

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
DIVISION OF WILDLIFE AND FISHERIES
POST OFFICE BOX 451
JACKSON, MISSISSIPPI 39205

PUBLIC NOTICE NO. 1923.001

TO: The Honorable Eric Clark
Secretary of State
Post Office Box 136
Jackson, MS 39205

AND
ALL INTERESTED PERSONS

In accordance with Section 25-43-9 the Mississippi Commission on Wildlife, Fisheries and Parks, at a meeting in McComb, Mississippi on June 24, 1996, under authority of Section 25-43-1, Mississippi Code of 1972, made known its intent to adopt and thirty (30) days thereafter did adopt the following state falconry regulations which are to be in compliance with all federal guidelines:

Be it ordered that Public Notice Number 1923 is hereby repealed, and the following regulations are adopted.

Game birds and animals may be taken by a licensed hunter holding a valid falconry permit during any open season on said game birds and animals as prescribed by state or federal laws and regulations fixing the open season and bag limits thereon and in compliance with the following state falconry regulations:

A. DEFINITIONS:

1. "Bred in captivity" or "captive-bred" refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.
2. "Falconry" means the sport of taking quarry by means of a trained raptor.
3. "Raptor" means a live migratory bird of the Order Falconiformes or the Order Strigiformes, other than a bald eagle (Haliaeetus leucocephalus) or a golden eagle (Aquila chrysaetos).
4. "Service" means the U. S. Fish and Wildlife Service.
5. "Department" means the Mississippi Department of Wildlife, Fisheries and Parks.

B. PERMIT REQUIREMENTS:

1. A Mississippi falconry permit or, for nonresidents, a valid state permit from another state meeting federal falconry standards and listed in appropriate federal regulations, is required, in addition to a federal falconry permit, before any person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase or barter raptors for falconry purposes or practice falconry in the State of Mississippi.

2. Additionally, permittees may not take, possess, transport, sell, purchase, barter, or transfer any raptor for falconry purposes except under authority of a federal falconry permit (issued in conjunction with the state permit) and in accordance with appropriate federal regulations.

C. FALCONRY PERMITS:

The Director of the Department, or the falconry program administrator designated by the Director, may issue falconry permits in response to applications received on departmentally approved forms, provided applicants meet the requirements and otherwise comply with the provisions of this regulation.

1. General: Permits, or renewals of permits, will become valid when issued by the State and will expire on the third June 30th following their issuance unless a different period is specified on the permits or renewals. Permits are renewable. Permits shall not be transferred to other persons. Permits may be revoked or renewals denied for violation of provisions of this regulation.

2. Hunting License Requirements:

a. Each resident falconer shall possess a current Mississippi resident hunting license.

b. Each nonresident falconer shall possess a current Mississippi nonresident hunting license.

3. Transfer of Permits from Other States: Nonresidents may be issued Mississippi falconry permits without a waiting period upon permanently moving to the State of Mississippi. The nonresident shall surrender permits issued by other states to the Department and execute a statement verifying the nonresident's intent to become a Mississippi resident. The nonresident shall be issued the equivalent class permit that was surrendered from the previous state of residence.

4. Examination: A permit shall not be issued until the applicant has answered correctly at least 80 percent of the questions on a supervised examination, provided or approved by the Service and administered by the Department, relating to basic biology, care and handling of raptors, literature, laws, regulations or other appropriate subject matter.

a. Each applicant failing the examination may reapply after a period of 30 days.

b. Each applicant holding a valid federal falconry permit and a valid falconry permit from another state that becomes a bona fide resident of the State of Mississippi shall not be required to take an examination when applying for a Mississippi falconry permit.

5. Facilities and Equipment: Before a falconry permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the Department as meeting the following standards.

a. 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, except that depending on climatic conditions, the issuing authority may require only one of the facilities described below.

(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, raptors shall be tethered or 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 except that perches more than 6 1/2 feet high need not be covered or roofed. 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.

b. Equipment: the following items shall be in the possession of the applicant before he/she can obtain a permit:

(1) Jesses: At least 1 pair of Aylmeri jesses or similar type constructed of pliable, high quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1-piece jesses may be used on raptors when not being flown)

(2) Leashes and swivels: At least 1 flexible, weather-resistant leash and 1 strong swivel of acceptable falconry design

(3) Bath container: At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing each raptor

(4) Outdoor perches: At least 1 weathering area perch of an acceptable design for each raptor

(5) Weighing device: A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than 1/2-ounce (15 grams)

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

6. Permit Classes: There shall be three classes of permits:

a. Apprentice (or equivalent) class.

(1) Permittee shall be at least 14 years old

(2) A sponsor who is a holder of a General or Master Falconry Permit or equivalent class is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time.

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

(4) Permittee shall possess only the following raptors which must be taken from the wild: an American kestrel (Falco sparverius), a red-tailed hawk (Buteo jamaicensis), or a red-shouldered hawk (Buteo lineatus)

b. General (or equivalent) class.

(1) A permittee shall be at least 18 years old

(2) A permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent

(3) A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period

(4) A permittee may not take, transport or possess any golden eagle or any species listed as threatened or endangered in appropriate Federal regulations.

c. Master (or equivalent) class.

(1) An applicant shall have at least five years experience in the practice of falconry at the general class level or its equivalent

(2) A permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period

(3) A permittee may not take any species listed as endangered in appropriate Federal regulations, but may transport or possess such species in accordance with said regulations

(4) A permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing in accordance with appropriate Federal regulations

(5) A permittee may not take, in any 12-month period, as part of the three-bird limitation, more than one raptor listed as threatened in appropriate Federal regulations, and then only in accordance with said regulations.

D. REPORTING:

1. No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transaction.
2. No raptor may be possessed under authority of a falconry permit unless the permittee has a properly completed Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed.

E. MARKING:

1. Any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), or Harris hawk (Parabuteo unicinctus) taken, possessed or transported for falconry purposes, except a captive bred raptor lawfully marked by a numbered, seamless band issued by the Service, must be banded with a permanent, non-reusable numbered band issued by the Service.
2. Any peregrine falcon, gyrfalcon, or Harris hawk taken from the wild must be reported to the issuing office within five (5) days of taking and must be banded with a permanent, non-reusable band provided by the Service. No raptor removed from the wild may be banded with a seamless numbered band.

3. All peregrine falcons, gyrfalcons, and Harris hawks possessed for falconry purposes must be banded at all times in accordance with these standards. Loss or removal of any band must be reported to the issuing office within five (5) working days of the loss. The lost band must be replaced by a permanent, non-reusable numbered band supplied by the Service. A Federal form 3-186A (Migratory Bird Acquisition/Disposition Report) must be filed in accordance with the instructions on the form reporting the loss of the band and rebanding.

F. TAKING RESTRICTIONS:

1. Young raptors not capable of flight (eyasses) may be taken only by a General or Master class falconer on Fridays, Saturdays, Sundays, and Mondays only, from March 1 through July 31. No more than two (2) eyasses may be taken by a falconer during this period. Falconers must leave at least one (1) chick in the nest.

2. First year (passage) raptors may be taken on Fridays, Saturdays, Sundays, and Mondays only, from September 1 through January 31, except that marked raptors or jessed raptors held under permit may be retrapped at any time.

3. Only American kestrels (Falco sparverius) and great horned owls (Bubo virginianus) may be taken when over one (1) year old, except that any raptor other than endangered or threatened species (per appropriate Federal regulations) taken under a depredation (or special purpose) permit may be used by General and Master class falconers.

4. No more than two (2) raptors can be taken during any twelve (12) months in the two combined taking periods except for the retrapping of escaped falconry birds.

5. Nonresident Taking.

a. Before taking or attempting to take a raptor from the wild in Mississippi, a nonresident must have a valid "General" or "Master" level falconry permit from his state of residence, a Mississippi nonresident hunting license and a special Mississippi nonresident taking permit.

b. Special Mississippi nonresident taking permits shall be issued only to those nonresidents whose states of residence provide the same privileges to residents of Mississippi.

c. Nonresident falconers will be allowed to take one (1) legal raptor per year in Mississippi.

G. OTHER:

1. A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.

2. A person who 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. All such birds shall be identified with markers supplied by the 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.

3. Temporary Holding of Raptors

a. A raptor possessed under authority of a Mississippi falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

b. A raptor may be transported or held in temporary facilities, with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

4. Transport: Holders of Mississippi falconry permits may transport within Mississippi the raptors held under their permits and remove the raptors from Mississippi for meets, trials, and hunting in other states and bring them back again into Mississippi without obtaining Mississippi importation permits; provided, however, that such permission to remove raptors from and return them to Mississippi is invalid if the falconry permittee fails to obtain any permit or license required for his activities by the state into which he takes the raptors.

5. Feathers that are moulted, or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

6. A falconry permittee may not sell, purchase, barter, or offer to sell, purchase or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.
7. A falconry permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued in accordance with appropriate federal and state regulations.
8. Captive Propagation: Raptor propagation and activities associated with it are permitted in accordance with Title 50, Code of Federal Regulations, Part 21.30. Additionally, a Mississippi propagation permit is required. All permittees shall submit one copy of each federally-required report to the Department at the same time as submitted to federal authorities.
9. A falconry permittee shall obtain written authorization from the Director, or the designated falconry program administrator before any species not indigenous to Mississippi is intentionally released into the wild, at which time the marker from the released bird shall be removed and surrendered to the Department. The marker from an intentionally released bird which is indigenous to Mississippi shall also be removed and surrendered to the Department. A standard Federal bird band shall be attached to such birds by the Department or an authorized Federal bird bander whenever possible.
10. Accidental kills: A permittee whose raptor accidentally kills quarry that is out of season or of the wrong species or sex, or otherwise protected, must leave the dead quarry where it lies, except that the raptor may feed upon the quarry prior to leaving the site of the kill.
11. An officer of the Department may inspect the falconry permittee's raptors, records, facilities or equipment at any reasonable hour.

This adopted public notice will become effective August 24, 1996. Witness my hand and seal this the 25th day of July 1996.

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES & PARKS

BY: _____
W. A. (Bill) Pittman, Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS

BY: _____
Sam Polles, Ph. D., Executive Director

I certify this to be a
true and correct copy.

Director

Notary

Executive