

NOTICE OF RULE ADOPTION—FINAL RULE

**STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS**

BUREAU OF WILDLIFE

MS Dept. of Wildlife, Fisheries and Parks
c/o Sam Polles, Ph.D., Executive Director
1505 Eastover Drive
Jackson, MS 39211-6374
(601) 432-2400
Sharon@mdwfp.state.ms.us

Specific Legal Authority Authorizing the promulgation of
Rule: 25-43-9; 25-43-3.103

Reference to Rules repealed, amended or suspended by the
Proposed Rule: 1923

Date Rule Proposed: July 22, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Falconry Regulations

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date: August 18, 2009
Time: 3:30 p.m.
Place: Jackson, MS

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: September 23, 2009


Sam Polles, Ph.D., Executive Director

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
DIVISION OF WILDLIFE AND FISHERIES
POST OFFICE BOX 451
JACKSON, MISSISSIPPI 39205

PUBLIC NOTICE NO. W 1923

In accordance with Section 25-43-9 the Mississippi Commission on Wildlife, Fisheries and Parks, at a meeting in Jackson, Mississippi on July 22, 2009, under authority of Section 25-43.3.103, Mississippi Code of 1972, made known its intent and thirty days thereafter did adopt the following state falconry regulations which are to be in compliance with all federal guidelines:

Be it ordered that Public Notice Number 1923.001 is hereby repealed, and the following regulations are adopted.

In addition to falconry regulations found in Title 50 Code of Federal Regulations Part 21 published October 8, 2008 the following regulations are enacted for falconry in Mississippi:

(1) Permits will become valid when issued by the Department and will expire on the fifth June 30th following their issuance unless a different period is specified on the permits or renewals. Permits are renewable. Permits shall not be transferred to other persons. Permits may be revoked or renewals denied for violation of provisions of this regulation. **Permit cost will be \$100.00.**

(2) An apprentice falconer shall possess only the following raptors: American kestrel (Falco sparverius), red-tailed hawk (Buteo jamaicensis), or red-shouldered hawk (Buteo lineatus).

(3) An apprentice falconer must capture from the wild their first raptor and hunt with said bird for one complete hunting season.

(4) No falconer may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the Department within 10 calendar days of any such transaction.

(5) Nonresident Taking:

- a. Before taking or attempting to take a raptor from the wild in Mississippi, a nonresident must have a valid General or Master level falconry permit from his state of residence, a Mississippi nonresident hunting license and a special Mississippi nonresident taking permit.
- b. Special Mississippi nonresident taking permits shall be issued only to those nonresidents whose states of residence provide the same privileges to residents of Mississippi.


- c. Nonresident falconers will be allowed to take one (1) legal raptor per year in Mississippi.
- (6) Transport: Holders of Mississippi falconry permits may transport within Mississippi the raptors held under their permits and remove the raptors from Mississippi for meets, trials, and hunting in other states and bring them back again into Mississippi without obtaining Mississippi importation permits; provided, however, that such permission to remove raptors from and return them to Mississippi is invalid if the falconry permittee fails to obtain any permit or license required for his activities by the state into which he takes the raptors.
- (7) A falconry permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued in accordance with appropriate federal and state regulations.
- (8) Captive Propagation: Raptor propagation and activities associated with it are permitted in accordance with Title 50, Code of Federal Regulations, Part 21.30. Additionally, a Mississippi propagation permit is required. All permittees shall submit one copy of each federally-required report to the Department at the same time as submitted to federal authorities.
- (9) A permittee that is a holder of valid federal and state raptor propagation permits may sell, purchase, or barter, or offer to sale, purchase, or barter captive-bred raptors marked with seamless bands or ISO compliant microchips to other permittees who are authorized to possess the raptors.
- (10) An officer of the Department may inspect the falconry permittee's raptors, records, facilities or equipment at any reasonable hour.

The Department shall allow the take of Peregrine Falcons in accordance to the U.S. Fish and Wildlife Service document "Final Environmental Assessment and Management Plan" on "Take Of Migrant Peregrine Falcons From The Wild For Use In Falconry, And Reallocation Of Nesting/Fledgling Take", August 2008.


Take of peregrine falcons from the wild is limited to the time period specified by Service rules. Take is limited to permittees that have received a peregrine take permit from the Department and the conditions associated with that permit.

This adopted public notice will become effective September 23, 2009. Witness my hand and seal this the 18th day of August 2009.

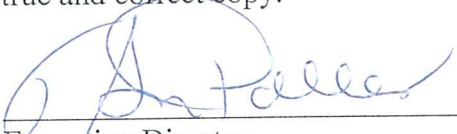
MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES & PARKS

BY: 
Bryan Jones, Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS

BY: 
Sam Polles, Ph.D., Executive Director

I certify this to be a true and correct copy.


Executive Director

Sally L. Sutherland
Notary

