



COLORADO

Parks and Wildlife

Department of Natural Resources

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TO: Members of the Colorado Parks and Wildlife Commission
FROM: Krista Heiner, Regulations Manager
RE: Chapter W-6 Final Regulations for the March 2022 Parks and Wildlife Commission Meeting
DATE: February 25, 2022

Final regulatory changes for Chapter W-6 are summarized below. If there are questions about the agenda item below, or if additional information is needed, please feel free to contact me at krista.heiner@state.co.us.

Agenda Item 15: "Raptors" - 2 CCR 406-6 (Step 2 of 2)

Adding a means by which leftover Peregrine falcon capture permits could be purchased on a first-come, first-served basis

This change is in response to a citizen petition requesting a means by which leftover Peregrine falcon capture permits could be purchased. There is currently a limit of four Peregrine falcon capture permits per year statewide and this modification does not change that statewide annual limit. Previously, there was no way for leftover permits that were not allocated via the raffle to be distributed. Because Peregrine falcon capture is a unique opportunity, anyone who has taken a Peregrine falcon in the last five years is not eligible to purchase a leftover capture permit.

Additionally, several administrative clean-ups to the regulations were made, including removing references to paper applications, as applications are now accepted online only, and updating relevant webpage addresses.



CHAPTER W-6 - RAPTORS

PART I - REQUIREMENTS FOR POSSESSION OF RAPTORS

ARTICLE I - GENERAL PROVISIONS

#600 - DEFINITIONS

- A. "**Aylmeri Jesses**" are leather (or a suitable similar material) bracelets affixed to each leg with a grommet through which a leather strap passes freely so that an escaped bird will lose the leather strap.
- B. "**Eyas raptor**" means a young raptor not yet capable of flight.
- C. "**Captive-bred raptor**" means any raptor born in captivity as a result of raptor propagation.
- D. "**Falconry**" means the sport of hunting or taking quarry with a trained raptor. The term "hawking" shall be synonymous with falconry.
- E. "**Falconry Field Meet**" means an event sponsored by a state or national organization in which falconers fly their raptors.
- F. "**Falconry license**" means a possession of raptor license as provided for in Article 4 of Title 33.
- G. "**Hacking**" means the temporary release of a falconry raptor to the wild so as to allow the raptor to learn to hunt and survive in the wild.
- H. "**Hybridization**" means the breeding of raptors of different species.
- I. "**Imping**" means the rebuilding of broken feather(s) through splicing on an undamaged section from another suitable feather.
- J. "**Imprinted**" means a bird that is hand-raised in isolation from the sight of other raptors from two weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.
- K. "**Mews**" means a structure or room in which one or more raptors are housed.
- L. "**Raptor**" means any bird that is a member of *Falconiformes* or *Strigiformes* and, specifically, but not by way of limitation, means falcons, hawks, owls, and eagles.
- M. "**Sponsor**" means a Colorado master falconry license holder or a licensed Colorado falconer with at least three years experience as a general license holder who serves as a mentor to an apprentice licensee. The purpose of the sponsor is to provide adequate guidance and instruction to the apprentice concerning all aspects of the sport of falconry.
- N. "**Wild-Caught Raptor**" means any raptor removed from the wild for falconry, regardless of how long such a bird is held in captivity or whether it is transferred to another permittee or permit type.
- O. "**Zoological Institution**" means an institution operated and funded wholly or in part by a political subdivision of the state or of a city to display wildlife to the public.

ARTICLE II - LICENSE, FACILITY AND EQUIPMENT REQUIREMENTS

#601 - APPLICATION - EXAMINATIONS - LICENSING

- A. Except for raptors possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education or abatement, no person shall possess or maintain in captivity any raptor or practice falconry unless they first secure a state license permitting the possession of raptors.
- B. Falconry license applicants must pass a written examination relating to basic biology, care and handling of raptors, literature, laws, regulations and other appropriate subject matter given by the Division. The applicant shall be required to answer correctly at least 80 percent of the questions on the written examination. An individual that fails the written examination must wait a minimum of thirty (30) days prior to retaking the examination. The examination may be taken a maximum of three (3) times in a twelve-month period.
- C. All falconry licenses are nontransferable and except as provided in subsection D below, will expire on March 31 of each year.
- D. A three-year possession/hunting raptor license is available to residents. Such license shall expire on March 31 of the third year of the term of the license.
- E. Any licensee whose falconry license has lapsed for fewer than five years may be reinstated at their previous level provided they have documentation of their previous license level. Any licensee whose falconry license has lapsed for five years or longer must comply with the exam requirement in Part B of this subsection. If the licensee passes the exam, their license may, at the discretion of the Division, be reinstated at their previous license level.
- F. New residents of Colorado may qualify for the falconry license appropriate for their experience, as determined by the Division. Applicants must submit documentation demonstrating their prior experience. New residents must comply with the exam requirement in Part B of this subsection. New residents who intend to establish permanent residency in Colorado, and are legally in possession of a raptor, may retain that raptor while applying for a nonresident annual possession/hunting raptor license, providing that they must notify the Division and apply for such license within 10 days of importing any raptor. Prior to obtaining any falconry license, new residents of Colorado must provide and thereafter maintain facilities and equipment acceptable to the Division at all times when any raptor is in the licensee's possession.
- G. Nonresidents residing temporarily in Colorado may qualify for the falconry license appropriate for their experience as determined by the Division. Applicants must submit documentation demonstrating their prior experience. Applicants must comply with the exam requirement in Part B of this subsection. Applicants who are legally in possession of a raptor may retain that raptor while applying for a nonresident license. Prior to obtaining a license, nonresidents residing temporarily in Colorado must provide and thereafter maintain facilities and equipment acceptable to the Division at all times when any raptor is in the licensee's possession.
- H. Any license issued under this chapter may be administratively suspended or revoked for violation of any relevant animal welfare or wildlife law, or failure to comply with any of the requirements of this chapter. Prior to revocation, a license holder shall be notified by the Division in writing of any specific violation, including a date by which the license holder must come into compliance. Failure to comply within the specified time period may result in a hearing and subsequent suspension or revocation pursuant to this regulation. Upon written notification of noncompliance, a license holder may not acquire any new raptor until the violation has been remedied.

#602 - APPRENTICE LICENSE

- A. A licensee shall be at least 12 years old.
- B. If a licensee is under 18 years of age, a parent or legal guardian must sign their application, and is legally responsible for their activities under their falconry license.
- C. A sponsor is required for the first two years in which an apprentice license is held, regardless of the age of the licensee.
- D. A licensee shall have a letter from their sponsor stating that they will assist the licensee, as necessary, in:
 - 1. Learning about the husbandry and training of raptors held for falconry;
 - 2. Learning about relevant wildlife laws and regulations; and
 - 3. Deciding what species of raptor is appropriate for the licensee to possess.
- E. In the event sponsorship is terminated, the holder of an apprentice raptor license must obtain a new sponsor within 30 days of termination, or their apprentice raptor license shall expire.
- F. A licensee shall submit an original, signed certification that they are particularly familiar with the list of migratory bird species to which the Migratory Bird Treaty Act applies (50 CFR, Chapter 1, Part 10.13); general federal permit regulations (50 CFR, Chapter 1, Part 13); federal migratory bird permits (50 CFR, Chapter 1, Part 21); and federal eagle permits (50 CFR, Chapter 1, Part 22).
- G. Regardless of the number of state, tribal, or territorial falconry licenses in possession, a licensee shall not possess more than one raptor at any one time. In addition, a licensee shall not obtain more than two raptors taken from the wild during any twelve-month period.
- H. A licensee is authorized to possess only the following species:

Wild-caught	Captive-bred
<ul style="list-style-type: none"> • American kestrel • Red-tailed hawk 	Any species, except: <ul style="list-style-type: none"> • American swallow-tailed kite • Bald eagle • White-tailed eagle • Steller's sea eagle • Northern harrier • Swainson's hawk • Ferruginous hawk • Golden eagle • Peregrine falcon • Prairie falcon • Flammulated owl • Burrowing owl • Short-eared owl.

- I. A licensee is authorized to take from the wild in Colorado only an American kestrel or a red-tailed hawk.
- J. A licensee may not remove any eyas raptor from the wild or possess any wild-caught raptor taken from the wild as an eyas.
- K. A licensee may not possess a raptor that is imprinted on humans.

#603 - GENERAL LICENSE

- A. A licensee shall be at least 16 years old.
- B. If a licensee is under 18 years of age, a parent or legal guardian must sign their application, and is legally responsible for their activities under this license.
- C. A licensee shall submit information documenting their experience maintaining falconry raptors, including a summary of the species held as an Apprentice Falconer and how long they possessed each raptor.
- D. A licensee shall have at least two years experience in the practice of falconry with wild raptors at the apprentice level (must have practiced falconry for at least two years, including maintaining, training, flying, and hunting the raptor(s) for an average of at least four months in each year) as certified by his/her sponsor on a form provided by the Division. Such practice may include the capture and release of falconry raptors.
- E. Regardless of the number of state, tribal, or territorial falconry licenses in possession, a licensee shall not possess more than three raptors for falconry purposes at any one time, only two of which may be wild-caught raptors. In addition, a licensee shall not obtain more than two raptors taken from the wild during any 12-month period.
- F. A licensee is authorized to possess only the following species:

Wild-caught	Captive-bred
Any species, except: <ul style="list-style-type: none"> • Any state or federally listed threatened or endangered raptor (except when authorized in writing by the Division as part of a recovery effort) • Golden eagle • Bald eagle • White-tailed eagle • Steller's sea eagle 	Any species (including hybrids) except: <ul style="list-style-type: none"> • Golden eagle • Bald eagle • White-tailed eagle • Steller's sea eagle

- G. A licensee is authorized to take from the wild in Colorado any species except a Golden eagle, a Bald eagle, a Gyrfalcon, a kite, an osprey, or an owl, provided further that take of any recently downlisted species must be according to the applicable species management plan, and that any state or federally listed threatened or endangered raptor may be taken only when authorized in writing by the Division as part of a recovery effort.

#604 - MASTER LICENSE

- A. An applicant shall have at least five years experience in the practice of falconry with their own licensed raptor(s) at the general license level.
- B. Regardless of the number of state, tribal, or territorial falconry licenses in possession, a licensee shall not possess more than five raptors for falconry purposes at any one time, only three of which may be wild-caught raptors, provided further that a licensee may not possess more than three eagles at any one time. In addition, a licensee shall not obtain more than two raptors taken from the wild during any 12-month period.
- C. A licensee is authorized to possess any species of raptor (including hybrids).

- D. A licensee is authorized to take from the wild in Colorado any species except a Bald eagle, a Gyrfalcon, a kite, an osprey, or an owl, provided further that take of any recently downlisted species must be according to the applicable species management plan, and that any state or federally listed threatened or endangered raptor may be taken only when authorized in writing by the Division as part of a recovery effort.
- E. A licensee may not transport or possess a golden eagle, white-tailed eagle, or Steller's sea-eagle for falconry purposes unless the licensee first:
 - 1. Submits to the Division their experience in handling large raptors, including information about the species handled and the type and duration of the activity in which the experience was gained.
 - 2. Submits to the Division at least two letters of reference from people with experience handling and/or flying large raptors, such as eagles, ferruginous hawks, goshawks or great horned owls. 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 licensee's ability to care for eagles and fly them for falconry purposes.

#605 - FACILITIES AND EQUIPMENT

- A. Any person desiring to possess a raptor and obtain a resident falconry license must first provide and thereafter maintain facilities and equipment acceptable to the Division at all times when any raptor is in the licensee's possession. Facilities may be on property owned by another person provided the licensee and property owner submit to the Division a statement certifying that they agree that the falconry facilities, equipment, and raptors may be inspected without advance notice by the Division at any reasonable time of day. Any such statement shall be signed and dated by the licensee, and, if applicable, the property owner.
- B. All raptors held under a falconry license must be held in humane and healthful conditions. All facilities must provide a suitable perch for each raptor and protect raptors from the environment (including extreme temperatures and wind), predators, domestic animals and excessive disturbance. The licensee is responsible for the maintenance and security of any raptor held under their falconry license.
- C. The following are required minimum standards for facilities:
 - 1. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility, and at a minimum shall provide the following:
 - a. 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 each bird to fully extend its wings without damaging its feathers or contacting other raptors.
 - b. There shall be at least one opening for direct sunlight, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, or other suitable materials, and a secure door that can be easily closed.
 - c. Requirements a and b of this subsection are not required when raptors are kept inside a home, provided further that they must be tethered at all times, except when they are being moved into or out of the location in which they are kept.
 - 2. Outdoor facilities (weathering area) shall be totally enclosed (covered with netting or wire, or roofed), and shall be constructed of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material. In addition, outdoor facilities must, at a minimum, provide the following:

- a. The enclosed area shall be large enough to ensure the birds cannot strike the enclosure when flying from the perch.
 - b. A covered perch shall be provided for each raptor.
 - c. Outdoor facilities shall not be required if indoor facilities, constructed or modified specifically to house raptors, provide adequate fresh air ventilation and direct sunlight.
- 3. If the location of the permanent indoor or outdoor facility is changed, the licensee must report such action as required by these regulations.
 - 4. A raptor may be held in temporary facilities for purposes other than transport or hunting for a period not to exceed 30 consecutive days. If a falconry raptor is moved to a temporary facility under this clause, the licensee must report such action as required by these regulations.
 - 5. A raptor may be held in temporary facilities for a period not to exceed 30 consecutive days for transport or hunting purposes.
 - 6. A raptor may be kept outside in the open temporarily if it is under watch.
- D. Equipment - The following are required minimum standards for equipment:
- 1. Jesses - At least one pair of Aylmeri 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.
 - 2. Leashes and swivels - At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.
 - 3. Bath container - If practical, at least one pan of clean water must be provided for each raptor.
 - 4. Weighing device - A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than one-half (1/2) ounce (15 grams) shall be provided.

#606 - INSPECTION OF FACILITIES AND EQUIPMENT

- A. Prior to the issuance or reinstatement of a resident falconry license, a Division representative shall inspect the applicant's facilities and equipment, shall approve or disapprove them according to the minimum requirements set forth in these regulations, and shall make a written report concerning the conditions observed.
- B. Any person holding a falconry license is subject to inspection of their birds, facilities, equipment and records by a Division representative during business hours on any day of the week. Such inspection shall only be performed in the presence of the licensee.

ARTICLE III – CAPTURING AND BANDING RAPTORS

#607 - CAPTURING RAPTORS - The following restrictions shall apply to the capture of raptors:

- A. Except as provided herein, only Colorado residents in possession of a valid Colorado falconry license may take any raptor from the wild. Raptors may only be taken from the wild between

June 1 and January 31 annually. In addition, eyas raptors may also be taken from the wild from May 1 through May 31 annually.

- B. Nonresident falconers may take a raptor from the wild in Colorado only when they possess a valid nonresident take license. The fee for a nonresident falconry take license shall be \$150.00, which fee shall be periodically reviewed and adjusted to ensure that it is equivalent to the fees for comparable licenses in the states, provinces, or territories which allow reciprocal take of raptors for Colorado residents.
- C. Nonresident take of wild raptors in Colorado is further restricted as follows:
 - 1. Twenty (20) nonresident take licenses may be issued annually pursuant to a random drawing process.

Application Process

- a. Applications will be accepted online only on an application forms provided by the Division.
 - b. Only complete and correct applications will be accepted and no person may submit more than one application per license year.
 - c. Each application must be accompanied by a payment method for the license fee and a \$3.00 non-refundable application fee.
 - d. Each application form must be submitted online ~~mailed to the Division, 6060 Broadway, Denver, CO 80216, and must be postmarked~~ no later than midnight on the last Tuesday in August.
 - e. Any nonresident take licenses remaining after the random draw may be issued on a first-come, first-served basis beginning the second Tuesday of September.
- 2. Nonresidents may only take raptors in Colorado from October 1 through December 31 annually.
 - 3. A nonresident take license is valid for the take of one raptor, and only one nonresident take license may be obtained annually by any one person.
 - 4. Nonresident falconers must have a current and valid falconry license for the species they desire to take issued by a state that allows Colorado resident take of wild raptors for falconry purposes.
 - 5. Nonresidents shall not take from the wild in Colorado any Peregrine falcon, Gyrfalcon, kite, osprey, owl, or any state or federally threatened or endangered raptor.
 - 6. All raptors taken under the authority of a nonresident take license must be banded prior to being exported from Colorado.
- D. From May 1 through September 30 annually, take limit quotas are hereby established for the following species. From October 1 through January 31, no take limit quota applies. Prior to each take attempt, but not earlier than 5:00 p.m. of the day before the attempt, any licensee wishing to take the following species must call 303-291-7144 to determine which species have not reached the take limit quota and are open to take. If one of the following species is taken from the wild pursuant to this regulation, the licensee must report such take by calling 303-291-7144 within 24 hours of such take. It shall be unlawful to take any of the following species after the take limit quota has been reached.

Species	Take Limit Quota
Ferruginous hawk	4

- E. No person shall intentionally capture a raptor species from the wild that their classification as a falconer does not allow them to possess for falconry. If any person captures a raptor from the wild that they are not allowed to possess, they must release it immediately.

- F. The only wildlife taken from the wild which may be used as bait to attract or capture falconry raptors are the European starling, House (English) sparrow, Eurasian collared-dove or mice, except those mice listed as federally or state threatened or endangered species. This regulation shall not exclude the use of lawfully possessed domestic animals or wildlife purchased from a licensed commercial or noncommercial park and held under the authority of a receipt.
- G. Any raptor captured by a licensee during a 12-month period shall count against the number of raptors that licensee may take from the wild annually, regardless of whether or not that licensee transfers the raptor to another licensee. Such annual period shall be from April 1 to March 31 annually.
- H. If more than one licensed falconer is present at the capture site when a raptor is captured, the raptor shall only count as a raptor taken from the wild for the licensed falconer that takes the raptor into possession at the capture site, even if another licensed falconer physically captured the raptor. The raptor shall not count against the licensed falconer that captured the raptor if the raptor is immediately provided to the licensed falconer intending to take the raptor into possession at the capture site. The licensed falconer in possession of the raptor must report such action as required by these regulations.
- I. If a licensee is not at the immediate location where the raptor is taken from the wild, the person who removes the raptor from the wild must be a general or master falconer, and that raptor shall count against the number of raptors that person may take from the wild annually. The person who removed the raptor from the wild must report take of the raptor as required by these regulations.
- J. If a licensee has a long-term or permanent physical impairment that prevents them from attending the capture of a falconry raptor intended for use by that licensee, a general or master falconer may capture a bird for that licensee. Any such raptor shall count against one of the birds the licensee with the physical impairment may take from the wild. The licensee must report take of the raptor as required by these regulations.
1. Applicants under this program must have a mobility impairment resulting from permanent medical conditions, which makes it physically impossible for them to attend the capture of a falconry raptor. Evidence of an impossibility to attend the capture may include, but is not limited to, prescribed use of a wheelchair; shoulder or arm crutches; walker; two canes; or other prescribed medical devices or equipment.
 2. Applications for mobility-impaired status shall be made at <https://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx> and shall contain a statement from a licensed medical doctor or a certified physical, occupational, or recreational therapist describing the applicant's mobility impairment and the permanent medical condition which makes it impossible for the applicant to attend the capture of a falconry raptor. Additional documentation may be required if necessary to establish the applicant's eligibility.
- K. Any raptor injured due to falconer trapping efforts shall remain the responsibility of the licensee, who shall assume all costs of care and rehabilitation of any such raptor. Any raptor injured as a result of the take attempt shall count against the take and possession limit of the licensee, and must be dealt with in one of the following ways:
1. A licensee may place the injured raptor on their license. The licensee shall report take as required by these regulations; OR,
 2. A licensee may give the injured raptor directly to a veterinarian or a properly-licensed wildlife rehabilitator. The licensee shall report take as required by these regulations. If possessed by a veterinarian or a rehabilitator, a raptor taken under this subparagraph must be surrendered to the care of the falconer assuming costs and care of rehabilitation immediately upon request of the falconer.

- L. Any captured raptor with an injury sustained prior to the capture attempt may be given directly to a veterinarian or a properly-licensed wildlife rehabilitator, and shall not count against the take and possession limit of the licensee.
- M. Recapture of Falconry Raptors
 - 1. A licensee may recapture their escaped or lost falconry raptor at any time. Such recapture shall not count against the licensee as a bird taken from the wild.
 - 2. Any raptor wearing falconry equipment or any captive-bred raptor may be recaptured at any time, even if a person does not possess the appropriate falconry license. Any such recaptured raptor shall be reported as required by these regulations.
 - 3. Raptors recaptured and temporarily possessed by a licensee other than the original licensee shall not count against the number of birds that person is allowed to possess or take from the wild, provided further that the person who recaptures the bird must report such temporary possession as required by these regulations.
 - 4. Any recaptured falconry raptor must be returned to the person who lost it, if that person may legally possess it. If that person may not legally possess it or does not wish to possess it, the person who recaptured the bird may keep it, so long as all other provisions of these regulations are met. The disposition of any recaptured raptor not returned to the person who lost it is at the discretion of the Division.
- N. Raptors other than Peregrine Falcons
 - 1. No person shall take any raptor egg from the wild.
 - 2. When an eyas raptor is removed from a nest or aerie at least one live eyas raptor shall remain in the nest or aerie.
 - 3. The only adult raptors that may be captured and removed from the wild are the American kestrel and the Golden eagle, providing further that any Golden eagle may only be captured and removed from the wild as follows:
 - a. Only a master falconer may intentionally capture a Golden eagle, and then only under the following conditions:
 - 1. No person may intentionally capture more than two Golden eagles in any license year.
 - 2. Golden eagles may be taken from the wild only in a Livestock Depredation Area, and only during the time the depredation area is in effect.
 - 3. A licensee may only capture an immature or sub-adult Golden eagle; except that a licensee may capture a nesting adult or take nestlings from their nest if a biologist representing the agency responsible for declaring the depredation area has determined that the adult eagle is preying on livestock.
 - 4. At least three days before beginning any trapping activities, a licensee must inform the applicable U.S. Fish and Wildlife Service regional office of their capture plans.
 - 5. Prior to entering the depredation area, a licensee must have permission from the landowner or applicable responsible agency.
 - 4. Raptors may be captured only with traps or nets which are humane in their operation and use. Traps of such construction as Swedish goshawk traps must be attended regularly at least at 12-hour intervals. All other trapping devices must be constantly attended while in use.
 - 5. In order to take a raptor species from the wild that has been recently removed from the Federal List of Endangered and Threatened species, a licensee must first verify that the U.S. Fish and Wildlife Service has published a management plan for the species, and that such plan allows for take of the desired species.

O. Capture of Peregrine Falcons:

Peregrine falcons may be captured and removed from the wild only in accordance with the following provisions:

1. Capture Quotas

- a. Up to four Peregrine falcon capture permits may be issued annually to licensed Colorado master or general falconers pursuant to a random drawing process.
 1. Applications for Peregrine falcon capture permits will be accepted online only on an application ~~forms~~ provided by the Division.
 2. Only complete and correct applications ~~forms~~ will be accepted, and no person may submit more than one application per license year.
 3. Each application ~~must be submitted online form, along with the required payment in the form of a check or money order, must be mailed or delivered to the Division, 6060 Broadway, Denver CO 80216, and received~~ no later than April 1, or the first business day in April if April 1 is on a weekend.
 4. Any person who takes a Peregrine falcon shall be ineligible to apply for or participate in a Peregrine falcon license drawing for five years or to purchase a leftover capture permit for the same five-year period.
 5. Leftover capture permits may be purchased on a first-come, first-served basis with priority determined by the order in which complete applications are submitted online with proper payment method.

2. Provisions of Take

- a. No person shall take any Peregrine falcon from the wild that is banded with a Federal Bird Banding Laboratory aluminum band or any research band. Any such Peregrine falcon, if captured, must be immediately released, provided further that if a Peregrine falcon has a transmitter attached, a licensee may possess the falcon for up to 30 days in order to contact the researcher to determine if the researcher wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or their designee can make the change or allow the licensee to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, the licensee may keep the falcon providing they comply with all other provisions of these regulations.
- b. Peregrine falcon capture licenses are valid from June 1 through August 31 and authorize the take of one eyas or recently-fledged young. An eyas peregrine falcon may not be removed from its eyrie prior to 10 days of age. Peregrine falcon eyries may not be entered when young are 28 days or more of age.
- c. Take of Eyas or Recently-Fledged Peregrine Falcons
 1. A Division representative need not be present during capture attempts of eyas or recently-fledged young. However, a Division representative may choose to be present during any capture attempt and the license holder must allow for such participation by a Division representative. License holders must contact the local District Wildlife Manager at least seven days in advance and provide notification of any proposed capture schedule.

2. No adult or passage (first-year) Peregrine falcon may be taken from the wild. Any adult or passage Peregrine falcon which is incidentally captured while attempting take of eyas or recently-fledged peregrine falcons shall be immediately released.
 3. When an eyas or recently-fledged peregrine falcon is removed from a nest or aerie at least one live eyas or recently-fledged peregrine shall remain in the nest or aerie.
- d. Peregrine Falcon Capture License Requirements
1. Immediately upon taking any Peregrine falcon into possession, the license holder shall void the capture license provided as part of their license, and write on the capture license the time, date and location of take. Such voided permit authorizes possession of the raptor by the license holder, and shall remain with the raptor until banded by a Division representative, upon which time it shall be surrendered. The license holder shall report such action as required by these regulations.

#608- BANDING REQUIREMENTS

- A. Any licensee who captures or traps a wild raptor or who removes a wild raptor from a nest shall report such action as required by these regulations.
- B. Except as otherwise provided by these regulations, all wild-caught raptors shall be marked at all times with black non-reusable numbered bands provided to the Division by the United States Fish and Wildlife Service.
- C. Except as otherwise provided in these regulations, captive-bred raptors shall be marked at all times with non-removable numbered seamless bands provided directly to propagators by the United States Fish and Wildlife Service, or with yellow non-reusable numbered bands provided to the Division by the United States Fish and Wildlife Service.
- D. No one shall remove, alter, counterfeit or deface any band, except that the licensee may remove the rear tab on the band and may smooth any imperfect surface provided the integrity of the band or the numbering is not altered. A band that is causing damage to a raptor may be removed to prevent such damage. Any such removal or any lost band must be reported by the licensee as required by these regulations. The band shall then be placed on the raptor's other leg by a Division representative or by the licensee in the presence of a Division representative.

ARTICLE IV - TRANSFER, SALE, PURCHASE AND CARETAKING

#609 - TRANSFER

- A. Licensees may transfer or receive by transfer legally-acquired raptors or their progeny to or from other persons who are authorized to possess such raptors. Licensees shall report such action as required by these regulations.
- B. Any raptor acquired from a wildlife rehabilitator or veterinarian shall count as one raptor a licensee is allowed to take from the wild for that license year.
- C. A surviving spouse, executor, administrator, or other legal representative of a deceased licensee may transfer any legally-possessed raptor held by the licensee to another authorized licensee within 90 days of the death of the licensee. After 90 days of the death of the licensee, the Division will have sole discretion of the disposition of all raptors held by the deceased licensee.

#610 - SALE AND PURCHASE

- A. No person, other than a person in possession of a valid United States Fish and Wildlife Service Raptor Propagation Permit or a valid Colorado falconry license, may sell, purchase or acquire by barter any raptor.
- B. The only raptors that may be purchased, sold or bartered or offered for sale or barter are properly-banded captive-bred raptors.
- C. No person, other than a person in possession of a valid United States Fish and Wildlife Service Raptor Propagation Permit, may sell or transfer to another by barter any raptor egg or raptor semen.
- D. The only raptor eggs or raptor semen that may be purchased, sold or bartered or that may be offered for sale or barter are those produced from captive-bred raptors lawfully held by persons possessing a valid United States Fish and Wildlife Service Raptor Propagation Permit.
- E. No endangered or threatened raptor, their egg, semen or progeny shall be sold except to a State Wildlife Conservation Agency, the U.S. Fish and Wildlife Service or the competent wildlife management authority of another country. This provision shall apply whether one or both parents are classified as endangered or threatened.

#611 - CARETAKING OF FALCONRY RAPTORS BY OTHERS

- A. A falconry licensee (caretaker) may care for another licensee's (licensee) raptor or raptors at the licensee's facilities or at the caretaker's facilities for a period not to exceed 120 consecutive days, except that apprentice licensees shall not be in possession of more than one bird at a time and they may not care for any wild-caught raptor other than a red-tailed hawk or American kestrel. Any caretaker caring for the raptor(s) of another licensee must have a signed and dated statement from the licensee authorizing temporary possession. Such statement must include information about the time period for which the caretaker will keep the raptor(s), and about allowable caretaker activities associated with the licensee's raptor(s). The caretaker must possess a copy of FWS form 3-186A showing that the Licensee is the lawful possessor of each raptor. In addition, the licensee must report such action by email to Wildlife.SpecialLicensing@state.co.us.
 - 1. Any raptor entrusted to a caretaker under this subsection will remain on the falconry license of the licensee, and will not be counted against the possession limit of the caretaker.

2. If the caretaker holds the appropriate license, they may fly the licensee's raptor(s) in any lawful manner authorized by the licensee.
 3. Caretaker possession of any raptor may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. Such extended care shall be requested of the Division at <https://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx> <http://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx>. The Division may authorize extension of such care on a case-by-case basis.
- B. Any person (unlicensed caretaker) may care for a licensee's (licensee) raptors at the licensee's facilities for a period not to exceed 30 consecutive days.
1. Any raptor entrusted to an unlicensed caretaker under this subsection will remain on the falconry license of the licensee.
 2. Any raptor entrusted to an unlicensed caretaker shall remain in the facilities of the licensee.
 3. The unlicensed caretaker shall not fly any raptor for any reason.
 4. Unlicensed caretaker possession of any raptor may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. Such extended care shall be requested of the Division at <https://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx> <http://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx>. The Division may authorize extension of such care on a case-by-case basis.

ARTICLE V - IMPORTATION, AND EXPORTATION OF RAPTORS

#612 - IMPORTATION

- A. Except as provided under "Falconry Field Meets" in these regulations, the importation of raptors, including raptors possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education or abatement, or a joint state/federal raptor propagation permit, must be in accordance with 33-6-114 C.R.S., except that resident falconers may leave the state with a licensed raptor and return to Colorado without submitting a raptor importation form, obtaining an importation license, or obtaining a veterinary health certificate provided the return of the raptor occurs within 30 days of leaving the state.

#613 - EXPORTATION

- A. No raptor shall be permanently exported, except as follows:
1. A person holding a current and valid resident falconry license shall be authorized to export any raptor on their license when the licensee permanently changes their state of residence.
 2. A nonresident shall be authorized to export any raptor legally taken under the authority of a nonresident take license or any raptor legally imported into Colorado and possessed under the authority of a nonresident annual possession/hunting raptor license.
 3. Any raptor not taken from the wild in Colorado that is legally possessed under the authority of a falconry license may be exported from Colorado if the licensee wishes to transfer the raptor to another properly-licensed licensee in accordance with these regulations and the laws of the receiving state, province or country.
 4. Any raptor possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education or abatement, or a joint state/federal raptor propagation permit, may be exported from Colorado when the licensee is a nonresident, is a resident who permanently changes their state of residence, or if the licensee is no longer able to provide adequate care.

ARTICLE VI - USE OF RAPTORS

#614 - FALCONRY

- A. All residents must possess a resident 3-year possession/hunting raptor license in order to practice falconry in Colorado. All nonresidents must possess either (a) a nonresident annual possession/hunting raptor license or (b) a nonresident small game license and (c) proof that they possess a valid falconry license in their home state. A hunter education certificate shall not be necessary to practice falconry under a resident 3-year possession/hunting raptor license or a nonresident annual possession/hunting raptor license. State and Federal Migratory Bird Hunting Stamps (Duck Stamps) are required as provided in Chapter 5 of these regulations for the taking of migratory waterfowl.
- B. Licensees must ensure that their activities do not cause the take of federally-listed threatened or endangered wildlife.
- C. The use of firearms is prohibited while engaged in falconry.
- D. Practicing falconry from a public road is prohibited.
- E. Except as provided in these regulations, all raptors flown in Colorado for falconry purposes must be banded or otherwise marked so that they may be readily identified.

#615 - FALCONRY FIELD MEETS

- A. A permit is required for any falconry field meet sponsored by a state or national organization in which any non-resident of Colorado participates.
- B. An application furnished by the Division shall be completed and returned to the Division accompanied by a fee of forty dollars (\$40.00) at least 30 days prior to the proposed meet.
- C. For the period three days prior to, during, and five days following any properly-licensed falconry field meet, those participants and raptors listed on a registration form for that field meet provided to the Special Licensing Unit of the Division at least five days prior to the scheduled event may submit that registration in lieu of an importation permit to satisfy the importation requirements of these regulations and § 33-6-114(2), C.R.S., provided further that registered participants in a field meet sponsored by any national falconry organization may submit that registration prior to or on the first day of the scheduled event. A veterinary certificate certifying that each bird is disease free is required.
- D. Banding requirements of these regulations are waived for the period three days prior to, during, and five days following any properly-licensed falconry field meet for any non-resident of Colorado whose birds are not required by their home state to be banded, and who are registered participants of a permitted falconry field meet.
- E. Each resident participant in such meet shall have a valid falconry license. Nonresident participants shall be required to purchase an annual nonresident possession/hunting raptor license.
- F. Migratory game birds used in a falconry field meet shall be marked or banded in accordance with federal law.

#616- EDUCATION

- A. General or master falconers may use any raptor possessed under the authority of their state falconry license in any conservation education program presented in a public venue. Apprentice falconers shall only participate in any conservation program under the direct

supervision of a general or master falconer. Further, the following provisions must be met for all conservation education programs:

1. Except for those birds possessed under the provisions of regulation #616.C, any raptor used in a conservation education program must be possessed and used primarily for the practice of falconry.
 2. Any fee charged for a conservation education program may not exceed the amount required for the presenter to recoup their cost of the presentation.
 3. The conservation education program must include information about the following:
 - a. Biology of raptors.
 - b. Ecological roles of raptors.
 - c. Conservation needs of raptors and other migratory birds.
 4. This section does not authorize presentations that do not address falconry or conservation education.
 5. The presenter assumes all responsibility and liability associated with any conservation education program they present under this section.
 6. Live raptors must be kept under control at all times and are not allowed to come in contact with the public.
- B. A state falconry licensee may allow photography, filming, or other such uses of any falconry raptor to create sources of information on the practice of falconry, or on the biology, ecological roles, and conservation needs of raptors and other migratory birds if no compensation is received by the licensee for such use.
- C. Raptors possessed under the authority of a valid federal permit issued for the express purpose of conducting conservation education with non-falconry raptors, shall be subject to the provisions of that permit. Federal permittees are required to comply with all the terms and conditions of their federal permit. No state license is otherwise required to possess the raptor or conduct conservation education activities in Colorado.
1. Any individual that holds a valid federal permit issued for the express purpose of conducting conservation education with non-falconry raptors may also possess any non-Migratory Bird Treaty Act species of raptor that was legally acquired. All terms and conditions listed on the federal permit will also apply to the care and use of the non-Migratory Bird Treaty Act raptor(s).
- D. Nonresidents holding either a valid federal permit issued for the express purpose of conducting conservation education or a state general or master falconers license may conduct conservation education programs in Colorado for no more than 30 days within a calendar year. A nonresident falconry license is also required. The conservation education program must meet the requirements listed in #616 A.
- E. Persons previously licensed to possess corvids pursuant to Chapter W-13 ("Possession of Wildlife, Scientific Collecting, and Special Licenses") for educational purposes prior to November 1, 2016 shall be authorized to continue to possess those individual birds for the life of the birds provided the birds are otherwise maintained in facilities that comply with the provisions of #605 and subject to inspection by the Division. Further, escape, theft, death or other disposition of the birds must be reported to the Division in accordance with #620, #621 and #622. Under the provisions of #622, only the Division form is required.

#617 - ABATEMENT

- A. Any master falconer may conduct any abatement activity with any captive-bred raptor possessed under the authority of a state falconry license subject to the following provisions:
1. Any raptor used for abatement purposes must be possessed and used primarily for the practice of falconry.

2. Prior to conducting any abatement activity under this provision, the licensee must possess a valid federal Special Purpose Abatement permit.
 3. General falconers shall conduct abatement activities only as a subpermittee of the holder of the Special Purpose Abatement permit.
 4. A fee may be charged for abatement services.
- B. Raptors possessed under the authority of a valid federal Special Purpose Abatement permit issued for the express purpose of conducting abatement activities shall be subject to the provisions of that federal permit. Federal permittees are required to comply with all terms and conditions of their federal permit. No additional state license is otherwise required to possess the birds and conduct the abatement activities in Colorado.
- C. Nonresidents holding a valid federal permit issued for the express purpose of conducting abatement may conduct abatement activities in Colorado for no more than 30 days within a calendar year.

#618 - DEPREDATION

- A. A licensee may take any species listed in 50 CFR, Chapter 1, Parts 21.43, 21.44, 21.45 or 21.46 at any time in accordance with the conditions of the applicable depredation order, so long as that licensee is not paid for doing so.

ARTICLE VII - RELEASE, LOSS AND DISPOSITION

#619 - RELEASE

- A. The following restrictions shall apply to the temporary release of raptors in Colorado:
1. Hacking is an approved method for conditioning of raptors. Falconry raptors may only be hacked by licensed general or master falconer. Any hacked raptor shall count against the number of raptors a licensee is allowed to possess. A raptor shall not be hacked near a nesting area of a federally threatened or endangered animal species, or where a raptor may otherwise be likely to harm a federally threatened or endangered animal species.
 2. Any hybrid raptor or any raptor brought to the United States temporarily must have two attached functioning radio transmitters at all times whenever flown free of a tether.
- B. The following restrictions shall apply to the permanent release of raptors in Colorado:
1. Any species of raptor that is not native to Colorado, or is a hybrid of any kind, shall not be released to the wild.
 2. Any licensee who releases a raptor to the wild shall be subject to the following restrictions:
 - a. Only wild-caught raptors native to Colorado may be released to the wild.
 - b. Raptors may only be released at an appropriate time of year and an appropriate location.
 - c. Prior to release, all falconry bands shall be removed from the raptor to be released.
 - d. The licensee must report the release of the raptor as required by these regulations.

#620 - ESCAPE, THEFT, DEATH AND DISPOSITION

- A. Any licensee who loses a raptor through escape, theft or death must report such action as required by these regulations. Falconry raptors that die must be dealt with in one of the following ways:
1. They must be frozen immediately after death and preserved in this manner for 20 days and, upon request, delivered to the Division, or;

2. They must be necropsied by a qualified pathologist or Doctor of Veterinary Medicine. If necropsied, the necropsy report, which shall include a statement on destruction or disposition of the carcass, shall be sent to the Division within 10 days of the necropsy.
- B. Once the above provisions have been met, the licensee may dispose of the carcass of a falconry raptor in the following manner:
1. The carcass may be burned, buried, or otherwise destroyed. In all cases, a licensee must take appropriate precautions to prevent any euthanized raptor from secondarily poisoning any other animal.
 2. A licensee may donate the carcass or feathers of any captive-bred raptor possessed for falconry to any person or institution legally authorized to acquire and possess such parts or feathers.
 3. If a captive-bred raptor was banded prior to its death, a licensee may keep the carcass. Feathers of such carcasses may be used for imping purposes. Carcasses of captive-bred raptors may be mounted by a taxidermist for use in conservation education programs so long as the band remains in place.
 4. For imping, a licensee may possess flight feathers for each species of raptor legally possessed or previously held for as long as they hold a valid falconry license, subject to the following restrictions:
 - a. A licensee may give and/or receive feathers only to/from other licensed falconers who legally possess a raptor of the same species, wildlife rehabilitators, or propagators for imping.
 - b. No person shall buy, sell or barter such feathers.
 - c. A licensee may donate feathers from a falconry raptor, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from federal permit requirements.
 - d. A licensee must collect all molted flight feathers and retrices from a golden eagle possessed by them as a falconry raptor. Such feathers must be kept for imping or sent to the National Eagle Repository.
 - e. A licensee must retain records documenting acquisition of each raptor so long as feathers from that raptor are in possession. If a person no longer holds a valid Colorado falconry license, they must either destroy all falconry feathers they possess or donate them to a person or institution who is authorized to legally possess them.
 5. A licensee must send the carcass of any golden eagle possessed for falconry to the National Eagle Repository, including all feathers, talons and other parts.
- C. Except as otherwise provided by these regulations, the band from any dead raptor must be removed and surrendered to the Division within 10 days of such death.

ARTICLE VIII - RECORD KEEPING AND REPORTING

#621 - RECORD KEEPING

- A. All licensees shall keep copies of all electronic database submissions, as required in "Reporting" below, for 5 years from the date of such action.
- B. All licensees shall maintain a current personal address and a current facilities address by entering the required information in the electronic database at <https://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx> <http://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx> within 30 days of any address change.

#622 - REPORTING

- A. All licensees must comply with reporting requirements for all raptors possessed under the authority of their falconry license by entering the required information in the electronic databases at both of the following addresses:

<http://permits.fws.gov/186A>
<https://epermits.fws.gov/falcP/>

<http://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx>
<https://cpw.state.co.us/aboutus/Pages/SWL-RaptorEntry.aspx>

Except as provided below, such reporting must be completed by the licensee no later than 10 days after any such action.

Reporting is required when:

1. The location of a permanent indoor or outdoor facility is changed (must be reported within five business days),
 2. A falconry raptor is moved to a temporary facility for purposes other than transport or hunting,
 3. A licensee or their designee captures a raptor from the wild,
 4. A licensee transfers a raptor to another person or permit type, whether permanently or temporarily,
 5. A licensee receives a raptor from another person, whether permanently or temporarily,
 6. A licensee recaptures a lost or escaped raptor (must be reported within five business days),
 7. A band is lost or removed from a raptor (must be reported within five days),
 8. A raptor escapes or is lost or stolen,
 9. A raptor is released into the wild, whether permanently or temporarily,
 10. A raptor dies.
- B. Any person who captures a raptor wearing any band, research marking or transmitter, must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.

PART II - COLORADO REQUIREMENTS FOR CAPTIVE BREEDING OF RAPTORS

ARTICLE IX - CAPTIVE BREEDING OF RAPTORS

#623- RAPTOR PROPAGATION

- A. Application for a raptor propagation permit shall be made to the United States Fish and Wildlife Service. The Division shall approve such permits issued by the United States Fish and Wildlife Service under a joint State/Federal permit system.
- B. HYBRIDIZATION
1. Hybridization is authorized only in accordance with federal law except that hybridization involving a threatened or endangered species is prohibited.
 2. The cross-breeding of a threatened or endangered subspecies with any other subspecies is prohibited.
- C. ACQUISITION OF, AND LIMITATIONS ON BREEDING STOCK

1. Propagators may remove eyas raptors from the wild for breeding purposes providing they obtain a take permit from the Division. Such permit shall be nonrefundable, and shall cost \$40.
 2. Any raptor held under a Colorado falconry license may be transferred to a raptor propagation permit for breeding purposes, provided further that any wild-caught raptor must have been used in falconry for at least two years. Any injured raptor may be transferred under this provision in less than two years, provided that a veterinarian or licensed wildlife rehabilitator has determined that the raptor can no longer be flown for falconry.
 3. Only four raptors taken from the wild in Colorado may be possessed at any one time.
 4. Raptor possession for propagation is limited to any Migratory Bird Treaty Act species listed on a federal permit, except any individual that holds a valid federal propagation permit may also possess any non-Migratory Bird Treaty Act species of raptor that was legally acquired. All terms and conditions listed on the federal permit will also apply to the care and use of the non-Migratory Bird Treaty Act raptor(s).
- D. Native raptor breeding stock or the offspring of breeding stock may be released in the wild, provided the following conditions have been met:
1. Written request for permission to release be submitted to the Division 30 days in advance.
 2. For threatened and endangered species, the proposed release must be in accordance with a recovery plan approved by the Division.
 3. Documentation is provided proving the individual birds involved are capable of survival in the wild.
 4. Birds to be released are banded as provided by these regulations,
 5. Written approval by the Division is required prior to the release.
- E. Any raptor not taken from the wild in Colorado that is legally possessed under the authority of a propagator license may be exported from Colorado if the licensee wishes to transfer the raptor to another properly-licensed licensee in accordance with these regulations and the laws of the receiving state, province or country.

Basis and Purpose:

Adding a means by which leftover Peregrine falcon capture permits could be purchased on a first-come, first-served basis

This change is in response to a citizen petition requesting a means by which leftover Peregrine falcon capture permits could be purchased. There is currently a limit of four Peregrine falcon capture permits per year statewide and this modification does not change that statewide annual limit. Previously, there was no way for leftover permits that were not allocated via the raffle to be distributed. Because Peregrine falcon capture is a unique opportunity, anyone who has taken a Peregrine falcon in the last five years is not eligible to purchase a leftover capture permit.

Additionally, several administrative clean-ups to the regulations were made, including removing references to paper applications, as applications are now accepted online only, and updating relevant webpage addresses.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 2022 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 9TH DAY OF MARCH, 2022.

**APPROVED:
Carrie Besnette Hauser
Chair**

**ATTEST:
Luke B. Schafer
Secretary**