CHAPTER 30-02-02
FALCONRY

Section	
30-02-02-01	Definitions
30-02-02-02	License Requirements
30-02-02-03	Application Procedures and Duration and Cost of Licenses
30-02-02-04	License Conditions
30-02-02-05	Classes of Licenses
30-02-02-06	Examination
30-02-02-07	Facilities and Equipment
30-02-02-08	Waiver of Examination Requirements [Repealed]
30-02-02-09	Marking
30-02-02-10	Restrictions for Taking of Raptors From the Wild
30-02-02-10.1	Restrictions on Importation - Hybrids and Nonindigenous Raptors
30-02-02-11	Possession of Raptors Prior to Enactment of Rules
30-02-02-12	Release of Birds to Wild
30-02-02-13	Temporary Care by Authorized Persons
30-02-02-14	Reporting
30-02-02-15	Duration and Cost of Licenses [Repealed]
30-02-02-15.1	Killing of Protected Species
30-02-02-16	Other Restrictions and Provisions
30-02-02-17	Penalties

30-02-02-01. Definitions.

For purposes of this chapter:

1. "Department" means the North Dakota game and fish department.

2. "Eyas raptors" means young raptors not capable of flight or a term for a young bird from time of its hatching until its normal departure from the nest. Also referred to as a nestling or chick.

3. "Falconry" means the sport of taking quarry (any species of animal) by the use of trained raptors.

4. "Hacking" is the temporary release of a raptor held for falconry to the wild so that it may learn to hunt on its own.

5. "Hunt" or "hunting" means pursuing, taking, attempting to take, or killing any game animals, rabbits, and game birds and searching for or attempting to locate or flush any game animals, rabbits, and game birds.

6. "Hybrid" means offspring of two distinct raptor species and any progeny of those birds.

7. "Imprint", for the purposes of falconry, means a bird that is hand-raised in isolation from the sight of other raptors from two weeks of age until it has fledged and has identified itself with humans rather than its own species. An imprinted bird is considered to be so for its entire lifetime.

8. "Licensee" mean a person who has been issued a valid North Dakota falconry license or a license from another state that complies with federal falconry standards.

9. "Nonindigenous" means those raptors not listed in the most current birds of North Dakota field checklist.

10. "Passage raptors" means first-year raptors capable of sustained flight.

11. "Raptor" means a migratory bird of the family accipitridae, excluding bald and golden eagles, falconidae, or strigidae.

12. "Replacement bird" means a raptor obtained to replace one which has died in captivity, has escaped, or is released to the wild.

13. "Service" means the United States fish and wildlife service.

14. "Sponsor" means resident master class licensees or resident general class licensees with at least three years of experience at the general class level. A sponsor may not have more than two apprentices at any one time.

15. "Take" or "obtain" means to trap, capture, or acquire by means of transfer a raptor for the purposes of falconry.

16. "Wild raptors" means an animal in its original natural state of existence, not domesticated nor cultivated, and is considered to be so for its entire life.

History: Amended effective December 1, 1982; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03

30-02-02-02. License requirements.

1. A valid North Dakota falconry license is required before any resident may take, possess, sell, barter, or transport a raptor for falconry purposes or practice falconry in North Dakota.

2. A nonresident must have a valid falconry license issued by the state or country in which the licensee resides in order to possess or transfer a raptor for falconry purposes or practice falconry in North Dakota. Nonresidents must comply with subsections 6 and 7 of section 30-02-02-04, subsection 5 of section 30-02-02-07, and sections 30-02-02-10 and 30-02-02-15.

3. Any nonresident licensee who wishes to practice falconry in North Dakota must first register on the North Dakota game and fish department website (gf.nd.gov), or through any department office, prior to participating.

4. Nonresident falconers relocating to North Dakota and in possession of a raptor must obtain a state license within one hundred twenty days.

5. If a licensee moves to a new state, tribe, or territory, within thirty days the licensee must inform both the former and the new licensing authority for the new place of residence of the address change.

Any person who violates subsection 3, 4, or 5 is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03

30-02-02-03. Application procedures and duration and cost of licenses.

An applicant who wishes to take, possess, sell, barter, or transport a raptor for falconry purposes, or practice falconry as a resident of North Dakota must submit an application for a falconry license to the department.

1. Application forms must be obtained from the department and will include the following information:

   a. Applicant's name and permanent home address.

   b. Applicant's birth date, social security number, and driver's license number.

   c. A list of number, species, age (if known), sex (if known), date of acquisition, and source of raptors already legally held in the applicant's possession.

2. Any applicant who has not possessed a resident North Dakota falconry license within the previous twelve months must also include a brief description of personal experience with the sport of falconry, if any, including the most recent license class and number of years of active experience at that level, the year of the written falconry examination, and the state, province, or country where the most recent license was held.

3. A license is valid when issued by the department and expires on June thirtieth of the third calendar year after it is issued.

4. The application and fee must be received by the department by June fifteenth of the license renewal year.

5. The fee for falconry licenses to individuals under eighteen years of age is fifty dollars.

6. The fee for falconry licenses to individuals eighteen years of age and older is one hundred fifty dollars.

History: Amended effective January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03

30-02-02-04. License conditions.

In addition to the general conditions, every license issued shall be subject to the following special conditions:

1. A licensee may not purchase, sell, trade, barter, or receive any compensation for wild raptors. Wild raptors may only be gifted.

2. A licensee may purchase, sell, trade, or barter any lawfully possessed raptor that is bred in captivity under authority of a federal raptor propagation permit and banded with a numbered seamless metal band. All transactions of this type are subject to additional conditions specified by 50 CFR 21.30.

3. A licensee may not propagate raptors without prior acquisition of a valid federal raptor propagation permit as described in 50 CFR 21.30 and as required by North Dakota Century Code chapters 20.1-09 and 36-01.

4. A licensee may not take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such licensee submits electronically a form 3-186A (migratory bird acquisition/disposition report) for each bird possessed within five days of acquisition, disposition, or death of the bird (http://permits.fws.gov/186A).

5. A licensee must keep copies of all electronic database submissions of each falconry raptor for five years after the disposition, transfer, loss, or death of the bird.

6. If a raptor is stolen, missing, or lost, the licensee must report the incident to the department and the United States fish and wildlife service regional law enforcement office within twenty-four hours.

7. A license or legible copies of a license must be in the licensee's immediate possession if trapping, transporting, working with, or flying falconry raptors.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03, 20.1-02-05
Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-05. Classes of licenses.

1. **Apprentice class.**

   a. An individual must be at least fourteen years of age to be licensed. If under eighteen years of age, a parent or legal guardian must also sign the application and is responsible for the licensee's activities.

   b. Before applying for an apprentice class license, an applicant must first obtain a sponsor, answer correctly at least eighty percent of the questions on an examination administered by the department at the Bismarck office, and pass an equipment and facilities inspection. An apprentice licensee must have a sponsor during the entire apprenticeship.

   c. An apprentice must have a letter from the apprentice's sponsor and provide a copy to the department, stating that the sponsor will assist, as necessary, in:

      (1) Learning about the general care of and training of raptors held for falconry;

      (2) Learning about relevant wildlife laws and regulations; and

      (3) Deciding what species of raptor is appropriate to possess while an apprentice.

   d. An apprentice licensee may only possess a wild-caught American kestrel (falco sparverius) or a wild-caught or nonimprinted captive-bred red-tailed hawk (buteo jamaicensis).

   e. An apprentice licensee may not possess more than one raptor at any time and may not obtain more than one replacement bird during the calendar year.

   f. An apprentice licensee may not possess a raptor taken from the wild as a nestling.

   g. An apprentice licensee may not possess a bird that is imprinted on humans.

2. **General class.**

   a. An individual must be at least eighteen years of age to receive a general class license.

   b. An applicant must have at least two years' active experience in the practice of falconry at the apprentice class level, or its equivalent, and experience must include maintaining, flying, and hunting a raptor for at least four months in each year. Falconry school programs or education may not be substituted to shorten the period of two years at the apprentice level.

c. When an apprentice class licensee applies for a general class license, the licensee's sponsor must submit to the department a report that details the applicant's progress in falconry and qualifications and includes a recommendation for the general class license.

d. A general licensee may not possess more than two raptors at any time and may not obtain more than two raptors for replacement birds during any calendar year.

e. A general licensee may not take, transport, or possess any golden eagle, bald eagle, white-tailed eagle, or Stellar's sea-eagle.

f. A general licensee may not take, transport, or possess any wild raptors listed as threatened or endangered in 50 CFR 17, but may transport or possess individuals of such species that are captive-bred, in accordance with 50 CFR 17.

g. A general licensee may possess any other wild raptor species, nonindigenous, captive-bred individuals, and hybrids thereof.

3. **Master class.**

a. An individual must have at least five years' active experience in the practice of falconry at the general class level, or its equivalent, including maintaining, flying, and hunting raptors for at least four months in each year.

b. A master licensee may not take, transport, or possess any wild raptor species listed as endangered in 50 CFR 17, but may transport or possess individuals of such species that are captive bred, in accordance with 50 CFR 17.

c. A master licensee may not take, in any twelve-month period, more than one raptor listed as threatened in 50 CFR 17, and then only in accordance with 50 CFR 17.

d. A master licensee may not possess more than three raptors at any time and may not obtain more than two raptors for replacement birds during any calendar year.

e. A master licensee may not take, transport, or possess any golden eagle, bald eagle, white-tailed eagle, or Stellar's sea-eagle.

f. A master licensee may possess any other wild raptor species, nonindigenous, captive-bred individuals, and hybrids thereof.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR 17; 50 CFR 21.29

30-02-02-06. Examination.

1. Before a North Dakota apprentice falconry license is issued, the applicant shall be required to answer correctly at least eighty percent of the questions on a supervised examination provided or approved by the service and administered by the department at the Bismarck office, relating to basic biology, care and handling of raptors, literature, laws, regulations, or other appropriate subject matter. An individual has five years from the date of a successful examination to obtain the apprentice license. This requirement does not apply to license renewals under section 30-02-02-03.

2. If a license has lapsed for less than five years, the license will be issued at the level the licensee held previously if proof of certification at that level is provided.

3. If a license has lapsed for five years or more, a licensee must correctly answer at least eighty percent of the questions on an examination administered by the department at the Bismarck office. If the licensee passes the examination, the license may be reinstated at the level previously held. The facilities must pass a facility inspection before the licensee may possess a falconry bird.

4. If the examination is failed, the applicant cannot retake the examination the same day.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03

30-02-02-07. Facilities and equipment.

1. Before a falconry license is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected by a representative of the department and must meet the standards in this section. This requirement does not apply to license renewals under section 30-02-02-03, although each licensee's facilities and equipment shall be open to inspection.

2. **Housing facilities.** The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, and undue disturbance. The applicant shall have the following facilities:

   a. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can easily be closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

   b. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbances and attack by predators. The area shall be large enough to ensure that the birds cannot strike any obstacle when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

   c. Falconry facilities may be on property owned by another person. However, the licensee must provide daily care. Regardless of location, the facilities must meet the facility standards.

   d. The licensee must submit a signed and dated statement showing that the licensee or the property owner, if facilities are not on property that the licensee owns, agrees that the falconry facilities, equipment, and raptors may be inspected without advance notice from department authorities at any reasonable hours of the day. Inspections must be in the presence of the licensee.

   e. The licensee must inform the department within five business days if the location of the facilities changes.

3. **Equipment.** The following items shall be in the possession of the applicant before the applicant can obtain a license:

a. Jesses. At least one pair of alymer jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

b. Leashes and swivels. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

c. Bath container. At least one suitable container, two to six inches [5 to 15.25 centimeters] deep and wider than the length of the raptor, for drinking and bathing for each raptor;

d. Outdoor perches. At least one weathering area perch of an acceptable design shall be provided for each raptor; and

e. Weighing device. A reliable scale or balance suitable for weighing the raptor or raptors held and graduated to increments of not more than one-half ounce [15 grams] shall be provided.

4. **Maintenance.** All facilities and equipment shall be kept at or above the preceding standards at all times or license will be subject to revocation.

5. **Transportation and temporary housing.**

a. A licensee must be sure the birds have a suitable perch and are protected from extreme temperatures, wind, and excessive disturbance when the licensee is transporting it, using it for hunting, or is away from home with it.

b. A licensee may house a raptor in temporary facilities outside of the licensee's permanent facilities when not transporting or using it for hunting for no more than one hundred twenty consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

c. With a valid falconry license, a falconer may possess and transport for falconry purposes a lawfully possessed raptor through the state. If the raptor will be flown in the state, the licensee must comply with section 30-02-02-10.

d. Inspections. Falconry birds, facilities, equipment, and records may be inspected during business hours on any day of the week by the department.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03, 20.1-02-15
Law Implemented: NDCC 20.1-14-03

30-02-02-08. Waiver of examination requirements.

Repealed effective January 1, 2013.

30-02-02-09. Marking.

1. Any wild northern goshawk (accipiter gentilis), Harris's hawk (parabuteo unicinctus), peregrine falcon (falco peregrinus), or gyrfalcon (falco rusticolus) possessed for falconry purposes must be banded only with a permanent, nonreusable, numbered service leg band that the department will supply.

2. A raptor bred in captivity must be banded with a numbered seamless metal band.

3. A raptor taken from the wild may not be banded with a numbered seamless metal band.

4. A raptor may be implanted with an international organization for standardization-compliant (134.2 kHz) microchip in addition to the band.

5. The alteration, counterfeiting, or defacing of a marker is prohibited except that licensees may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

6. The loss or removal of any band must be reported within five days and the licensee must request a service nonreusable band from the department. The licensee must submit the required information electronically immediately upon rebanding the raptor (http://permits.fws.gov/186A).

7. If a licensee documents health or injury problems for a raptor that are caused by the band, the licensee shall contact the department and request an exemption to the requirement. In that case, the licensee must keep a copy of the exemption paperwork with the licensee when transporting or flying the raptor.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR 21.29

30-02-02-10. Restrictions for taking of raptors from the wild.

1. Any licensee interested in obtaining a raptor for falconry purposes must submit a written request to the department indicating the species intended to be taken. The licensee must obtain a permit from the department prior to actual taking, regardless of potential means or source of acquisition. The licensee shall have the permit in the licensee's immediate possession while conducting trapping activities. The time period for the year of take is May fifteenth to January thirty-first.

    a. For a nestling, the request must be submitted to the department before May first of the year of take.

    b. For passage birds, the request must be submitted to the department after August first of the year of take.

    c. An apprentice may capture one wild raptor per calendar year.

    d. Master or general class licensees may capture up to two wild raptors per calendar year.

    e. Take will be issued on a first-come, first-served basis. If requests for a limited number of species arrive simultaneously, a random draw will occur.

2. Only the following species may be permitted to be taken from the wild: sharp-shinned hawk (accipiter striatus), Cooper's hawk (accipiter cooperii), northern goshawk (accipiter gentilis), red-tailed hawk (buteo jamaicensis), American kestrel (falco sparverius), merlin (falco columbarius), gyrfalcon (falco rusticolus), or prairie falcon (falco mexicanus).

3. Raptors may be taken from the wild only during the following time periods, except that a marked raptor may be retrapped at any time:

    a. May fifteenth through July fifteenth; and

b. September first through January thirty-first.

4. Any raptor trapped over one year of age must be released, except American kestrels may be taken when over one year of age and only by apprentice licensees.

5. Eyas raptors may only be taken by resident general or master class licensees. At least one young must be left in the nest or aerie from which a nestling is taken.

6. Any bird captured unintentionally must be released immediately.

7. Any bird injured by a licensee's trapping efforts must be reported to the department staff. The bird will not count against the licensee's allowed take or possession limit but will be deducted from the state's total take for the year.

8. Wild raptors may never be placed on a raptor propagation permit.

9. Wild raptors may be transferred to a nonresident licensee only after the bird has been used in falconry for at least two years.

10. Licensees, prior to trapping a wild raptor on public land, must contact the managing agency for special use permit requirements.

11. A raptor may not be taken at any time or in any manner that violates any law of the state, tribe, or territory on whose land the licensee is trapping.

12. If a licensee gifts a bird taken from the wild to another licensee in the same year it is captured, the bird will count as one of the raptors allowed to be taken from the wild that year by the person who captured it. It will not count as a capture by the recipient, though it will always be considered a wild bird.

13. Raptors removed from the wild for falconry are always considered "wild" raptors, no matter how long such a bird is held in captivity or whether it is transferred to another licensee or license type.

14. Licensees may not acquire raptors from wildlife rehabilitators for use in falconry. If assisting a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild, the licensee must meet the department's wildlife rehabilitation rules and facilities standards.

15. A licensee that captures a bird marked for scientific purposes (e.g., marked with a federal bird banding laboratory aluminum band, has any other band, research marking, or has a transmitter attached) must release the bird immediately. Licensees must report the band number and all other relevant information to the federal bird banding laboratory at 1-800-327-2263 and may try to contact the researcher to inform the researcher of the location of the bird.

16. Nonresident falconers may take only passage raptors from the wild and only with written authorization from the department director, and only if in possession of a current North Dakota nonresident hunting license for small game.

    a. The nonresident take of wild raptors shall be allowed only in even-numbered calendar years and the total take shall be a single raptor.

    b. A request by a nonresident to take a wild raptor will not be accepted by the department until after September first of the same calendar year in which a raptor is to be taken.

    c. Nonresident licensees requesting to take a raptor from the wild must have a valid falconry license from a state that allows nonresident take of wild raptors for falconry

purposes. A copy of the licensee's state regulations pertaining to allowance of nonresident take of wild raptors must accompany any request to take a raptor from the wild, along with photocopy proof of the falconry license.

d. The fee for a nonresident permit to take a wild raptor is five hundred dollars.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR 21.29

30-02-02-10.1. Restrictions on importation - Hybrids and nonindigenous raptors.

1. Licensees must comply with state board of animal health regulations before importing any raptor, including hybrids, nonindigenous, captive-bred, or wild raptor from another state, territory, or country into North Dakota.

2. The licensee shall provide a copy of all documents, permits, and other statements required by the state board of animal health to the department's veterinarian.

3. When flown free, a hybrid raptor must have at least two attached working radio transmitters and a nonindigenous raptor must have at least one attached working radio transmitter.

History: Effective January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR 21.29

30-02-02-11. Possession of raptors prior to enactment of rules.

1. An individual who possesses a lawfully acquired raptor equal to or less than the number and species allowed under current rules and prior to the enactment of these regulations and meets all previous license requirements shall be allowed to retain the raptors but must comply with new regulations within two years except as allowed under subsection 2. All such birds cannot be replaced if death, loss, release, or escape occurs.

2. An individual who possesses extra raptors prior to the enactment of these rules in excess of the number currently allowed under the individual's class license shall be allowed to retain the extra raptors. No replacement can occur or additional raptor obtained until the number in possession is at least one less than the total number currently authorized.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03

30-02-02-12. Release of birds to wild.

1. Hybrids of any kind, nonindigenous birds, imprinted wild raptors, and captive-bred birds may not be intentionally released to the wild at any time. Any release not reported within twenty-four hours will be deemed intentional.

2. Only wild raptors trapped in North Dakota may be released in North Dakota.

3. A bird may not be retrapped after release.

4. Raptors taken from the wild may be released back to the wild only at an appropriate time of year and an appropriate location, as approved by the department. The falconry band must be

removed prior to release and the release of the bird must be reported in the electronic database.

5. Hacking of hybrids and raptors nonindigenous to North Dakota is not allowed. Intentional hacking back to the wild is not allowed.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-13. Temporary care by authorized persons.

1. Another falconry licensee may care for a raptor or raptors at either licensee's facilities for up to one hundred twenty consecutive calendar days. The licensee providing care must have a signed and dated statement authorizing the temporary possession, plus a copy of United States fish and wildlife service form 3-186A that shows the possessor of each of the raptors. The statement must include information about the time period for which the licensee will keep the raptors, and about what the licensee is allowed to do with the raptors. If the person caring for the raptors holds the appropriate level falconry license, the licensee caring for the raptors may fly the raptors in whatever way authorized, including hunting. This care of raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or a family emergency. The department may consider such instances on a case-by-case basis.

2. An individual who does not have a falconry license may care for falconry birds a licensee possesses for up to forty-five consecutive calendar days. The raptors must remain in the licensee's facilities and the individual caring for the raptors may not fly them for any reason. This care of the raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or a family emergency. The department may consider such instances on a case-by-case basis.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-14. Reporting.

The department will periodically require surveys detailing hunting activity for the year or any other falconry-related information requested by the department.

Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-15. Duration and cost of licenses.

Repealed effective January 1, 2013.

30-02-02-15.1. Killing of protected species.

1. It is unlawful to hunt protected wildlife species except when properly licensed for the species being hunted and during an open season and as described by the governor's proclamation. Any licensee whose falconry raptor kills harmless wild birds or game birds as allowed by the governor's proclamation that is out of season or of the wrong species or sex shall leave the dead wildlife where it lies, except that the raptor may feed upon the dead wildlife before leaving the site of the kill. The licensee shall report the kill to the department within twenty-four hours. Kills not reported within twenty-four hours will be deemed a violation.

2. In practicing falconry, licensees must ensure that their activities do not cause the take of federally listed threatened or endangered wildlife. "Take" under the Endangered Species Act means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (Endangered Species Act § 3(19) [16 U.S.C. 1532(19)]. "Harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm or an act that actually kills or injures wildlife [50 CFR 17.3]. To obtain information about threatened or endangered species contact the United States fish and wildlife service ecological services field office in Bismarck.

3. A licensee must report a take of any federally listed threatened or endangered species within twenty-four hours to the United States fish and wildlife service ecological services field office in Bismarck.

History: Effective January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03; 50 CFR 21.29

30-02-02-16. Other restrictions and provisions.

1. Feathers that are molted or those feathers from birds held in captivity that die may be retained and exchanged by licensees only for imping (replacing a damaged feather with a molted feather) purposes. Feathers may not be bought, sold, or bartered between licensees. Feathers not kept for imping must be destroyed (burned or buried) or the feathers may be donated to a person or institution with a valid permit to have them.

2. The carcasses of falconry birds that die must be burned, buried, or otherwise destroyed within ten days of the death of the bird or after final examination by a veterinarian to determine cause of death.

3. The department may request that any master class licensee voluntarily serve, for an indefinite period, as a representative to administer examinations under section 30-02-02-06, to conduct inspections of facilities and equipment (see section 30-02-02-07), and to provide general counsel on falconry issues.

4. A general or master licensee may conduct conservation education activities but no live wild raptors held under authority of a falconry license may be used in the presentation. The licensee may not be paid for the presentation. The presentation must address conservation education, including the biology, ecological roles, and conservation needs of raptors and other migratory birds, and general rules and regulations of falconry. The licensee is responsible for all liability associated with conservation education programs the licensee undertakes.

5. A licensee may allow photography, filming, or other such uses of captive-bred falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though the licensee may not be paid for doing so and no live wild raptors held under authority of a falconry license may be used.

a. A licensee may not use falconry raptors to make movies or commercials or in other commercial ventures that are not related to falconry.

b. A licensee may not use falconry raptors for entertainment; advertisements; promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs; or as a representation of any business, company, corporation, or other organization.

6. Any licensed falconer wishing to use the falconer's captive-bred birds for abatement for commercial purposes must send a written request to the department and will be evaluated on a case-by-case basis. The licensee must possess a special purpose abatement permit from the service. Monetary compensation may not be accepted by falconers conducting abatement activities.

7. A surviving spouse, executor, administrator, or other legal representative of a deceased falconry licensee may transfer any bird held by the licensee to another authorized licensee within ninety days of the death of the falconry licensee. After ninety days, disposition of a bird held under the license is at the discretion of the department.

8. A visitor to the United States and practicing falconry in North Dakota must comply with the same restrictions for nonresident falconers and obtain the appropriate nonresident hunting licenses. The visitor may use any bird the visitor possesses legally in the visitor's country of residence, provided import of that species to the United States is not prohibited, and that proper importation permits to bring a raptor into the United States and North Dakota have been obtained. When flown free, any bird brought into this country must have two attached working radio transmitters.

9. A visitor to the United States may qualify for a temporary North Dakota falconry license appropriate for the visitor's experience. The visitor must answer correctly at least eighty percent of the questions on an examination administered by the department at the Bismarck office, and pass an equipment and facilities inspection. A holder of a temporary license may not take a bird from the wild to use in falconry. The temporary license fee shall be the same as for falconry licenses under section 30-02-02-03.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective January 1, 2000; January 1, 2013.
General Authority: NDCC 20.1-14-03
Law Implemented: NDCC 20.1-14-03

30-02-02-17. Penalties.

Violation of any rule not designated as having a noncriminal penalty is considered a criminal violation as established in North Dakota Century Code title 20.1.

History: Effective January 1, 2013.
General Authority: NDCC 20.1-02-04(22), 20.1-02-05(22), 20.1-14-03
Law Implemented: NDCC 20.1-14-03