

**RULES
OF
THE TENNESSEE WILDLIFE RESOURCES AGENCY**

**CHAPTER 1660-01-37
RULES AND REGULATIONS GOVERNING THE POSSESSION AND USE OF RAPTORS**

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1660-01-37-.01 PURPOSE.

- (1) The Tennessee Wildlife Resources Agency (TWRA or Agency) recognizes the importance of consistency and balance that is necessary in concurrent federal and state regulatory areas. In addition to incorporating by reference the regulations published in the October 1, 2023, edition of Title 50 Code of Federal Regulations Part 21 and the regulations found in the October 1, 2023, edition of Title 50 Code of Federal Regulations Part 22, the following supplementary regulations are adopted in Tennessee.
- (2) Except as additionally required herein, the Federal Regulations, found in the October 1, 2023, edition of Title 50 Code of Federal Regulations Part 21 and Part 22 shall take precedence and shall govern all aspects of falconry, raptor use, and raptor possession.
- (3) In all aspects of raptor use, it shall be the responsibility of the individual engaged in the activities detailed in this regulation to have read and understood the federal regulations that this state regulation incorporates and supplements.

Authority: T.C.A. §§ 70-1-206, 70-4-404, and 70-4-414. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.

1660-01-37-.02 DEFINITIONS.

- (1) All definitions as they appear in T.C.A. 70-4-402 and the October 1, 2023, published edition of Title 50 Code of Federal Regulations Part 21 and 22 shall apply.
- (2) "Bate" or "bating" means to flutter off the gauntlet (glove) or perch in an attempt to fly when the bird is restrained by jesses or leash.
- (3) "Brancher" is a young raptor which has left the nest or eyrie, but which has not yet left the immediate vicinity.
- (4) "Eyass" means a young raptor which is still in the eyrie (nest) and is not yet capable of flying.
- (5) "Haggard" means a wild raptor which is greater than one year old.
- (6) "Imping" means using a molted feather, or feather from a deceased raptor, to replace a broken feather of a raptor.
- (7) "MBTA" means the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712).
- (8) "Mews" means the building or room in which falconry raptors are kept, i.e., housing facilities.

(Rule 1660-01-37-.02, continued)

- (9) "Passager" or "Passage" means a raptor from the wild which is less than one year old and is not a nestling, brancher, or haggard.
- (10) "Raptor" means a live migratory bird of the Order Accipitriformes, the Order Falconiformes, or the Order Strigiformes listed in 50 C.F.R. § 10.13, including the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).
- (11) "Sponsor" means a person who possesses a current General or Master falconry permit with at least two years experience at the General falconry permit level and who is responsible for individually instructing and training an apprentice falconer in the fundamentals of falconry.
- (12) "Possession" and short-term handling of a falconry raptor. We do not consider short-term handling, such as letting any other person hold or practice flying a raptor you possess under your permit, to be possession for the purposes of this section if you are present and the person is under your supervision.
- (13) "Take" means to trap or capture or attempt to trap or capture a raptor for the purpose of falconry.
- (14) "Transfer" means the change of possession of a raptor from one permittee to another by mutual agreement, i.e., the transfer of ownership in contrast to loaning a raptor.
- (15) "Weathering area" means an outdoor facility that exposes raptors to environmental conditions.

Authority: T.C.A. §§ 70-1-206, 70-4-402, and 70-4-414. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.

1660-01-37-.03 FALCONRY PERMITS.

- (1) Each individual engaged in falconry, identified in these rules as "falconer" or "permittee", shall possess a current Tennessee State falconry permit and may use his or her raptor(s) for all purposes not expressly prohibited by Code of the Federal Regulation, Tennessee specific law or regulations, and/or proclamations of the Tennessee Fish and Wildlife Commission.
- (2) Falconry Examination Requirement
 - (a) Before any Apprentice Falconry Permit is issued, the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination approved by the U.S. Fish and Wildlife Service relating to the basic biology, care, and handling of raptors, literature, laws, regulations, and other appropriate falconry subject matter. A successful score on an exam from another state shall be sufficient if proof is provided.
 - (b) The applicant shall pay the fee for the Falconry Examination each time the exam is administered.
 - (c) Each applicant failing an examination may retake the exam after ten business days.
 - (d) Any applicant possessing a valid falconry permit from another state shall not be required to take an examination when applying for a similar falconry permit in Tennessee when changing residency. However, the applicant must provide documentation of the falconry permit from the former state.
- (3) Falconry Permit Requirements and Application Procedures
 - (a) To apply for a falconry permit, an applicant must include the following information:

(Rule 1660-01-37-.03, continued)

1. A completed application form and permit fee.
 2. Proof of a successful completion of a falconry examination from Tennessee or another state, or verification that the person has previously held a falconry permit at the level they seek.
 3. For an apprentice permit, the applicant must meet the minimum requirements as set forth in the federal rule. However, an apprentice permittee may only possess a passage American kestrel (*Falco sparverius*), or a passage red-tailed hawk (*Buteo jamaicensis*) captured by the apprentice, or any captive-bred raptor approved by federal regulations, acquired from a legal source or transferred to the apprentice by another falconer.
 4. If a sponsor of an apprentice falconer withdraws sponsorship, the sponsor shall notify the apprentice falconer immediately upon withdrawing sponsorship and both shall notify the Agency in writing within 30 days of withdrawing sponsorship. If the apprentice falconer does not secure a new sponsor within 30 days of the sponsorship withdrawal, then the apprentice falconer's permit shall expire, and any raptor possessed shall be released to the wild or transferred to another falconer.
- (b) A valid state falconry permit from Tennessee or another state or country meeting federal falconry standards is required before any person may take, possess, or transport a raptor for falconry purposes. Permitted falconers moving to Tennessee from another state or a country meeting federal falconry standards, with the intent of establishing residency, and bringing raptors with them, shall transfer their permit to Tennessee provided they make application to the Agency within 30 days after relocation. The Agency shall take action on the application within 30 days.
- (c) Permit to take a peregrine falcon for falconry:
1. Peregrine falcons may only be taken under the authority of a permit obtained through a random computer drawing. Only permitted General Class or Master Class resident and non-resident falconers may participate in the drawing. Interested falconers must complete a no-fee Peregrine Falcon Take Permit Application found on TWRA's website, (<http://www.tn.gov/twra/>). Such application must be completed and postmarked or emailed no later than midnight on August 15th each year. If August 15th falls on Sunday, the deadline will be midnight on August 16th. All applications should be sent to TWRA, Falconry Coordinator, P.O. Box 40747, Nashville, TN 37204, or emailed to: twra.permitprogram@tn.gov
 2. All valid applications will be entered in a random drawing to select the permit(s) available for peregrine falcon take in Tennessee. Permit drawings will be held during the last week of August each year, with actual dates posted on the Agency's website. Permittees will be notified by phone and mail.
 3. Peregrine falcons may be trapped from September 20th through October 20th of each year. All birds taken must be first-year (juvenile) and as passage birds. Any banded bird captured must be immediately released at the site of capture and the band number and location of trapping site reported to the TWRA Falconry Coordinator and the USGS Bird Banding Laboratory (www.reportband.gov) within 10 days. Permittees who trap a peregrine falcon wearing a transmitter must contact the TWRA Falconry Coordinator immediately for authorization and assistance.

(Rule 1660-01-37-.03, continued)

- (4) In addition to a Tennessee Falconry permit, a hunting license will be required to hunt with raptors in Tennessee. This includes a Federal Duck Stamp and State Migratory Bird Permit when hunting waterfowl.
- (5) Acquisition, Take, Banding, Transfer and Loss of Raptors:
 - (a) All wild-caught raptors held within this state, except those held for scientific, rehabilitation, or zoological purposes, shall be banded or tagged in accordance with federal rules. Raptors with small tarsus, including American Kestrel (*Falco sparverius*), Merlin (*Falco columbarius*), Sharp-shinned hawk (*Accipiter striatus*), and male Cooper's Hawk (*Accipiter cooperii*) are exempt.
 - (b) Each falconer shall purchase, receive, sell, barter, or transfer raptors only in compliance with all applicable federal and state regulations.
 - (c) Eyasses may be taken only by General and Master Class Falconers.
 - (d) At least one eyass shall be left in the eyrie when a wild eyass is taken.
 - (e) No species listed in Tennessee as endangered, nor federally listed species, shall be taken from the wild within the state unless authorized. Only one raptor of any species listed in Tennessee as threatened may be authorized per year for any General or Master Class Falconer.
 - (f) Nothing shall prohibit a Tennessee resident falconer from legally obtaining, from outside Tennessee, a species listed by the home state as threatened or endangered, provided the falconer complies with the requirements of the state from which the raptor species is acquired.
 - (g) Wild raptors may be taken for falconry in Tennessee only in accordance with the following conditions:
 1. Each person taking a raptor from the wild in Tennessee for falconry purposes shall possess a current, valid Tennessee hunting license. Seasons for taking wild raptors for falconry in Tennessee shall be consistent with state proclamations. Wild raptors with scientific markers (bands, auxiliary markers, transmitters) shall be reported to the TWRA Falconry Coordinator and the USGS Bird Banding Laboratory (www.reportband.gov) within 10 days.
 2. A resident falconer may take up to two raptors per calendar year from the wild in Tennessee, except for falconers at the apprentice level.
 3. A non-resident falconer wishing to take a raptor from the wild in Tennessee shall first apply for and obtain written authorization from the Agency prior to attempting to take a raptor. A Tennessee non-resident state hunting license is also required for this activity.
 4. All non-resident falconers issued written authorization to take a raptor from the wild in Tennessee shall report in writing to the Agency within ten business days of leaving the state, whether or not the person was successful in trapping a raptor. If successful, the report shall include the species, sex (if known), location and date of capture. Reporting for a resident or non-resident falconer will also include uploading the information on the State/Federal 3-186A database. Out-of-state falconers will send a paper or electronic copy of their uploaded data to the TWRA Falconry Coordinator.

(Rule 1660-01-37-.03, continued)

- (6) Permits will expire on June 30 of the third year from date of issuance or renewal.
- (7) Revocation or Suspension of a Falconry Permit:
 - (a) Conviction for violation of any falconry regulation, federal or state, may result in suspension or revocation of a falconry permit. Another raptor type permit will be required for the owner to keep the raptor unless a conviction requires confiscation of the raptor.
 - (b) Upon request of the person whose permit has been revoked or suspended, the Agency may restore the person's falconry permit at the end of the revocation or suspension period. The revocation and suspension period shall be in accordance with current federal and/or state standards.
- (8) Active-duty military personnel, and/or immediately family members residing with the active-duty military personnel, shall possess a falconry permit from the state in which the facility and raptors reside. Those individuals may or may not be permanent Tennessee residents.
- (9) Before any falconry permit is issued, the applicant's raptor housing facilities and falconry equipment shall be physically inspected and certified by a representative of the Agency as meeting the minimum standards detailed in Title 50 Code of Federal Regulations Part 21 and Part 22 found in the October 1, 2023, edition of the Code of Federal Regulations. All facilities and equipment shall always be kept at or above the minimum standards.

Authority: T.C.A. §§ 70-1-206, 70-2-201, 70-2-202, and 70-4-401, et seq. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.

1660-01-37-.04 SPECIAL PURPOSE PERMITS.

- (1) Special Purpose raptor permits issued by the U.S. Fish and Wildlife Service shall be honored by the Agency, and a copy of such shall be provided to the Agency upon receipt. However, the scope of such permits shall be provided to the Agency, and the scope shall not violate Tennessee law.
- (2) If the scope of the Special Purpose raptor permit should fall under the Temporary Exhibitor or Permanent Exhibitor permit as defined by T.C.A. § 70-4-402, for Class II species, then such permit shall be required. However, and notwithstanding any rule to the contrary, a Tennessee commercial propagator permit shall not be required in addition to a permanent exhibitor permit.

Authority: T.C.A. §§ 70-1-206 and 70-4-401, et seq. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.

1660-01-37-.05 ABATEMENT PERMITS.

- (1) Payment may be accepted for providing abatement activities if the permittee has a USFWS special purpose abatement permit. It is important to note that a federal depredation permit may also be required because a federal abatement permit does not allow the killing of other wildlife; only the scaring or driving away.
- (2) If conducting abatement activities for a fee beyond recoupment of costs or beyond de minimus expenses (such as fuel costs or meals), a nuisance animal damage control permit from TWRA shall be required prior to conducting abatement activities in accordance with Tenn. Comp. R. & Regs 1660-01-21. For the purposes of this rule, abatement activity occurs when the person

(Rule 1660-01-37-.05, continued)

uses a raptor to destroy, or otherwise control nuisance wildlife and charges a fee for such services.

- (3) If experience is sufficient, the TWRA may waive the animal damage control test for a Master Falconer when one practices falconry bird-based damage control only. Possession of a USFWS special purpose abatement permit is evidence of sufficient experience to carry out falconry bird-based damage control only and an animal damage control test is not required.

Authority: T.C.A. §§ 70-1-206, 70-2-201, 70-2-202, 70-4-404, and 70-4-414. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.

1660-01-37-.06 PROPAGATION PERMITS.

- (1) A permittee shall submit a completed FWS Form 3-202-8 to the appropriate Regional Migratory Bird Permit office and the TWRA Falconry Coordinator by January 31 each year for the prior calendar year.
- (2) Before any person may engage in the business of propagating Class I or Class II species for sale, barter or trade, such person must obtain and possess a state permit for each propagating location. However, notwithstanding any rule to the contrary, a USFWS Propagation Permit shall meet the propagation permit requirement for Class II and Class III raptors.

Authority: T.C.A. §§ 70-1-206, 70-2-201, 70-2-202, 70-4-410, and 70-4-414. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.

1660-01-37-.07 GENERAL REQUIREMENTS AND MISCELLANEOUS RESTRICTIONS.

- (1) All Migratory Bird Acquisition and Disposition Reports (Form 3-186A) shall be submitted to the online State/Federal 3-186A Falconry database and by email to TWRA within the same time frame as required by federal regulation. However, for propagation purposes, the annual Form 3-202-8, shall suffice for TWRA reporting in lieu of individual 3-186A forms.
- (2) Wild raptors may be taken only in accordance with the proclamations issued by the Tennessee Fish and Wildlife Commission.
- (3) Non-resident falconers may bring their raptors into the state for hunting and for all other uses that are not expressly prohibited.
- (4) If a person who holds a falconry permit or other supplemental permits accepts compensation in addition to recoupment of costs or beyond de minimus expenses (such as fuel costs or meals) for engaging in an activity that assists another person in any act of hunting, fishing and/or trapping in accordance with Tenn. Comp. R. & Regs. 1660-01-28, the permittee shall purchase a guide license prior to the activity.
- (5) Each falconer is required to report a move or any permanent change of address to a new state as well as the state from which they moved within 30 days after the change.
- (6) All raptor housing facilities used to house and keep raptors shall be physically inspected and approved prior to renewal of falconry permit and if any change of location of the facility occurs.
- (7) Authorization to possess and keep approved eagles for falconry in Tennessee shall be via a written endorsement on the permittee's falconry permit and otherwise consistent with 50 CFR Parts 17, 21, and 22, as published in the October 1, 2023, edition of the Code of Federal Regulations. As a reminder, federal regulation does not allow bald eagles to be used for falconry or utilized in captive propagation.

(Rule 1660-01-37-.07, continued)

- (8) A violation of any of these rules and regulations or of any law governing the wildlife of this state or country may be sufficient cause to refuse to issue a permit or to revoke an existing permit in accordance with 1660-01-37-.03(7) above. If an applicant for or holder of a falconry permit has been charged with a violation of these rules and regulations or state or federal wildlife laws, a permit may be suspended pending adjudication.

Authority: T.C.A. §§ 70-1-206, 70-2-201, 70-2-202, and 70-4-401, et seq. **Administrative History:** New rules filed January 8, 2025; effective April 8, 2025.