

**571—101.3(481A) Taking and possession provision.** The taking of American kestrel, Cooper's hawk, Ferruginous hawk, Northern goshawk, Great horned owl, Gyrfalcon, Harris's hawk, Merlin, Prairie falcon, Red-tailed hawk, Rough-legged hawk, and Sharp-shinned hawk from the wild by resident falconers shall be limited to the following conditions:

**101.3(1)** Nestling birds may be taken only by general class or master class permit holders.

**101.3(2)** Young birds not yet capable of flight may be taken at any time following hatch by a general class or master class falconer. The falconer may take no more than two nestlings, and at least one nestling shall be left in any nest from which a nestling is taken. The taking of nestlings and branchers is permitted only between April 1 and July 31. Removal of eggs from nests is prohibited.

**101.3(3)** First year (passage) birds shall be taken only from August 1 through March 31.

**101.3(4)** Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may be taken when over one year old; however, the permissible period for taking shall be no different than that prescribed for passage birds of all other legal species.

**101.3(5)** No permittee shall employ any method of taking raptors which is injurious to the bird.

**101.3(6)** Any species except endangered or threatened species or exotic birds, the import of which has been banned by the international convention, federal regulation or the department of natural resources, may be possessed and used for falconry provided the license holder can provide evidence that the bird was legally acquired. No one may import a raptor into Iowa or export a raptor out of Iowa for a period greater than 30 days without having first obtained written permission of the department of natural resources.

**101.3(7)** Recapture. Banded raptors that are lost to the wild through accident may be retrapped provided that the department of natural resources has been advised of the loss and is notified of the attempt to recapture. If the banded raptor is recaptured, the department of natural resources shall be notified of the recovery within 48 hours.

**101.3(8)** Previously banded birds. Any raptor captured with a federal leg band or any research band already attached shall be immediately released at the site of capture, and the band number and location of trapping site shall be reported to the department within 48 hours.

**101.3(9)** Nonresident raptor trapping. A permit may be issued upon application by a nonresident for the purpose of taking a raptor in Iowa, provided that the applicant's resident state is listed in Paragraph (K), Subpart C, Part 21-29, Chapter 1, of Title 50, Code of Federal Regulations, as a participating state, and the applicant's resident state provides for the taking of raptors by nonresidents. Nonresidents shall submit a photocopy of a valid state or federal falconry permit. Nonresident raptor trapping permits shall be issued only in the general class or master class.

*a. Trapping provisions.* Trapping of raptors in Iowa by permitted nonresident falconers shall be limited to the legal species listed in these rules.

*b. Marking requirements.* Raptors legally trapped by nonresidents must be marked with an Iowa marker band provided by the department. No raptor shall be transported from Iowa without first having had the Iowa marker band attached. Permittees may, with written permission from the department, provide their own marker band issued by their state of residency. Permittees who provide their own marker band shall place the band on the raptor immediately upon capture and must notify the department within five days of the capture and of the corresponding marker band number.

*c. Fees.* Fees for nonresident raptor trapping applications shall be reciprocal to the fee charged by the applicant's resident state. If the applicant's resident state does not provide for a nonresident raptor trapping fee, then the Iowa nonresident raptor trapping application fee shall be \$100.

*d. Restrictions.* Nonresident falconers may apply for one raptor trapping permit per trapping season. All nonresident raptor trapping permits shall be valid for a period not to exceed 60 consecutive days, beginning on the date of issuance. No nestlings or raptor eggs may be taken. First year (passage) birds may be taken only from September 1 through January 31. The nonresident raptor trapping permit shall be valid for only one raptor of the species designated on the permit. The raptor trapping permit shall be carried by the permittee while in the act of trapping and the transportation of any subsequently trapped raptor.

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