

15A NCAC 10H .0810 TAKING RAPTORS

(a) No raptor shall be taken from the wild in this state except by an individual holding a currently valid falconry license as defined in Rule .0801 of this Section and a falconry permit from the individual's state of residence if the individual is a non-resident of North Carolina. Falconers may only take species of raptors from the wild that are authorized under their level of permit. If a falconer captures an unauthorized species of raptor or other bird, he must release that bird immediately.

(b) All levels of licensees may take up to two raptors from the wild annually subject to the conditions and restrictions set forth in 50 CFR 21.29(e)(2)(i)-(viii) which is hereby incorporated by reference, including subsequent amendments and editions. Apprentices may keep only one bird at a time.

(c) Apprentices may take any species of raptor from the wild except for those species specified in 50 CFR 21.29(c)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions.

(d) Any raptor native to this state may be taken from the wild subject to the restrictions on species and license level as follows:

- (1) Nestlings. Only persons holding general or master level falconry licenses may take nestlings. Nestlings may only be taken from May 1 through June 30. No more than two nestlings may be taken by the same licensee. At least one nestling must be left in the nest or aerie.
- (2) Young birds. First year (passage) birds may be taken only during the period August 1 through the last day of February, except that marked raptors may be retrapped at any time.
- (3) Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo Virginianus*) may be taken when over one year old. Only General and Master falconers may take this age class in accordance with 50 CFR 21.29(e)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions. The time period for taking is August 1 through the last day of February.
- (4) Federally Listed Species. Only General and Master falconers may take a federally threatened species and the falconer must follow the restrictions in 50 CFR 21.29(e)(3)(ix) which is hereby incorporated by reference, including subsequent amendments and editions.
- (5) State listed species. A falconer must obtain a North Carolina endangered species permit before taking any raptors listed in 15A NCAC 10I .0103, 15A NCAC 10I .0104 or 15A NCAC 10I .0105. Furthermore, a falconer must possess a special hunt permit to take a passage peregrine falcon (*Falco peregrinus tundrius*).

(e) Traps must be designed to prevent injury to the raptor. All traps except box-type traps must be attended and visible to the trapper at all times when in use. Box-type traps must be checked every 24 hours. Traps must be of one of the following types:

- (1) Leg noose snare traps. Nooses on these traps must be tied in such a manner as to prevent the noose from locking when under pressure. The trapper must use a drag weight based on the species being trapped.
- (2) Nets that collapse on and enclose around the raptor.
- (3) Box-type traps with automatic closing entry doors or funnels.

(f) Licensees may recapture their own birds or any birds wearing falconry equipment at any time. Disposition of banded birds, captive-bred birds and birds wearing falconry equipment is as allowed in 50 CFR 21.29(e)(3)(iv)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.

(g) Licensees must keep their license on their person when trapping raptors.

(h) Raptors injured due to falconry trapping efforts must be treated humanely and in accordance with 50 CFR 21.29(e)(5) which is hereby incorporated by reference, including subsequent amendments and editions.

*History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
Eff. September 1, 1979;
Amended Eff. January 1, 2012; July 1, 1998.*