

## **PROPOSAL 113**

### **5 AAC 92.037. Permits for falconry.**

Modify the regulations for nonresident take of raptors for falconry including increased number of nonresidents permits and expansion of the season to year-around as follows:

This proposal would amend the current regulations on nonresident raptor take for falconry in *Sections 37 (g) (1) (5) (7) (8)* as follows:

- Section 37 (g) (1) - Clear up ambiguous language about what ‘permit’ is necessary for take.
- Section 37 (g) (5) - Delete current language. Add specific language allowing an annual maximum of five permits for a gyrfalcon, five permits for a peregrine falcon and five permits for any other legally authorized raptor. This totals to a maximum annual number of permits of 15.
- Section 37 (g) (7) - Delete current language restricting take to only passage raptors. This allows take of either eyas or passage raptors as per the Alaska Falconry Manual Part 34 - Taking of Raptors “An eyas or passage bird may be taken any day of the year.”
- Section 37 (g) (8) - Delete current language entirely which defines a ‘season’ for passage raptor take. This allows take of raptors any day of the year as per the Alaska Falconry Manual Part 34 - Taking of Raptors “An eyas or passage bird may be taken any day of the year.”

The draft regulatory language is as follows:

(g) The taking, transporting, or possessing a raptor for falconry by a nonresident is allowed under the following conditions:

- (1) **a valid, current falconry permit from the nonresident’s home state** and a valid, current nonresident hunting license is required for submitting an application, taking, transporting, possessing, and transferring a raptor to another state's falconry program;
- (2) the nontransferable permit will be issued under standards, procedures and conditions set out in the Alaska Falconry Manual No. 10, dated July 1, 2018; that manual, including its conditions related to nonresident take, is hereby adopted by reference;
- (3) take is limited to nonresidents who are citizens of the United States;
- (4) only the raptor species listed under (f) of this section are eligible for nonresident take;
- (5) **the department shall issue annually: up to 5 permits for a gyrfalcon (Falco rusticolus); up to 5 permits for a peregrine falcon (Falco peregrinus); and up to 5 permits for any other raptor species listed under (f) of this section** [UP TO FIVE PERMITS FOR TAKING, TRANSPORTING, OR POSSESSING A RAPTOR FOR FALCONRY BY A NONRESIDENT SHALL BE ISSUED ANNUALLY BY THE DEPARTMENT];
- (6) a targeted hunt system will be used to determine permit winners if the number of applicants exceeds the number of permits available;

(7) take is limited to one [PASSAGE, HATCHING-YEAR] raptor;

[(8) THE ANNUAL NONRESIDENT SEASON FOR ACQUIRING A PASSAGE RAPTOR IS FROM AUGUST 15 - OCTOBER 31];

**What is the issue you would like the board to address and why? 5 AAC 92.037. Permits for falconry.**

Remove unnecessarily restrictive and complicated regulations on nonresident raptor take for falconry. Increase the number of nonresident permits from five to 15.

The issue with the current regulations is that nonresident raptor take for falconry is unnecessarily restrictive and complicated.

Currently, Section 37 (g) has the following nonresident limitations:

- Section 37 (g) (5) limits nonresident permits to 5 for any of the 25 possible indigenous raptor species allowed for take in section 37 (f).
- Section 37 (g) (7) limits take to one passage, hatching-year raptor. A 'passage' raptor being one that has fledged and is surviving on its own.
- Section 37 (g) (8) sets a nonresident 'season' for acquiring a passage raptor from August 15 - October 31.

Section 37 (a) makes clear that a nonresident permit is to be issued under the following conditions:

“The permit will be issued under standards, procedures, and conditions set out in the Falconry Standards section of the Alaska Falconry Manual No. 10, dated July 1, 2018; that section of the falconry manual is hereby adopted by reference.”

The following conditions for resident falconry take come from the Alaska Falconry Manual, Alaska Falconry Standards Section, Part 34 - Taking of Raptors:

- Only an individual with a valid, **current Alaska falconry permit or non-resident take permit** and a valid, current Alaska hunting license, excluding temporary permits, may take a raptor from the wild in Alaska.
- Take of any raptor species must be in compliance with these standards.
- **An eyas or passage bird may be taken any day of the year.**
- Except for American kestrel, great horned owl, and subadult golden eagle, a raptor over one year of age may not be taken.
- An actively breeding bird, including one in immature plumage, may not be taken.

- An eyas may be taken only by a general or master class falconer; at least one eyas must be left in the nest or eyrie from which a bird is removed.
- A permittee may not intentionally capture a raptor of a species not allowed by his or her classification for possession for falconry.
- A permittee unintentionally or otherwise capturing a raptor not allowed must release it immediately.

This proposal will amend and eliminate unnecessarily restrictive and complicated regulations by simply **defaulting the nonresident take conditions to those of all resident falconers** as currently outlined in the Alaska Falconry Manual.

Under the new proposed regulations:

- a nonresident falconer would be able to take a raptor under the exact same standards, procedures, and conditions as a resident falconer. This allows that an eyas or passage bird may be taken any day of the year.
- the maximum annual number of permits would be increased from 5 to 15.
- to better manage the take of the gyrfalcon and the peregrine falcon, the permits would be allocated in 3 separate groups – 5 permits for a gyrfalcon, 5 permits for a peregrine falcon and 5 permits for any other legally authorized raptor.

The benefits of these proposed regulations include:

- An increased chance of obtaining a permit for the raptor of one's choice.
- The full year opportunity for planning and making a trip to Alaska for capture.
- Access for capture of passage raptors during times of the year that is not life-threatening to the permittee.
- Access to eyas raptors. An 'eyas' raptor is one that is not fully grown or very recently fully grown. The benefits of eyas take include:
  - Being able to raise and train a bird that is very tame and tractable.
  - Gives falconers who would like to breed their bird at some future point a much higher chance of success.
  - Improves the future gene pool for a species by having wild taken birds that will have a more likely chance of successful captive reproduction.

- Enlarges the population of genetically fit breeding birds in case environmental problems reduce wild populations. Point in fact, the recovery of the peregrine falcon, which exemplifies one of our greatest wildlife achievements in bringing a species back from near extinction due to our own fault of indiscriminate pesticide use (U.S. Fish and Wildlife Service, 2003).

- Reduced bureaucracy for nonresidents

- Reduced bureaucracy for enforcement

### **Biologic Support for this Proposal**

Although this proposal includes the nonresident take possibility of any of the legally listed 25 indigenous raptors, three raptors stand out in capability and excitement of hunting prowess for use in falconry. These three species generally have a high research interest for wildlife management as well.

These three species are the Gyrfalcon (*Falco rusticolus*), the Peregrine falcon (*Falco peregrinus*) and the Northern Goshawk (*Accipiter gentilis*).

This proposal will include a limited research reference list; however, if necessary, more can be added during the comment period as appropriate.

Falconry is legal in all states except Hawaii. The wildlife management teams of these states all support falconry and raptor take as harvest data allows for their state. This also includes nonresident take for each state.

According to Millsap and Allen (2010), falconry raptor take poses little threat to wild populations in general. Natural mortality as well as mortality due to humans, either directly (e.g. shooting, vehicles, fences, poisoning) or indirectly (e.g. habitat loss), far exceed loss due to regulated falconry take.

In 2014 the Board of Game amended Alaska's falconry regulation [5 AAC 92.037(g)] to allow capture and export of falconry raptors by nonresident falconers under a permit issued by the Department of Fish and Game, Division of Wildlife Conservation (DWC).

In general, the DWC research data supports the limited take of these 3 raptors.

The fact that the DWC has allowed the take of the 25 indigenous species in AAC 92.037 37 (f), which includes these three species, gives evidence to the biologic basis for the take.

Research by Bente and Booms (2007 – 2014) shows the Alaska populations of gyrfalcons and peregrines fluctuate over time as do all species, but have remained at relatively stable levels. This is evidence that a falconry harvest is possible without negatively affecting wild populations.

The small increase in take of up to 15 permits is statistically an insignificant percentage for the populations of the entire state of Alaska. If the nonresident take of up to 15 birds, or areas where they are taken from, is of concern to wildlife management, this would imply that it would be of concern for resident take as well.

For a few nonresident permits, it makes sense to simply consider these takes as part of the overall Alaskan take with the exact same conditions of take applied for nonresidents as residents.

Whether a raptor is taken as a passage or an eyas, and whether taken in June or August, ultimately this ends as a take from the resource either way. With falconry take, however, there is the possibility of multiplying the take species through captive breeding which is not possible with a take from hunting.

### Alaska Nonresident Take Data

The following table shows the results of nonresident falconry take over the years from 2015 to 2020. The nonresident take program began in 2015.

Year	Max Permits	Number of Applicants	Birds Exported
2015	3	23	2 gyrfalcons
2016	3	24	1 gyrfalcon, 1 goshawk
2017	3	18	1 gyrfalcon
2018	5	24	3 gyrfalcons
2019	5	26	3 gyrfalcons
2020	5	17	TBD

**Source: Alaska Department of Fish and Game Website – Nonresident Falconry Take Permit Application Results, 2020**

Statistics from this nonresident take data show:

- Total number of applicants = 115 (132 incl. 2020)
- Total number of permits given = 19 (24 incl. 2020)
- Total number of birds taken = 11
- Ave number of birds taken/year = 2.2

This is evidence that reaching the maximum allowed take is difficult for nonresidents to achieve. This evidence also supports that the impact of nonresident wild take is extremely low.

### Fiscal Impact of nonresident take

The Dept of Fish and Game application process requires that a nonresident hunting license be purchased **before** applying – “Once you have acquired an Alaska hunting license, complete and submit the on-line application.”

This produces a revenue stream beyond the number of actual permits given. The current fee for a nonresident annual hunting license is \$160.

The department's hunting license fee income since opening nonresident take in 2015 with 132 applicants is \$21,120. This is an average of \$3,520 per year for hunting licenses only.

Many permittees will also purchase a 1 to 14 day sport fishing license as well for their trip adding further revenue for the department.

Nonresident permittees also contribute revenue to the local community. Fifteen nonresident permittees with accompanying travelers for products and services such as Alaska Airlines flights, rental vehicles and gas, food, lodging, equipment and supplies, plane services, and guide services all supports the Alaskan economy.

### **Conservation Resource**

International Union for Conservation of Nature (IUCN)

Established in 1964, The International Union for Conservation of Nature's Red List of Threatened Species is the world's most comprehensive information source on the global conservation status of animal, fungi and plant species.

### **Gyrfalcon Conservation Data**

Scientific name: *Falco rusticolus*

Conservation Status:

IUCN Red List of Threatened Species: Least Concern (Population stable)

See Bente and Booms (2014) for more research on the population status of peregrines and gyrfalcons in Alaska.

See Wright (2004) for more research on the status of peregrines and gyrfalcons in Alaska.

### **Peregrine Conservation Data**

Scientific name: *Falco peregrinus*

Conservation Status:

IUCN Red List of Threatened Species: Least Concern (Population stable)

See Wright (2004) for more research on the status of peregrines and gyrfalcons in Alaska.

### **Northern Goshawk Conservation Data**

Scientific name: *Accipiter gentilis*

Conservation Status:

IUCN Red List of Threatened Species: Least Concern (Population stable)

See Flatten (2001) and Iverson (1996) for more research on the status of the northern goshawk in Alaska.

### **References**

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**PROPOSED BY:** The California Hawking Club (EG-F20-169)  
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