

Agenda Briefing No. 10



Update - proposed
changes to the
Falconry Rule
(19.35.8 NMAC)

Fed. Falconry Rule

November 7, 2008

- Change federal rules governing falconry (50 CFR Parts 21 & 22)

January 1, 2014

- State's deadline to implement falconry rule changes
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State Falconry Considerations

Raptor take is limited and regulated by State

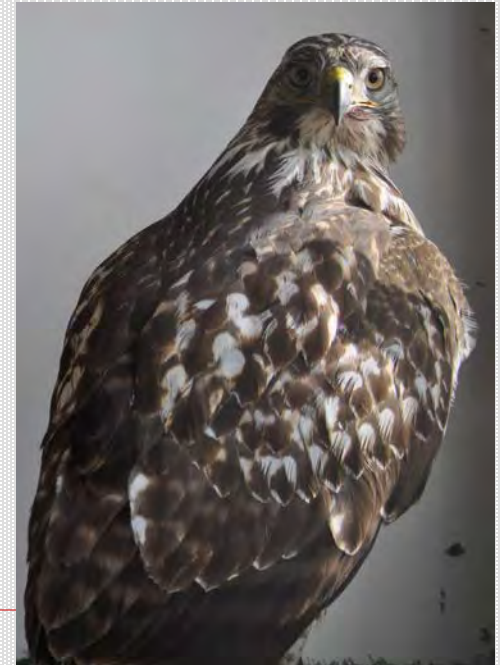
- 89 Falconers in New Mexico
- Eligibility is restricted to Falconry Class Level (apprentice, general, master)
- Raptor Take Policy (Director Approved)
 1. Annual draw system
 2. Season dates, number of take, age class, etc.
 3. Locations of take, reporting & data collection

Clarification - Falconry Rule 19.35.8 NMAC (not 19.35.1 as noted on Commission Agenda)

Proposed Falconry Changes

Overview of rule changes

- Greater definitions/new categories
- Single permitting system by NMDGF
 - USFWS will no longer issue falconry permits
- Season length
- Falconer allowances/restrictions
- Non-resident & Temporary Foreign
 - Visitor allowance
- Facility & equipment requirements
- Hybrid raptors
- Disposition of held raptors
- New falconry exam for apprentices



Female Red tail Hawk

Falconry Change Cont.

Rule Changes Cont.

- Coordinate & comply with the new federal regulations
 - Enrolled in the 3-186A electronic reporting system
 - Directors Authority – defined & expanded
 - Variety of other minor changes
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Falconer Age & Possession Changes

Apprentice – may possess one wild-caught kestrel or red-tailed hawk.

- Minimum age lowered from 14 to **12 years**.

General – may possess three wild-caught or captive-bred raptors of any Falconiform or Strigiform except those restricted (Golden, White-tailed and Stellar's Sea Eagles).

- May take no more than one wild raptor that is listed as federal threatened species from the wild each year.
 - Minimum age lowered from 18 to **16 years**.
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Falconer Age & Poss. Cont.

Master – may possess not more than five wild-caught raptors and unlimited captive-bred raptors including hybrids.

- May take no more than one wild raptor that is listed as federal threatened species from the wild each year.
 - May possess one Golden eagle, White-tailed eagle or Stellar's sea eagle with restrictions.
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Falconry Changes Cont.

Single NMDGF permitting system

- Creating a New Mexico temporary foreign visitor and non-resident foreign visitor permit.
 - A non-resident falconer permanently moving to NM for the period required to establish residency and meet all acceptance/permit and other requirements to qualify for a New Mexico resident falconer permit.
 - Extending the reporting period from 5 to 10 days for any raptor taken from the wild.
 - Implementation of an electronic 3-186A reporting database.
 - Gen. season take changes
 - Eyass take: April 1 – January 15 (prev. May 15- Jul 15)
 - Passage take: April 1- January 15 (prev. Sep 15-Jan 10)
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Holding & Disposal Changes

- Amend holding facilities and equipment requirements to be consistent with the new federal falconry rule.
 - Require hybrid raptors to have two attached radio transmitters when flown for the purpose of falconry.
 - Prohibit the intentional release of hybrids.
 - Strengthen requirements relating to release & disposition of raptors
 - 10 day notification in advance of intended release of raptor into the wild
 - Establish release parameters
 - Consider a required timeframe of hacking prior to full release relating time of year and appropriate location.
 - Detail transfer requirements of wild-caught raptors to a propagation permit after the bird has been used in falconry for at least 1 or 2 year timeframe depending on species
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Process Update

- Oct 28, 2010 Commission approves opening falconry rule for change
 - Oct 29, 2010 Proposed Draft for Falconry (19.35.8 NMAC) posted on website and emailed to interested parties
 - Dec 09, 2010 Commission Update – included repeal & replace info. No action taken
 - May 13, 2011 Updated changes to falconry rule and re-posted to website and emailed to interested parties
 - Jun 9, 2011 Commission Update – seeking comments
 - Jul 21, 2011 seeking Commission approval to Repeal & Replace 19.35.8 (2012)
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Public Involvement Update

- Multiple consultations/reviews conducted with Dr. George Allen of the USFWS
 - Dr. Allen (as USFWS Rep.) doesn't find any problems or issues with current proposal
 - 3 meetings, numerous email and phone contacts between Department staff & New Mexico Falconer's Association
 - Consulted with neighboring states on the falconry draft process
 - Consulted with North American Falconers Association on the examination development
 - Received & reviewed approximately 60 public comments (all supportive of proposed regulation and process)
 - Current draft proposal incorporates much of the public's input
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2011/2012 Timeline

- July 2011 Commission Meeting – seeking to **repeal** existing rule and **replace** new rule (cleaner & seamless process)
- Mid August submit to USFWS – by NMDGF Director (NMDGF letter, falconry exam, copy of rule)
- Late Fall 2011 - Fed review & approval
- Jan 2012 - Fed publishing (fed. reg.)
- Jan 1, 2012 - NMDGF rule to closely coincide with USFWS acceptance of NM's Falconry Rule)

Seeking Commission Approval at July 2011 meeting

Commission Input

Comments & Direction
