on under authority of the permit.

11. Penal Provisions: It shall be unlawful to hunt for, take, possess, transfer any raptor, or practice falconry contrary to the rules and regulations adopted by the Division or to make a false statement on any required report or document. Any person who violates any

provision of N.J.S.A. 23:11 et seq., N.J.A.C. 7:25-6, or this chapter, is subject to the revocation of any permits issued pursuant to this section and any other penalties prescribed by law.

12. Authority: N.J.S.A. 23:4-12, 23:2A-1 et seq. and other applicable statutes.