



State of Rhode Island and Providence Plantations
Department of Environmental Management

Fish and Wildlife

RI FALCONRY REGULATIONS FOR THE 2004-2005 SEASON



September 17, 2004

AUTHORITY: These regulations are adopted pursuant to Chapter 42-17.1 "DEM", 42-17.6, 42-35 Administrative Procedures Act, and §§ 20-1-4; 20-1-12; 20-1-13; of the Rhode Island General Laws of 1956, as amended.

State of Rhode Island and Providence Plantations
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2004-2005 Season**

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State of Rhode Island and Providence Plantations
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Fish and Wildlife

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- Rule 1 Purpose**
The purpose of these rules and regulations to establish regulations for the practice of falconry.
- Rule 2 Authority**
These rules and regulations are promulgated pursuant to Chapter 42-17.1, "DEM", 42-17.6, 42-35 Administrative Procedures Act, and §§ 20-1-4; 20-1-12; 20-1-13; of the Rhode Island General Laws of 1956, as amended.
- Rule 3 Application**
The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.
- Rule 4 Severability**
If any provisions of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.
- Rule 5 Superseded Rules and Regulations (SOS# 2616)**
On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of RIGL Sections 20-1-4, 20-1-12, 20-1-13, and in accordance with Chapter 42-35 Administrative Procedures Act shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.
- Rule 6 Definitions**
(a) **falconry** - the sport of taking or attempting to take any species of animal by means of a trained raptor;
(b) **falconer** - a person who engages in the sport of falconry;
(c) **raptor** - 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*.
- Rule 7 Regulations**
As follows:

RULE 8 EFFECTIVE DATE

The foregoing Rules and Regulations - **R.I. Falconry Regulations for the 2004-2005 Season**, after due notice, are hereby adopted and filed with the Secretary of State this 17th day of September 2004 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 42-35, 42-17.1 and 42-17.6 of the General Laws of Rhode Island of 1956, as amended

Frederick J. Vincent, Acting Director
Department of Environmental Management

Public Notice: 7/28/04

Public Hearing: 8/26/04

Filing Date: 9/17/04

Effective Date: 20 days from filing

State of Rhode Island
Department of Environmental Management
FISH AND WILDLIFE

RI Falconry Regulations for the 2004-2005 Season

1. Any resident of Rhode Island engaging in falconry or training raptors in Rhode Island shall possess a valid falconry permit issued by the Director of the Department of Environmental Management or his designee and shall comply with 50 CFR 21.28 and 21.29, which are adopted in their entirety as part of these regulations. Falconry permits shall expire annually on the last day of February.
2. The permittee shall submit on or before March 15 of each year, a falconry report to the Department of Environmental Management's Division of Fish and Wildlife containing the following information: a list of raptors that are in or had been in his/her possession during the last calendar year; marker numbers, sex, and age of raptors; where raptor acquired; and whether the bird is still his/her possession; escaped, died, or had been released; and when the escape, death, or release occurred.
3. Falconers must possess a current and valid Rhode Island hunting license, and all other licenses or permits as may be required for the respective hunting season.
4. Falconers that breed raptors, must comply with Chapter 20-17 of the General Laws of Rhode Island, 50 CFR 21.27 through 21.30, and must submit copies of annual reports of activities to the Department of Environmental Management's Division of Fish and Wildlife at the same time that Federal reports are required.
5. Falconers must have in their possession all required permits or copies thereof when engaged in falconry activities.
6. The holder of a valid State falconry permit issued by another State which meets Federal falconry standards listed in 50 CFR 21.29(k) may practice falconry in Rhode Island for up to 30 consecutive days each calendar year with a permit issued by the Division of Fish and Wildlife. Written authorization from the Department is required in advance if any raptors are brought or intended to be brought into Rhode Island for more than 30 days.
7. First year passage red tailed hawks *Buteo jamaicensis*, sharp-shinned hawk *Accipiter striatus*, Coopers hawk *Accipiter cooperii*, northern goshawk *Accipiter gentilis*, or Merlin falcon *Falco columbarius* may be taken from the wild only during the time period October 1 through December 31 annually with a valid capture permit issued by the Department of Environmental Management's Division of Fish and Wildlife.

8. No person shall be issued a Rhode Island non-resident falconry permit of a higher class than the one held in another state. Any person who becomes a resident of the state and holds a valid falconry permit in another state shall be permitted to obtain the same class resident permit in Rhode Island.
9. A permittee, whose hunting/training raptor accidentally kills game that is out of season or of the wrong species or sex, shall leave the dead quarry where it lies, except that the raptor may feed upon the quarry prior to leaving the site of the kill.
10. Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed those limits as published in 50 CFR Part 20 Migratory Bird Hunting; final frameworks for early-season migratory bird hunting, final rule, promulgated annually by the U.S. Department of the Interior.
11. Hunting hours shall conform to respective hunting seasons.
12. All other Rhode Island hunting regulations apply.
13. Special permit required from Division of Fish and Wildlife (401) 789-3094.
14. Falconry permit holders must be 15 years of age or older.
15. Applicants must pass the Division-administered exam with a score of 80% or higher. Failure to pass the exam will render the applicant ineligible to retake the examination for a period of 90 days from the date of examination.
16. A person who holds an apprentice class falconry permit shall, before the issuance of a general falconry permit, have at least two years experience in the practice of falconry at the apprentice level. Experience shall be defined as the active pursuit of wild quarry with the applicant's raptor(s) for at least two hunting seasons. This experience shall be verified in writing by the apprentice's sponsor. The release form will be furnished by the Division of Fish and Wildlife. No falconry permit of a higher class will be issued until the Division approves the sponsor's release, and additionally passes a mandatory written and field test administered by the Division of Fish and Wildlife.
17. Non-residents will not be able to obtain a newly issued Rhode Island Falconry Permit after January 1, 1998, except as provided in Rule 8. Non-residents who currently hold a permit will be allowed to maintain their falconry permit until December 31, 2005.