

115-14-14. Falconry; taking, banding, transporting, and possessing raptors. (a) For the purpose of this regulation, "falconer" shall be defined as each a person taking or attempting to take a raptor from the wild for falconry purposes. Each falconer shall possess a current, valid hunting license pursuant to K.S.A. 32-919, and amendments thereto, and meet the requirements for hunter education certification pursuant to K.S.A. 32-920, and amendments thereto.

(b) Each nonresident falconer shall apply for and receive a take permit from the department before attempting to take a raptor from the wild in Kansas. Each nonresident falconer shall submit a raptor acquisition report within 10 days of leaving Kansas, regardless of whether the falconer was successful in taking a raptor.

(c) Each resident falconer shall apply for and receive a take permit from the department before attempting to take a peregrine falcon from the wild in Kansas.

(d) Each capture device used to capture raptors shall have a tag attached showing the permittee's falconer's name, address, and current falconry permit number.

(d) (e) The permittee falconer shall acquire permission from the landowner or the person controlling any private land before taking or attempting to take any wild raptor for falconry purposes.

(e) (f) Wild raptors may be taken for falconry purposes if the species is approved by the department to be taken by the permittee falconer and is allowed under the level of falconry permit possessed by the permittee falconer in accordance with K.A.R. 115-14-12.

(1) A permittee falconer shall not intentionally take a raptor species that the permittee falconer is prohibited from possessing by the permittee's falconer's classification level.

(2) If a permittee falconer captures a prohibited bird, the permittee falconer shall immediately release it.

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(f) (g) A ~~permittee~~ falconer shall take no more than two raptors from the wild each year to use in falconry in accordance with the permit level limitations specified in K.A.R. 115-14-12. The take shall be further restricted by the following provisions:

(1) Passage and haggard raptors may be taken by apprentice falconers, general falconers, and master falconers year-round.

(2) ~~Raptors less than one year of age~~ Eyases may be taken only by a general falconer or master falconer and may be taken year-round.

(3) No more than two eyases may be taken by a general falconer or a master falconer per calendar year. At least one eyas shall be left in the nest when an eyas is taken.

An apprentice falconer shall not take an eyas raptor from the wild.

(4) The following raptors may be taken from the wild, but only during the specified stages of development:

(A) Red-tailed hawk (*Buteo jamaicensis*) in the eyas and passage stages;

(B) American kestrel (*Falco sparverius*) in all stages; and

(C) great horned owl (*Bubo virginianus*) in all stages.

(5) Any other species of raptor in the eyas or passage stage of development may be taken by general falconers and master falconers.

(6) The recapture of a falconry bird that has been lost by a ~~falconry permittee~~ falconer shall not be considered to be the capture of a wild raptor to be counted against the annual limit.

(g) (h) Except as provided by this subsection, no species designated by the United States or in K.A.R. 115-15-1 as endangered or threatened shall be taken from the wild.

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(1) A general falconer or master falconer may obtain a permit to take one wild raptor listed by federal law as threatened for falconry purposes.

(2) (A) The ~~permittee~~ falconer shall submit an application and receive a federal endangered species permit before taking the bird.

(B) The ~~permittee~~ falconer shall submit an application and receive approval and a permit from the department before taking the bird.

~~(h)~~ (i) Each raptor taken from the wild shall always be considered a wild bird.

~~(i)~~ (j) Each raptor taken from the wild in a calendar year by a ~~permittee~~ falconer and then transferred to a second ~~permittee~~ falconer shall count as one of the raptors allowed to be taken by the first ~~permittee~~ falconer who took the raptor from the wild. The raptor transferred to the receiving ~~permittee~~ falconer shall not count against the limit of wild raptors that may be taken in the calendar year by the receiving ~~permittee~~ falconer.

~~(j)~~ (k) Each raptor taken from the wild shall be reported as follows:

(1) The ~~permittee~~ falconer who is present and takes possession of a wild raptor at the capture site shall file the required report information within 10 calendar days of the capture by submitting the information to the electronic database of the United States fish and wildlife service.

(2) Any ~~permittee~~ falconer may enlist the assistance of another person to take a wild raptor if the ~~permittee~~ falconer is at the exact location of the capture and takes immediate possession of the bird.

(3) Any ~~permittee~~ falconer who does not take immediate possession of a wild raptor at the exact location of the capture may acquire a wild raptor from a general falconer or master falconer, as defined in K.A.R. 115-14-12, in accordance with the following reporting requirements:

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(A) The general falconer or master falconer who takes the raptor from the wild shall report the capture in accordance with paragraph ~~(j)(1)~~ (k)(1).

(B) The ~~permittee~~ falconer receiving the wild raptor from the general falconer or master falconer shall report the transfer of the bird within 10 calendar days of the transfer by submitting the information to the electronic database of the United States fish and wildlife service.

(4) Any ~~permittee~~ falconer who has a long-term or permanent physical impairment that prevents the individual from being present at the exact location of the capture and taking immediate possession of a wild raptor that may be used by the ~~permittee~~ falconer for falconry purposes may acquire a bird by the following means:

(A) Any general falconer or master falconer, as defined by K.A.R. 115-14-12, may capture the wild raptor.

This capture shall not count against the general falconer's or master falconer's calendar-year limit for the take of wild raptors. However, this capture shall count against the calendar-year limit for wild raptors of the ~~permittee~~ falconer with the long-term or permanent physical impairment.

(B) The ~~permittee~~ falconer with the long-term or permanent physical impairment shall file the capture report in accordance with paragraph ~~(j)(1)~~ (k)(1).

(C) The ~~permittee~~ falconer with the long-term or permanent physical impairment shall confirm the presence of the impairment and the need to report in accordance with this subsection at the time of application for the capture permit.

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~~(k)~~ (l) A master falconer may be authorized by permit to possess not more than three eagles, including golden eagles, white-tailed eagles, or Steller's sea eagles, for falconry in accordance with the following provisions:

(1) Each eagle possessed shall count against the possession limit for the ~~permittee~~ falconer.

(2) A golden eagle may be taken in a location declared by the wildlife services of the United States department of agriculture or in an area within a state that has been established as a livestock depredation area in accordance with the following provisions:

(A) An immature or a subadult golden eagle may be taken in a livestock depredation area while the depredation area is in effect.

(B) A nesting adult golden eagle, or an eyas from its nest, may be taken in a livestock depredation area if a biologist that represents the agency responsible for establishing the depredation area has determined that the adult eagle is preying on livestock.

(C) The ~~permittee~~ falconer shall notify the regional law enforcement office of the United States fish and wildlife service of the capture plan before any trapping activity begins. Notification shall be submitted in person, in writing, or by facsimile or electronic mail at least three business days before the start of trapping.

~~(h)~~ (m) Any raptor wearing falconry equipment or any captive-bred raptor may be recaptured at any time by any ~~permittee~~ falconer in accordance with the following provisions:

(1) The ~~permittee~~ falconer may recapture the raptor whether or not the ~~permittee~~ falconer is allowed to possess that species.

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(2) The recaptured bird shall not count against the ~~permittee's~~ falconer's possession limit. This take from the wild shall not count against the capture limit for the calendar year.

(3) The ~~permittee~~ falconer shall report the recapture to the department within five working days of the recapture.

(4) The disposition of any recaptured bird shall be as follows:

(A) The bird shall be returned to the person who lost it, if that person may legally possess the bird and chooses to do so. If the person who lost the bird either is prohibited from taking or chooses not to take the bird, the ~~permittee~~ falconer who captured the bird may take possession of the bird if the ~~permittee~~ falconer holds the necessary qualifications for the species and does not exceed the ~~permittee's~~ falconer's possession limit.

(B) The disposition of a recaptured bird whose legal ownership cannot be ascertained shall be determined by the department.

~~(m)~~ (n) Each goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) taken from the wild or acquired from a rehabilitator by a ~~falconry permittee~~ falconer shall be identified by one or more of the following means:

(1) The bird shall be banded with a black nylon, permanent, nonreusable, numbered falconry registration leg band from the United States fish and wildlife service. The bands shall be made available through the department. Any ~~permittee~~ falconer may request an appropriate band before any effort to capture a raptor.

(2) In addition to the band specified in paragraph ~~(m)~~(1) ~~(n)~~(1), the ~~permittee~~ falconer may purchase and have implanted in the bird a 134.2 kHz microchip that is compliant with the requirements

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of an international organization for standardization. All costs associated with the implantation of a microchip shall be the responsibility of the ~~permittee~~ falconer.

(3) The ~~permittee~~ falconer shall report the take of any bird within 10 days of the take by submitting the required information, including the band number or the microchip information, or both, to the electronic database of the United States fish and wildlife service.

(4) The ~~permittee~~ falconer shall report to the department the loss or removal of any black nylon, nonreusable leg band within five days of the removal or notice of loss.

(A)(i) When submitting the report, the ~~permittee~~ falconer shall submit a request for a black, nylon, nonreusable leg band to the United States fish and wildlife service.

(ii) The ~~permittee~~ falconer may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the black, nylon, nonreusable leg band for rebanding.

(B) The ~~permittee~~ falconer shall immediately submit the required information relating to the rebanding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

~~(A)~~ (D) Each raptor bred in captivity shall be banded with a seamless metal falconry registration band provided by the United States fish and wildlife service. In addition, any such raptor may have implanted a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization.

The ~~permittee~~ falconer shall report to the department the loss or removal of any seamless band within 10 days of the removal or notice of loss.

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(1)(A) When submitting the report, the ~~permittee~~ falconer shall submit a request for a yellow, nylon, nonreusable leg band to the United States fish and wildlife service.

(B) The ~~permittee~~ falconer may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the seamless leg band for rebanding.

(2) The ~~permittee~~ falconer shall immediately submit the required information relating to the rebanding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

~~(e)~~ (p) A falconry registration band shall not be altered, defaced, or counterfeited. However, the rear tab on a falconry registration band used to identify a raptor taken from the wild may be removed and any imperfect surface may be smoothed if the integrity of the band and the numbering on the band are not affected.

~~(p)~~ (q) The falconry registration band requirement may be waived by the secretary and the removal of a registration band may be allowed in order to address a documented health or injury problem caused to a raptor by the registration band in accordance with the following provisions:

(1) The ~~permittee~~ falconer shall be required to carry a copy of the exemption paperwork at all times while transporting or flying the raptor.

(2) A microchip compliant with the requirements of an international organization for standardization and provided by the United States fish and wildlife service shall be used to replace the registration band causing the health or injury problem on a wild-caught goshawk, Harris's hawk, peregrine falcon, or gyrfalcon.

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~~(e)~~ (r) A wild-caught falcon shall not be banded with a seamless numbered band.

~~(f)~~ (s) Any ~~permittee~~ falconer, with prior authorization, may take a wild raptor, including a wild raptor that has been banded with an aluminum band from the federal bird-banding laboratory of the United States fish and wildlife service, during the legal season using legal methods and equipment, in accordance with the following provisions:

(1) Each captured raptor that has any band, research marker, or transmitter attached to it shall be immediately reported to the federal bird-banding laboratory of the United States fish and wildlife service. The reported information shall include any identifying numbers, the date and location of capture, and any other relevant information.

(2) A peregrine falcon that is banded with a research band or has a research marking attached to the bird shall not be taken from the wild and shall be immediately released.

(3) A captured peregrine falcon that has a research transmitter attached to the bird may be kept by the ~~permittee~~ falconer not more than 30 days if the federal bird-banding laboratory of the United States fish and wildlife service is immediately contacted after the capture. The disposition of the captured peregrine falcon shall be in accordance with the directions provided by the federal bird-banding laboratory or its designee.

(4) Any raptor, other than a peregrine falcon, that has a transmitter attached to it may be possessed by the ~~permittee~~ falconer who captured the bird for not more than 30 days in order to contact the researcher, or the researcher's designee, to determine if the transmitter should be replaced.

(A) The temporary, 30-day possession of the bird shall not count against the ~~permittee's~~ falconer's possession limit for falconry raptors.

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(B) If the ~~permittee~~ falconer who captured the raptor wishes to possess the bird for falconry purposes, the disposition of the bird shall be at the discretion of the researcher and the secretary if the species of the bird is allowable under the classification level of the ~~permittee~~ falconer and the ~~permittee's~~ falconer's possession of the captured bird does not exceed the established possession limit.

(s) (t) Each raptor, including a peregrine falcon, that is captured and found with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird attached to it shall be reported to the department within five days of capture.

(1) Each such falconry raptor shall be returned to the person who lost the raptor.

(2) If the person who lost the bird is prohibited from possessing the bird or does not wish to possess the bird, the ~~permittee~~ falconer who captured the bird may keep the bird if the ~~permittee~~ falconer holds the necessary qualifications for the species and does not exceed the ~~permittee's~~ falconer's possession limit.

(3) If the ~~permittee~~ falconer who captured the bird is prohibited from possessing the bird, the disposition of the bird shall be at the discretion of the secretary.

(4) The recaptured falconry bird shall not count against the possession limit or the calendar-year limit of wild birds that may be taken by the ~~permittee~~ falconer during the time the recaptured bird is being held pending final disposition.

(t) (u) Each raptor that is injured during trapping activities shall be handled in accordance with the provisions of this subsection. It shall be the ~~permittee's~~ falconer's responsibility to address any injury occurring to a raptor during trapping activities in one of the following ways:

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(1) The ~~permittee~~ falconer may take the raptor into possession and apply it to the ~~permittee's~~ falconer's possession limit if the raptor is of a species allowed to be possessed and the ~~permittee's~~ falconer's possession limit is not exceeded.

(A) The take shall be reported in accordance with subsection ~~(j)~~ (k).

(B) The raptor shall be treated by a veterinarian or a permitted wildlife rehabilitator. The cost for the care and treatment of the raptor shall be the responsibility of the ~~permittee~~ falconer.

(2) The raptor may be turned over directly to a veterinarian, a permitted wildlife rehabilitator, or a department employee, and the raptor shall not be counted against the ~~permittee's~~ falconer's allowable take or possession limit. The ~~permittee~~ falconer shall be responsible for the costs relating to the care and rehabilitation of the bird.

~~(u)~~(v)(1) The ~~permittee~~ falconer shall report each raptor that dies or is acquired, transferred, rebanded, implanted with a microchip, lost to the wild and not recovered within 30 calendar days, or stolen by submitting the information to the electronic database of the United States fish and wildlife service.

(2) In addition to submitting the report required in paragraph ~~(u)~~(v)(1), the ~~permittee~~ falconer shall file a report of the theft of a raptor with the department and the appropriate regional law enforcement office of the United States fish and wildlife service within 10 calendar days of the theft.

(3) The ~~permittee~~ falconer shall keep copies of all electronic database submissions documenting the take, transfer, loss, theft, rebanding, or implanting of microchips of each falconry raptor for at least five years after the bird has been transferred, released to the wild, or lost, or has died.

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(v) (w) The intentional release to the wild of any falconry raptor shall be in accordance with the following requirements:

(1) A species of raptor that is not native to Kansas shall not be released to the wild. Any such bird may be transferred to another ~~falconry permittee~~ falconer if the ~~permittee~~ falconer receiving the bird is authorized to possess the age and species of raptor and the transfer does not exceed the possession limit of the ~~permittee~~ falconer receiving the bird.

(2) Any species of raptor that is native to Kansas and is captive-bred may be released to the wild according to the following requirements:

(A) The ~~permittee~~ falconer shall obtain the department's permission to release the bird to the wild before the actual release. The time of year and the location where the release shall take place shall be specified by the department.

(i) The release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The ~~permittee~~ falconer shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The ~~permittee~~ falconer shall remove any tag, transmitter, or nonreusable falconry band, if present, before release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The ~~permittee~~ falconer shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

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(3) Any species of raptor that is native to Kansas and was taken from the wild may be released to the wild according to the following requirements:

(A) The ~~permittee~~ falconer may release the bird to the wild year-round.

(i) Each release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The ~~permittee~~ falconer shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The ~~permittee~~ falconer shall remove any tag, transmitter, or nonreusable falconry band, if present, before the release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The ~~permittee~~ falconer shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(4) No hybrid raptor, as defined in K.A.R. 115-14-11, shall be intentionally released to the wild permanently.

(5) Hacking, which means temporarily releasing a falconry raptor to the wild for conditioning, shall be permissible.

(x) In addition to any other requirements regarding the take of peregrine falcons, each falconer shall immediately notify the department when a peregrine falcon is taken, as specified on the take permit. If the quota for the take of peregrine falcons has been met and the take season is closed, the falconer shall immediately release the peregrine falcon upon notification by the department.

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This regulation shall be effective on and after December 31, 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807, ~~as amended by L. 2012, ch. 47, sec. 25~~; effective Dec. 31, 2012; amended Feb. 8, 2013; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-14-14

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This regulation establishes taking, banding, and possessing raptors for falconry. The proposed changes would reduce permit requirements for residents and specify peregrine falcon requirements for taking from the wild.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

This is not a federal mandate. The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988 and moved from a dual management system to a state-only managed system with federal oversight in 2012. The proposed changes originated with the Kansas Hawking Club.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments will not enhance or restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The proposed amendments will not have an implementation or compliance cost on any specific businesses, sectors, individuals or local governments.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.

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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed change is designed to reduce permit and reporting requirements for resident falconers and clarify peregrine falcon take.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no costs associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

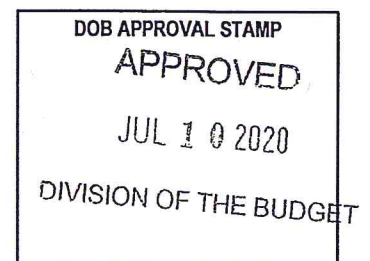
There are no implementation or compliance costs with this proposal.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.



- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

