

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1590
FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section

1590.10	Establishment of Rules and Regulations
1590.20	Definitions
1590.30	Provisions of Rules and Regulations (Repealed)
1590.40	Violation of Rules (Repealed)
1590.50	Permit and License Requirements
1590.60	Examination and Application Procedures
1590.70	Inspection of Facilities, Facility Requirements, Care of Raptors and Equipment
1590.80	Falconry Permits – Classes and Standards
1590.82	Banding Requirements – Falconry Raptors
1590.85	Captive Propagation – Regulations
1590.90	Capturing of Raptors – Regulations
1590.100	Transfer, Change in Status, Release, Acquisition and Reporting Requirements
1590.110	Hunting Seasons for Falconers
1590.120	Additional Provisions
1590.130	Violation of Rules

1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].

SOURCE: Amendment filed November 17, 1977, effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990; amended at 15 Ill. Reg. 32, effective December 24, 1990; amended at 15 Ill. Reg. 16681, effective October 31, 1991; amended at 16 Ill. Reg. 11052, effective June 30, 1992; amended at 18 Ill. Reg. 14700, effective September 19, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 2218, effective February 3, 1997; amended at 38 Ill. Reg. 895, effective January 1, 2014; amended at 40 Ill. Reg. 3743, effective February 24, 2016.

Section 1590.10 Establishment of Rules and Regulations

The following rules and regulations are established for the possession and/or training of raptors, and for the issuance of licenses or permits to practice falconry, for captive propagation and capture of raptors.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.20 Definitions

Bred in Captivity or Captive-Bred – refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

Department or IDNR – Department of Natural Resources.

Endangered Species – any species or subspecies contained in the federal endangered species list issued pursuant to the federal Endangered Species Act (16 USC 1531 et seq.), as amended, plus other species or subspecies as the Illinois Endangered Species Protection Act [520 ILCS 10] deems to be in danger of extinction (see 17 Ill. Adm. Code 1010).

Eyass Raptor – an immature raptor not capable of flight.

Falconer – a person who engages in the sport of falconry.

Falconry – the sport of taking or attempting to take any species of animal by means of a trained raptor.

Fish and Wildlife Service or FWS – the United States Department of Interior-Fish and Wildlife Service.

Hacking – the temporary release to the wild of a raptor held for falconry so that it must survive on its own.

Haggard Raptor – a raptor greater than one year old.

Hybrid Raptor – a raptor that is the offspring from cross-breeding among two or more raptor species listed in federal regulations at 50 CFR 10.13.

Imping – the method of replacing a broken feather with a molted feather.

Imprinted Raptor – a raptor that has been hand-raised in isolation from the sight of other raptors from before 2 weeks of age until it is fully feathered.

Marker – a seamless, or other numbered, non-reusable marker supplied by the Fish and Wildlife Service.

Mews – a building or indoor room where a raptor is held or sheltered.

Native Raptor – a raptor that regularly breeds in, migrates through or winters in Illinois.

Passage Raptor – an immature raptor capable of flight that is less than one year old.

Prohibited Species – The following species will be referred to as "prohibited species" for the purposes of this Part:

Bald Eagle (*Haliaeetus leucocephalus*);

Osprey (*Pandion haliaetus*); and

Barn Owl (*Tyto alba*).

Raptor – any bird of the Orders Falconiformes, Accipitriformes or Strigiformes that includes all hawks, eagles, falcons, kites, harriers, ospreys, vultures, caracaras and owls.

Replacement Raptor – a raptor obtained from the wild to replace one that has died in captivity, has escaped, or has been lawfully released to the wild.

Sponsor – a general or master class falconer who is mentoring a falconer trying to complete the requirements for an apprentice or general class falconry permit.

Threatened Species – any species or subspecies likely to become an endangered species or subspecies in the foreseeable future pursuant to the federal Endangered Species Act and Illinois Endangered Species Protection Act.

Weathering Area – an enclosed area outdoors where a raptor can be housed with protection from the environment, predators and domestic animals.

Wild Raptor – a raptor originating from the wild.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.50 Permit and License Requirements

- a) It shall be unlawful for any person to take, possess or transport any raptor for falconry purposes or practice falconry in Illinois unless a valid falconry permit

has been issued pursuant to this Section or issued by another state in accordance with federal regulations at 50 CFR 21.29 (January 1, 2011). A falconry permittee in Illinois must also comply with relevant provisions of 50 CFR 21.29.

- 1) Residents – Illinois residents may hold raptors in captivity only under a falconry or captive propagation permit issued by the Department.
 - A) The initial fee for an Illinois falconry permit shall be \$200 for 5 years. The permit must be renewed every 5 years for a fee of \$200 if raptors are to be possessed or held beyond the permit expiration date.
 - B) All applicants must be at least 14 years of age.
- 2) Non-Residents – A non-resident falconer who possesses a falconry permit issued by another state may transport and possess legally possessed raptors in Illinois for falconry purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any raptor is to be brought into Illinois for more than 30 days. While in Illinois, all non-residents shall comply with all applicable provisions of this Part and obtain the appropriate hunting licenses, stamps and/or permits required under Illinois law.
- 3) A visitor to the United States from another country may qualify for a temporary permit to practice falconry in Illinois, appropriate to his or her experience, by following the requirements of federal regulations (50 CFR 21.29). The permit will be valid for a maximum of 30 days.
 - b) A permittee must have his or her falconry permit or a legible copy in his or her immediate possession when not at the location of his or her falconry facilities and trapping, transporting, working with or flying falconry raptors.
 - c) No person shall transfer the falconry permit or unused markers or allow their use by any other persons, nor shall any person, while engaged in falconry, use or carry any permit or marker issued to another.
 - d) Nothing in this Section shall prohibit a falconry permittee of the appropriate class from using the raptor of another permittee for falconry purposes on a temporary basis in accordance with Sections 1590.70 and 1590.80.
 - e) Falconry permittees must comply with all regulations governing migratory bird permitting.
 - f) No person may have in his or her possession any prohibited species, as defined in Section 1590.20, for falconry purposes.

- g) No permittee may possess any federal or State listed endangered or threatened raptor species taken from the wild in Illinois. This subsection shall not apply if the raptor was taken by legal means in another state or country as provided for in Section 1590.90(c) or (d).
- h) No person may capture or release raptors or practice falconry on private lands without the permission of the landowner or tenant. No person may capture or release raptors or practice falconry on public lands without authorization or unless otherwise allowed.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.60 Examination and Application Procedures

- a) In order to obtain a permit to participate in falconry, the applicant must submit to the Department of Natural Resources, One Natural Resources Way, Springfield, IL 62702-1271, an application containing the following information:
 - 1) The name, address, county, date of birth, phone number and Social Security number or IDNR customer number of the applicant.
 - 2) An applicant who is under 18 years of age must have a parent or legal guardian sign the application. The parent or legal guardian will be legally responsible for the activities of the permittee.
 - 3) A certification stating the applicant has read and is familiar with the regulations in 50 CFR 13 and the other applicable parts in 50 CFR chapter 1, subchapter B and that the information submitted is complete and accurate to the best of the applicant's knowledge and belief.
 - 4) Any other information required by the Department to determine if the applicant is eligible for a permit under this Part.
- b) Each new applicant or person whose permit has been revoked shall be required to answer correctly at least 80% of the questions on a closed-book examination administered by the Department. The exam will cover the care and handling of falconry raptors, federal and State laws and regulations relevant to falconry, and other appropriate subject matter (e.g., history of falconry). At the discretion of the Department, a permit that has been revoked may be reinstated at the level previously held upon successful completion by the holder of the exam and satisfactory inspection of his or her falconry facilities.

- 1) An apprentice falconer whose permit has expired must apply to get a new apprentice permit.
 - 2) A general falconer or master falconer whose permit has expired for fewer than 5 years may have his or her permit reinstated at the level previously held if proof of certification at that level can be provided to the Department.
 - 3) A general falconer or master falconer whose permit has lapsed for 5 years or longer must correctly answer at least 80% of the questions on an examination administered by the Department. Upon successful completion of the exam and a facility inspection, the falconry permit may be reinstated at the level previously held.
- c) Applicants who fail the required examination may repeat the exam after 45 days. If the applicant fails a second time, a 6 month waiting period from the date of the second exam is required before the examination sequence may be repeated.
 - d) When a holder of a falconry permit issued by another state applies for an Illinois falconry permit, the applicant shall submit a copy of his or her current falconry permit and information that consists of the number of raptors possessed and the species, age, sex, date of acquisition and source of each. If the applicant meets federal (50 CFR 21.29) and State standards for issuance of a falconry permit, he or she shall enter the same class or an equivalent class as held in the previous state.
 - e) A person who is a new resident in Illinois and the United States must pass the falconry exam with a score of at least 80% and provide written documentation of the applicant's falconry experience, including species of raptors flown and game taken, and must have his or her falconry facilities and equipment pass inspection by a certified Department representative. The Department's falconry permit administrator will assign a falconry class level commensurate with the new resident falconer's experience.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.70 Inspection of Facilities, Facility Requirements, Care of Raptors and Equipment

- a) All applicants and falconry permit holders must provide suitable facilities (mews and/or weathering area) for all raptors they possess.
 - 1) All applicant facilities must be inspected and certified by a Department representative prior to issuance of a falconry permit. Permittees who move

to a new residence or change the location of their facilities within the State of Illinois prior to the permit's expiration must notify the Department in writing within 5 days and request inspection of any new facilities by a representative of the Department.

- 2) All falconry permit holders are subject to inspection of raptors, eggs, or parts of raptors, facilities, records and equipment at any reasonable time.
 - 3) Housing facilities for falconry raptors may be located on property not owned by the permittee as long as the facilities meet the requirements in Section 1590.80(b),(c) and (d), and the permittee and landowner sign a dated statement agreeing that the raptors and facilities may be inspected by the Department at any reasonable time of the day in the presence of the landowner, except that Department representatives may not enter the facilities or disturb the raptors unless the permittee is present.
 - 4) A falconer holding an Illinois falconry permit and residing part-time in another state or territory or on tribal lands must contact that jurisdiction to determine if a permit is needed. If a falconer resides for more than 120 consecutive days in a state or territory or on tribal lands other than where his or her primary residence is located, then the falconer's facilities at the second location must meet the federal standards (50 CFR 21.29(d)) and the second facilities must be listed on the falconer's permit.
- b) Facilities for housing raptors indoors (mews) and outdoors (weathering area) shall protect the raptors in them from the environment, predators and domestic animals and shall meet the following standards:
- 1) The facility shall have a suitable perch for each raptor and at least one opening for sunlight, and shall provide a healthy environment for raptors inside.
 - 2) Untethered raptors may be housed together if they are compatible with each other.
 - 3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.
 - 4) Each falconry bird shall have access to a pan of clean water unless weather conditions, the perch type used or some other factor makes access to a water pan unsafe for the raptor.
- c) A mews must meet the following additional standards:

- 1) The mews must be large enough to allow easy access for the care and feeding of raptors kept there.
 - 2) Any non-solid walls in a mews must be protected on the inside if untethered raptors are to be housed there. Suitable materials include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. Heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.
 - 3) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side out of reach of each other or separated by a partition. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.
 - 4) The floor shall be well drained and permit easy cleaning.
 - 5) Falconry raptors may be kept inside a falconer's residence if a suitable perch is provided for each raptor. If raptors are housed inside a residence, windows or other openings do not need to be modified. Raptors kept inside a residence must be tethered unless they are being moved into or out of the residence.
- d) A weathering area shall meet the following additional standards:
- 1) The weathering area shall be totally enclosed and may be made of heavy-gauge wire, heavy duty plastic mesh, slats, pipe, wood or other suitable material.
 - 2) The weathering area must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.
 - 3) The weathering area shall be large enough to ensure that the birds cannot strike the enclosure when flying from the perch.
 - 4) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements in this subsection (d) and are approved by the Department.
- e) Falconry raptors may be kept outside in the open, if they are under watch, such as by the permittee or a family member, at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

- f) Facilities for transporting a raptor, using the raptor for hunting, and when otherwise away from the raptor's permanent facilities shall have a suitable perch and be protected from extreme temperatures, wind and excessive disturbance. A hawk box (giant hood) or similar container is acceptable for transporting or housing a raptor when away from its permanent housing facility.
- g) A falconry permittee must have and maintain the following equipment:
- 1) Jesses – at least one pair of Alymeri jesses or similar type construction of pliable leather or suitable synthetic material for use when any raptor is flown free or the materials and equipment to make them;
 - 2) Leashes and swivels – at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;
 - 3) Bath container – a suitable container for each raptor 2 to 6 inches deep and wider than the length of the raptor;
 - 4) Outdoor/portable perches – a weathering area perch of acceptable design for each raptor; and
 - 5) Weighing device – a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than ½ ounce or 15 grams.
- h) All facilities and equipment shall be kept at or above the standards created in this Section at all times.
- i) Falconry raptors may be cared for by another falconry permittee under the following conditions:
- 1) The raptors may be cared for at the facilities of the permittee owning the raptors or the facilities of another falconry permittee for up to 120 consecutive calendar days. This care of raptors may be extended indefinitely in extenuating circumstances such as illness, military service or a family emergency. All requests for care of raptors by another falconer in excess of 120 days must have prior approval by the Department.
 - 2) The falconry permittee providing care for the raptors must have a signed and dated statement from the falconry permittee who owns the raptors authorizing temporary possession. The statement must include information about the time period for which the raptors will be kept and what the falconer providing care to the raptors is allowed to do with them.

The falconer providing care also must have a copy of FWS form 3-186A indicating ownership of the raptors.

- 3) Raptors in the care of another falconer will remain on the permit of the falconer who owns the raptors and not count against the possession limit of the falconer providing care.
 - 4) If the falconer providing care to the raptors holds the appropriate level of falconry permit, he or she may fly the raptors in whatever way is authorized, including hunting, by the falconer who owns the raptors.
- j) Falconry raptors may be cared for by a person who does not have a falconry permit under the following conditions:
- 1) The raptors may be cared for at the permittee's facilities by a person without a falconry permit for up to 45 consecutive calendar days. This care of raptors may be extended indefinitely in extenuating circumstances such as illness, military service or a family emergency. All requests for care of raptors by another person in excess of 45 days must have prior approval by the Department.
 - 2) The raptors will remain on the falconry permittee's permit and must remain in the falconry permittee's facilities.
 - 3) The person caring for the raptors may not fly them for any reason.
- k) Raptors may be held in temporary housing outside of the falconry permittee's permanent facilities, when not being transported or used for hunting for up to 120 consecutive calendar days, if the facilities have a suitable perch and are protected from predators, domestic animals, extreme temperatures, wind and excessive disturbance.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.80 Falconry Permits – Classes and Standards

- a) Apprentice Class Falconer
- 1) Permittees shall be at least 14 years of age. An applicant under 18 years of age must have a parent or legal guardian sign the application. The parent or legal guardian will be legally responsible for the activities of the permittee. The permittee's raptor facilities must pass inspection by the Department before a permit is granted.

- 2) An apprentice falconer must have a letter from a sponsor possessing a valid master falconry or general falconry permit, issued by a state, tribe or territory, who is at least 18 years old and has at least 2 years experience at the general falconer level, stating that he or she will assist the apprentice, as necessary, in learning about the husbandry and training of wild raptors held for falconry, learning about the relevant wildlife laws and regulations, and deciding what species of raptor is appropriate for the apprentice to possess. A sponsor who wishes to withdraw sponsorship of an apprentice class permittee must notify the apprentice via a registered letter and provide the Department with a copy of the letter and receipt showing the letter was received. The apprentice shall have 45 days from the date of the letter to secure another sponsor or shall forfeit his or her permit.
 - 3) An apprentice falconer may possess no more than one raptor and may obtain no more than two replacement raptors during any 12-month period. Any species of the order Falconiform or Strigiform may be possessed, including wild, captive-bred or hybrid individuals except a federal or State listed threatened or endangered species, prohibited species, white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), or golden eagle (*Aquila chrysaetos*). A raptor taken from the wild as an eyass or that is imprinted on humans may not be possessed. A wild raptor can be transferred to an apprentice by another falconry permittee.
 - 4) An apprentice falconer may take a raptor less than 1 year old, except an eyass, from the wild only while under the direct supervision of his or her falconry sponsor. Any Falconiform or Strigiform species may be taken from the wild, except a federal or State listed threatened or endangered species, prohibited species, white-tailed eagle, Steller's sea-eagle, golden eagle, American swallow-tailed kite (*Elanoides forficatus*), Swainson's hawk (*Buteo swainsoni*), peregrine falcon (*Falco peregrines*), flammulated owl (*Otus flammeolus*), elf owl (*Micrathene whitneyi*) and short-eared owl (*Asio flammeus*).
- b) General Class Falconer
- 1) Permittees must be at least 16 years of age and have at least 2 years of licensed falconry experience at the apprentice class level. A person 16 or 17 years of age must have a parent or legal guardian sign the application, acknowledging that he or she will be legally responsible for the activities of the permittee.
 - 2) The permittee shall submit a document from his or her sponsor to the Department stating that the permittee has practiced falconry with raptors at the apprentice falconer level or equivalent for at least 2 years, including

maintaining, training, flying and hunting the raptors for at least 4 months in each year. That practice may include the capture or release of falconry raptors. No falconry school program or education may be substituted to shorten the period of 2 years at the apprentice level.

- 3) A general falconer shall possess no more than 3 raptors and may not obtain more than 2 replacement raptors during any 12-month period. In accordance with Section 1590.90(c) and (d), any Falconiform, Accipitriform or Strigiform species may be possessed, including wild, captive-bred or hybrid individuals except a prohibited species, a white-tailed eagle, a Steller's sea-eagle or a golden eagle. Permittees may possess captive-bred individuals and hybrids of species authorized to be possessed.
- c) Master Class Falconer
- 1) A permittee must have at least 5 years of licensed experience practicing falconry with his or her own raptors at the general class falconer level and must submit a statement attesting to the same.
 - 2) A master falconer shall possess no more than 5 wild raptors, and may not obtain more than 2 replacement raptors during any 12-month period. Permittees may possess any number of captive-bred raptors, however, all raptors must be trained in the pursuit of wild game and used in hunting. In accordance with subsection (c)(3) and Section 1590.90(c) and (d), any Falconiform, Accipitriform or Strigiform species may be possessed, including wild, captive-bred or hybrid individuals except those of a prohibited species.
 - 3) A master falconer may possess up to 3 golden eagles, white-tailed eagles and Steller's sea-eagles in aggregate for use in falconry by providing the following to the Department:
 - A) A letter documenting experience in handling raptors, including information about the species handled and the type of duration of the activity in which the experience with eagles was gained.
 - B) At least 2 letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*), or great-horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors or scientific studies involving large

raptors. Each letter must also assess the permittee's ability to care for eagles and fly them in falconry. Each eagle possessed will count as one of the raptors that can be possessed for use in falconry.

- d) Upon completing the requirements needed to enter the next highest class, a falconer may submit a written request for an upgrade to the Department. The Department shall confirm the completion of all requirements and grant the request.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.82 Banding Requirements – Falconry Raptors

- a) Every raptor possessed under authority of an Illinois falconry permit must be identified by a band within 5 days after acquisition of the raptor. A seamless numbered band may not be placed on a wild raptor but must be placed on a captive-reared raptor in accordance with Section 1580.85(a)(2). A seamless band may not be placed on a wild raptor. If a marker or band must be removed or is lost, the loss must be reported within 5 days and the permittee must request a U.S. Fish and Wildlife Service nonreusable band from the Department. The required information must be submitted within 10 days after rebanding the raptor at <http://permits.fws.gov/186A> and by submitting a form 3-186A to the Department. The marker or band must be replaced by a marker or band provided by the Department. An ISO (International Organization for Standardization) compliant (134.2kHz) microchip may be implanted in a falconry raptor in addition to the band.
- b) A marker or band must not be altered, defaced or counterfeited. The rear tab from a band on a raptor taken from the wild may be removed and any imperfect surface may be smoothed as long as the integrity of the marker or band and numbering on it is not affected.
- c) If health or injury problems are detected in a raptor due to the band, then a falconer can apply to the Department for an exemption to the banding requirement by a written letter and photographs, describing the history of the injury or health problem. If an exemption is granted, then the band must be replaced with an implanted ISO compliant (134.2 kHz) microchip. If the bird is a wild goshawk, Harris's Hawk (*Parabuteo unicinctus*), peregrine falcon, or gyrfalcon (*Falco rusticolus*), then the band must be replaced with an implanted ISO compliant microchip supplied by FWS and obtained from the Department. FWS and the Department will not provide microchips for any other species.

(Source: Added at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.85 Captive Propagation – Regulations

Captive Propagation. Unless this Part is more restrictive, federal regulations at 50 CFR 21.30 shall govern the activities of Illinois captive propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is \$200 for 5 years. The permit must be renewed every 5 years for a fee of \$200 if raptors are to be possessed beyond the permit expiration date. A holder of an Illinois captive propagation permit must also hold a general or master class Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell or barter captive-bred raptors, raptor eggs or raptor semen in accordance with 50 CFR 21.30, this Part and the laws of other jurisdictions in which these products are transferred, purchased, sold or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time, within the numerical limits for the falconry permit.

- a) Raptors possessed for falconry may be used for captive propagation if the person overseeing the propagation has the proper State captive propagation permit and a federal raptor propagation permit. A falconry raptor does not need to be transferred to a propagation permit if it is used in captive propagation less than 8 months a year. However, a falconry raptor shall be transferred, if it is to be used permanently for captive propagation, in accordance with Section 1590.100 and banded in accordance with subsections (b) and (c) of this Section.
- b) A raptor bred in captivity shall be banded with an FWS seamless metal band. If a band must be removed or is lost, it shall be reported electronically at <http://permits.fws.gov/186A> and by submitting a form 3-186A to the Department and a replacement band requested of the FWS no less than 10 days after the band is removed or lost. A seamless band that is removed or lost shall be replaced on the raptor with a nonreusable band supplied by the Department.
- c) An ISO compliant microchip (134.2 kHz) may be implanted in a falconry raptor bred in captivity, in addition to the seamless metal band.

(Source: Added at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.90 Capturing of Raptors – Regulations

- a) No permittee may capture any raptor without an appropriate permit from the Department. A permittee in possession of a valid capture permit may capture raptors of a non-prohibited species or subspecies. A person shall hold a valid falconry permit in Illinois or another state to be eligible for a capture permit. The Department will authorize up to 250 capture permits annually. Requests for

capture permits in excess of 250 will be considered first in following years.

- 1) A capture permittee may only intentionally capture a raptor species that he or she is allowed to possess. A permittee that captures a raptor that he or she may not possess shall immediately release the bird.
 - 2) Immature passage raptors may be captured from September 1 until March 1.
 - 3) Haggard American kestrels (*Falco sparverius*) and great horned owls may be captured between September 1 and January 1.
 - 4) The capture or taking of any eyass raptor in Illinois shall be permitted between February 1 and August 1. When eyasses are captured, at least one eyass shall be left in the nest.
 - 5) The fee for a raptor capture permit for a resident of the State of Illinois is \$50 per year. The fee for a non-resident raptor capture permit is \$100 per year.
 - 6) A capture permit shall expire on March 1 of each year and shall authorize the permittee to take up to his or her legal limit of raptors for possession and/or replacement, but no more than 2 raptors shall be taken from the wild per calendar year. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit and do not count as a bird taken from the wild.
 - 7) The take of raptors from the wild must be reported by entering the required information into the electronic database at <http://permits.fws.gov/186A> or submitting a paper form 3-186A to the Department at the capturer's first opportunity to do so, but no later than 10 days after the capture of the raptor.
- b) A raptor taken from the wild is always considered to be a wild raptor no matter how long it is held in captivity or whether it is transferred to another person. However, it is only considered to be taken from the wild by the person who captured it. The raptor is not considered to be taken from the wild by any subsequent permittee to whom it is legally transferred.
- c) Wild raptors listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17) and golden eagles may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by FWS at 50 CFR 17, or a

golden eagle, provided listed raptors are captured legally in another state or country, or transferred from another falconer in accordance with federal regulations (50 CFR 21.29), this Part and the laws of the jurisdiction in which the raptors are obtained.

- d) No wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not by FWS (50 CFR 17) may be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee from obtaining a raptor of any listed species, provided that it is captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29), this Part, and the laws of the jurisdiction in which the raptor was obtained.
- e) Except as provided for in Section 1590.50(a)(2) and (d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of FWS electronic form 3-186A must be sent to the Department within 5 days after marking, as determined by the postmark.
- f) A raptor taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21.29).
- g) A capture permittee who is present at the capture site and immediately receives a captured raptor from another permittee is considered to be the person who removed the raptor from the wild. The capture permittee receiving the raptor is responsible for submitting a form 3-186A reporting take of the raptor from the wild. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff.
- h) If the capture permittee is not at the immediate location where the raptor is taken from the wild, then the person who takes it must be a general or master falconer, have a valid capture permit, and report take of the raptor. If the falconer capturing the raptor then transfers the raptor to the first capture permittee, the permittee capturing the raptor and the permittee receiving the raptor both must submit a 3-186A form reporting the transaction at the first opportunity to do so, but no later than 10 days after the transfer. The raptor will count as one of the two raptors the falconer who took it from the wild is allowed to capture in any year. The raptor will not count as a raptor taken from the wild by the capture permittee who received the raptor. The falconer who takes the raptor from the wild shall report the take even if he or she promptly transfers it.

- i) If a capture permittee has a long-term or permanent physical impairment that prevents attending the capture of a species that is permitted for that permittee's use in falconry, then a general or master falconer holding a valid capture permit may capture the raptor for the permittee. The capture permittee receiving the raptor is then responsible for submitting a 3-186A form reporting take of the raptor from the wild and the raptor will count against the capture permittee's take of wild raptors allowed in any year.
- j) Any raptor unintentionally captured shall be promptly released.
- k) If a capture permittee transfers a raptor taken from the wild to a falconry permittee in the same year it was captured, the raptor will count as one of the raptors allowed to be taken from the wild in that year, but it will not count as a capture by the recipient, though it will always be considered a wild bird for purposes of bird counts and permits.
- l) A raptor wearing falconry equipment or a captive-bred raptor may be recaptured at any time, even if the permittee is not allowed to possess the species. The raptor will not count against the capture permittee's possession limit, nor will its take from the wild count against the permittee's take limit. The recapture must be reported to the Department no more than 5 working days after the recapture by submitting a form 3-186A. A recaptured falconry raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department.
- m) A raptor banded with an aluminum federal band issued by the federal Bird Banding Laboratory may be taken from the wild, except that a banded peregrine falcon may not be taken.
 - 1) If a captured raptor (including a peregrine falcon) is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, it shall be reported to the Department by submitting a form 3-186A within 5 working days after the capture. A recaptured falconry raptor shall be returned to the person who lost it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department. While a bird is temporarily held for the purpose of returning it to the person who lost it, it will not count against the possession limit or the limit of take from the wild if it has been reported to the Department.
 - 2) If a peregrine falcon having a research band (such as a colored band with alphanumeric codes) or a research marking attached to it is captured, then

it shall immediately be released unless the falcon has a transmitter attached to it, in which case it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the batteries and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the batteries or remove the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, then the peregrine falcon may be kept for falconry purposes only if the species is not on the Illinois list of endangered and threatened species.

- 3) If a captured raptor has any other band, research marking or transmitter attached to it, the band numbers and all other relevant information must be promptly reported to the federal Bird Banding Laboratory at 1-800-327-2263.
 - A) If the raptor has a transmitter attached to it, then it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the transmitter and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the raptor is released. Disposition of the raptor will be at the discretion of the researcher and the Department.
 - B) A temporarily possessed raptor having a transmitter attached will not count against the raptor possession limit for falconry raptors.
- n) A capture permittee is responsible for the costs of care and rehabilitation for any raptor that is injured as a result of the permittee's trapping efforts and the permittee may either:
 - 1) place the raptor on the capture permittee's falconry permit. Take of the raptor shall be reported by entering the required information into the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department no more than 10 days after capture. The raptor must then be treated by a veterinarian or licensed wildlife rehabilitator. The raptor will count against the permittee's possession limit; or

- 2) the raptor may be given directly to a veterinarian or permitted wildlife rehabilitator or an appropriate Department employee. The raptor will then not count against the permittee's allowed take or possession limit.
- o) In order to receive a permit to capture passage peregrine falcons (peregrine permit) in Illinois for falconry purposes, the following regulations apply, in addition to subsections (a) through (n).
- 1) Applicants must possess a valid master class falconry permit.
 - 2) Those wanting a peregrine permit shall, by August 31 annually, submit an application and any applicable permit fee (see subsection (o)(4)) to the Department at the address cited in Section 1590.60(a). The Department will review and determine the completeness and eligibility of each permit application. Applicants deemed eligible by the Department will be placed in one of two lotteries (one for residents, followed by one for non-residents if any permits remain available after the resident lottery) to fill the permits allocated to Illinois by the U.S. Fish and Wildlife Service (FWS). Lottery winners will receive a permit, and any applicable fees paid by unsuccessful applicants will be refunded.
 - 3) Preference for receiving a permit to capture a peregrine falcon will be given to Illinois residents. After all permit applications received from Illinois residents have been filled, remaining permits will be allocated to non-resident applicants via the separate non-resident lottery.
 - 4) The fee for the permit for Illinois residents will be \$50. The fee for non-residents will be \$100. If the applicant possesses a valid permit issued under Section 1590.90 (raptor permit), no fee in addition to the raptor permit fee required by Section 1590.90(a)(5) will be charged.
 - 5) Peregrine permits expire on March 1 annually, but peregrine falcons may only be captured between September 20 and October 20. Each permit will be valid for the capture of one peregrine falcon, and no applicant shall receive more than one peregrine permit. Any peregrine falcon captured under a peregrine permit shall be counted as a raptor captured under a raptor capture permit (see Section 1590.90(a) for the current raptor capture limit) and counted as possessed under the master class falconer permit (see Section 1590.80(c)(2) for the current possession limits).
 - 6) Permittees must report successful captures of peregrine falcons within 48 hours after capture using the electronic reporting system or by phone to the Department's representative.

- 7) Holders of peregrine permits may be required to provide feathers or other samples as directed by the Department and/or FWS.

(Source: Amended at 40 Ill. Reg. 3743, effective February 24, 2016)

Section 1590.100 Transfer, Change in Status, Release, Acquisition and Reporting Requirements

- a) Permittees shall not purchase or sell any raptor except as specified in Section 1590.85(a) or in subsection (d) of this Section.
- b) If a raptor is acquired, transferred, rebanded or microchipped, if a raptor is stolen, if a raptor is lost to the wild and not recovered within 30 days, or if a raptor possessed for falconry dies, the change in status must be reported within 10 days by entering the required information into the electronic database at <http://permits.fws.gov/186A> and to the Department by submitting a form 3-186A. If a raptor is stolen, then it must be reported to the Department and to the local Fish and Wildlife Service Regional Law Enforcement office at 618-713-5320 within 10 days after the theft of the raptor. Copies of electronic database submissions documenting take, transfer, loss, rebanding or microchipping must be kept for 5 years after the transaction.
- c) Non-native raptors, hybrids, imprinted raptors and golden eagles may not be permanently released in Illinois.
 - 1) If the species is native to Illinois and was taken from the wild, it may be released only at an appropriate time of year and an appropriate location with permission of the respective landowner. The falconry band and equipment (anklets, jesses, etc.) must be removed and the release must be reported by entering the required information into the electronic database at <http://permits.fws.gov/186A> and reported to the Department by submitting a form 3-186A.
 - 2) If the raptor species is native to Illinois and is captive-bred, it may be released only by hacking the raptor to the wild at an appropriate time of year and an appropriate location. The falconry band and equipment (anklets, jesses, etc.) must be removed and the release must be reported by entering the required information into the electronic database at <http://permits.fws.gov/186A> and reported to the Department by submitting a form 3-186A.
- d) Nothing in this Section shall prohibit a falconry permittee from purchasing,

selling or bartering a captive-bred raptor marked with a seamless band provided that the transaction is in accordance with federal regulations (50 CFR 21.29) , this Part, and the laws of the jurisdiction in which the captive-bred raptor is purchased, sold or bartered, the captive-bred raptor is of a species that may be legally held by the permittee (see Section 1590.80), and the captive-bred raptor was legally acquired by the person from whom it is being purchased as demonstrated by the FWS forms). Wild raptors may be transferred, but shall not be purchased, sold, traded or bartered.

- e) A raptor of any age and species that a falconry permittee is allowed to possess (except a golden eagle) may be acquired directly from a licensed wildlife rehabilitator. The transfer is at the discretion of the rehabilitator.
 - 1) A raptor acquired from a rehabilitator must be reported within 10 days by entering the required information into the electronic database at <http://permits.fws.gov/186A> and by submitting a form 3-186A to the Department.
 - 2) A raptor acquired from a rehabilitator will count as one of the raptors that a permittee is allowed to take from the wild that year.
- f) Captive-bred falconry raptors may be transferred to another permit type if the holder of the other permit is authorized to possess the raptors. The transfer must be reported within 10 days by entering the required information into the electronic database at <http://permits.fws.gov/186A> and by submitting a form 3-186A to the Department.
- g) A wild-caught falconry raptor may be transferred to another permit type if the holder of the other permit is authorized to possess the raptor under the following circumstances:
 - 1) A wild-caught falconry raptor may be transferred to a captive propagation permit after the raptor has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*) or American kestrel). A copy of the 3-186A form documenting the acquisition of a raptor by the propagator must be provided to the Department and the federal migratory bird permit office that administers the federal propagation permit.
 - 2) A wild-caught falconry raptor may be transferred to another permit type in less than 2 years (1 year for a sharp-shinned hawk, Cooper's hawk, merlin or an American kestrel) if the raptor has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the raptor can no

longer be flown for falconry. Within 10 days after transferring the raptor, a copy of the 3-186A form documenting acquisition of the raptor must be submitted to the Department and the federal migratory bird permitting office that administers the other permit type. When the raptor is transferred, a copy of the certification from the veterinarian or rehabilitator that the raptor is not useable in falconry must also be submitted to the Department and the federal migratory bird permitting office that administers the other permit type.

- h) A surviving spouse, executor, administrator or other legal representative of a deceased falconry permittee may transfer any falconry raptor held by the deceased permittee to another authorized permittee within 90 days after the death of the falconry permittee. After 90 days, the disposition of the raptors is at the discretion of the Department.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.110 Hunting Seasons for Falconers

- a) Falconers shall possess a valid hunting license and appropriate State and federal stamps and shall abide by all Wildlife Code regulations.
- b) The statewide seasons for harvesting the following game birds, game mammals and fur-bearing mammals by falconry methods shall be:
 - 1) Cock and hen pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits, raccoon, opossum, skunk, gray fox and red fox: October 1- March 31.
 - 2) Fox and gray squirrels: August 1-January 31.
- c) No bag or possession limits shall be in effect for fur-bearing mammals. Bag and possession limits for fox and gray squirrels shall be the same as specified in 17 Ill. Adm. Code 690.20. Bag and possession limits for pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits shall be the same as specified in 17 Ill. Adm. Code 530.20, except that hen pheasants may be included as part of bag and possession limits in accordance with 520 ILCS 5/2.6. Blaze orange clothing is not required to take pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits by falconry during the upland game season except as may be required by local rules and in 17 Ill. Adm. Code 530. Blaze orange clothing consisting of a cap and upper outer garment, with those articles of clothing displaying a minimum of 400 square inches of blaze orange material, is required to take any protected species, except migratory waterfowl, by

any means, including falconry, during the gun deer hunting season in counties open to gun deer hunting.

- d) Seasons, bag limits and possession limits for harvesting the following migratory birds by falconry methods shall be in accordance with federal regulations (50 CFR 20.109: snipe, rails (sora and Virginia), ducks, geese, coots, woodcock, doves and crows.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.120 Additional Provisions

- a) Molted and salvaged feathers from falconry raptors held in captivity may be retained and received from other falconry permittees and licensed wildlife rehabilitators for imping purposes only. Feathers from raptors other than golden eagles may also be left where they fell, destroyed or donated as provided for in this subsection (a). Buying, selling or bartering the feathers is prohibited.
- 1) Feathers from a falconry bird, except golden eagle feathers, may be donated to a person or institution that is authorized by the U.S. Department of Agriculture, FWS or DNR to possess them.
 - 2) Molted primary and secondary flight feathers and retrices from a golden eagle that are not kept for imping must be sent to the National Golden Eagle Repository, Rocky Mountain Arsenal, Bldg. 128, Commerce City, CO 80022; phone number 303-287-2110. All other feathers from a golden eagle, including body feathers, should also be sent to the National Eagle Depository.
 - 3) Persons whose falconry permit is expired or revoked must donate the feathers of any species of falconry raptor, except a golden eagle, to any person who is authorized by the U.S. Department of Agriculture, FWS or DNR to possess them or burn, bury or otherwise destroy them.
- b) Any person convicted of illegal possession of raptors shall have his or her permit revoked and his or her raptors confiscated by the Department. The Department shall dispose of any confiscated raptors by transferring them to another permittee or permittees, releasing them to the wild, or destroying them if they are unsuitable to be transferred or released.
- c) Convictions of violating any Section of this Part shall result in a period of suspension or revocation by the Department of the permittee's falconry privileges for up to 5 years, pursuant to 17 Ill. Adm. Code 2530.

- d) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17), and if the raptor was acquired prior to the enactment of these regulations or prior to listing of the bird in the Endangered Species List of Illinois or the United States, legally acquired out of State (see Section 1590.90(c)), or is the progeny of 2 legally held birds (see Section 1590.85(a) and Section 1590.100 (d)), shall be allowed to possess the raptor as part of the permittee's falconry permit class.
- e) Nothing in this Part shall prohibit public educational presentations and other educational uses of raptors held on a falconry permit in accordance with Federal regulations (50 CFR 21.29).
- f) Falconers may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons or kites in training or conditioning falconry raptors. Permittees in possession of an Illinois game breeders permit may train raptors by using or killing pen reared game at any time.
- g) Hacking of falconry raptors is an allowed method of conditioning raptors, but only by general or master class falconers under the following conditions:
 - 1) any raptor that is being hacked counts against the falconer's possession limit and must be a species that is authorized to be possessed;
 - 2) any hybrid that is hacked must have 2 attached functioning radio transmitters during hacking; and
 - 3) a falconry raptor may not be hacked near a nesting area of a State or federally endangered or threatened species that might be disturbed or taken by the falconry raptor. Falconers should contact the Department for information to ensure that this does not occur.
- h) A general or master falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild in accordance with federal regulations (50 CFR 21.29). A raptor held for rehabilitation may be held in the falconer's facilities.
- i) A master falconer may use an authorized raptor species to scare away protected species that are causing property damage or a risk to human health or safety in accordance with 17 Ill. Adm. Code 525 and federal regulations (50 CFR 21). A master falconer may use an authorized raptor species to kill protected species that

are causing property damage or a risk to human health or safety on the land of another for a fee, only if he or she has the appropriate class of nuisance wildlife control permit from the Department (17 Ill. Adm. Code 525) and the appropriate Fish and Wildlife Service permit (50 CFR 21).

- j) Falconry birds that die must be disposed of under the following conditions:
- 1) The entire body of a golden eagle held for falconry, including all feathers, talons and other parts, must be donated to the National Eagle Depository.
 - 2) The entire body or feathers of any other species of falconry raptor may be donated to any person or educational institution authorized by the U.S. Department of Agriculture, FWS or DNR to possess the raptor or feathers.
 - 3) The entire body of a raptor, except a golden eagle, that was banded or microchipped prior to death may be kept so that the feathers are available for imping. The body of captive-bred raptors may be mounted by a taxidermist. Taxidermy mounts may be used in giving conservation education programs. The bird band and microchip must be left in place.
 - 4) The flight feathers from dead raptors not donated or mounted by a taxidermist may be kept for as long as the falconer possessing them has a valid falconry permit. The flight feathers may not be bought, sold or bartered. All paperwork documenting the acquisition of the raptor must be retained.
 - 5) Falconry raptors not otherwise disposed of as provided in this subsection (j) shall be burned, buried or otherwise destroyed as approved by the Department within 10 days after the death of the raptor or after final examination by a veterinarian to determine cause of death. Euthanized falconry raptors could pose a risk of secondary poisoning to other animals. Appropriate precautions must be taken to avoid such poisonings.
- k) An unintentional prey item taken by a falconry raptor may be fed upon by the raptor but not be possessed by the falconer.
- l) Falconers must ensure that State and federally listed endangered and threatened species are not taken by falconry raptors. Take, for the purposes of this Section, includes to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture or collect, or to attempt to engage in this conduct. Falconers must report unintentional take of State listed species to the Department's endangered species program manager in addition to reporting the

take of federally listed species to the Ecological Services Field Office for the location where the take occurred.

- m) When flown free, a hybrid raptor must have attached at least 2 functioning radio transmitters to assist in locating the raptor.

(Source: Amended at 40 Ill. Reg. 3743, effective February 24, 2016)

Section 1590.130 Violation of Rules

Any person who violates any provision of this Part shall be guilty of a petty offense.

(Source: Added at 10 Ill. Reg. 16627, effective September 24, 1986)

Section 1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

(Source: Repealed at 38 Ill. Reg. 895, effective January 1, 2014)