Montana Fish, Wildlife & Parks

PO Box 200701
Helena, MT 59620-0701
November 21, 2007

Dear Cooperator,

Montana Fish, Wildlife and Parks will host a stakeholders meeting on the proposed take of peregrine falcons for falconry purposes at the Region 3 FWP Headquarters in Bozeman from 10:00 am to 3:00 pm on Monday, December 17, 2007. Marc Scow will help facilitate the meeting. We anticipate that Dr. Jim Enderson, a member of the Rocky Mountain Peregrine Recovery Team, will be present to provide an overview of peregrine falcon biology and population recovery.

The objective of the meeting will be to solicit feedback on a draft proposal that would go before the Commission in January 2008 as a tentative recommendation. To assist with that discussion, two documents have been attached for your review. The first document summarizes public comment that was submitted on the Draft Environmental Assessment pertaining to the proposed take of peregrine falcons. The second document represents a draft proposal detailing the guidelines for proposed take that include both existing federal regulations and additional state-based recommendations that were developed based on public input. There are other procedural elements that will need to be completed prior to any future action (including issuance of a Final EA) and those actions will be outlined for information purposes.

If you are interested in participating, we would appreciate you contacting Arnie Dood at adood@mt.gov so we have an idea on the number of participants. Thanks for your interest.

Sincerely,

Jeff Herbert
Assistant Administrator
Wildlife Division

Summary of Comments on the Draft Environmental Assessment
Take of Peregrine Falcons for Falconry

Purposes

Number of comments in support of the proposed action:

Residents of Montana	38
Non-Residents	8
Unknown	12
Total	58

Organizations supporting proposed action
North American Falconers Association
Montana Falconers' Association
Five Valleys Audubon Society

Organizations opposed – none

Number of comments in opposition to the proposed action:

Residents of Montana	3
Non-Residents	2

People who expressed support of specific conditions are met

Residents of Montana	1
Non-Resident	0

In addition, one individual and one organization made specific comments but did not support or oppose the proposed action.

Specific Comments

Comments were received on specific regulations or rules people felt should be in place. Examples are as follows:

- Montana should follow Federal Rules because these are sufficient
- Take should be for falconry and not to help captive breeding facilities while others felt it was all right to use birds taken for captive breeding programs.
- Non-residents should be permitted to take and others felt they should be prohibited from take.
- Some felt only Master class falconers should be allowed to take while others felt Master and General classes should be allowed to take birds
- Some recommended a specific time period (June 1-August 31) while some felt the Federal Rules are already adequate
- Some wanted take to be of passage birds, not chicks while others opposed take of passage birds

- Some recommended a quota system while others said no quota was necessary because of current Federal rules and limited interest as demonstrated in states currently allowing take
- Commentors indicated that Federal banding/reporting requirements where adequate while others wanted more specific rules in Montana
- There were those both in favor and opposed to allowing transfer of birds taken
- Some recommended a lottery draw to issue permits
- Some suggested that falconers be required to notify MFWP prior to take while others felt this was unnecessary
- Nests should only be entered once
- Establish a limit on how often a falconer may be eligible to capture a wild bird
- Some felt certain sites should be off limits to protect wildlife viewing opportunities while others felt this was unnecessary because rules require at least one chick be left so people can still view the birds
- Recommendations were given on site which should be prohibited from take
- Some recommended that eastern Montana be closed to take while others said it was unnecessary with a highly mobile species like peregrines
- Don't allow take in wild and scenic areas, state or national parks, or study sites
- Only allow take of newly fledged birds by trapping to minimize disturbance
- Birds should be banded by FWP within 2 days after capture
- Eyrie take should be June 1 – July 15th, and trapping for 30 days post fledging to September 1
- A photo of the nest area/site should be required prior to take to document number of young present and remaining
- No more than 1 nestling removed per nest per year
- Prohibit the take of additional chicks from nests for 2-3 years after a chick was removed
- Falconers should be required to minimize human scent to avoid attracting predators to the nest
- No take if only 2-3 hours of daylight remaining to avoid possible owl predation
- Have the ability to stop take if necessary
- Require prior approval by MFWP before allowing access to any nest

Level of Take

- There was support for the 5% level of take while some felt take at this time was inappropriate
- Comments were that the level of take will not impact species ongoing expansion while others felt that any take will slow down existing opportunities for population expansion
- Need a monitoring program to determine appropriate levels of take and/or detect any negative impacts from take
- Should use a 3 to 5 year average production to determine allowable take
- Falconers will focus on female birds and this will hurt the population
- Montana population is too small to allow take

Funding

- Funding needs to be identified
- It will be difficult to administer and enforce this program without significant $
- Funding should come from permit/license fees

General Comments

- Question the role of falconers in the recovery of the peregrine
- Highlight the role of falconers in recovery
- Any birds taken should be well cared for
- This is an Endangered Species Act success story and should be viewed as such
- Falconry is a noble sport with a long history
- Birds that are in the care of a falconer have better survival than those in the wild
- Don't use taxpayers' dollars to support this program
- This proposal is catering to a very small constituency and is unnecessary
- We shouldn't allow people to disturb nesting birds
- The draft EA was not properly announced and/or distributed
- The draft EA is a professional publication of the highest caliber
- Allowing take is long overdue
- Concern that this is commercialization of wildlife
- There was a request for the falcon regs already in place and forms required be included in the EA

- DRAFT -

Recommended Allowable Take of Young Peregrine Falcons for Falconry Purposes in Montana 2008

The following specific rules and regulations will guide allowable take of young peregrine falcons during 2008.

Level of Take

The allowable take will be no more than 3 young peregrines during 2008. This level of take is more restrictive than that currently authorized by U.S. Fish and Wildlife Service guidelines which provide for an allowable take of 5% of known production in each state. In 2007, Montana produced a minimum of 110 young, therefore under federal guidelines up to 5 young could be taken.

Regulations Governing Take

1. Currently licensed, Montana resident general or master falconers will be required to submit a permit application for the limited opportunity to take a peregrine falcon. If more than 3 persons apply, a drawing will be held to determine successful applicants and issuance of permits.
2. Take by nonresidents of Montana is prohibited.
3. The limit will be one peregrine for each successful applicant.
4. Season dates (inclusive) are June 1-August 31.
5. Young may not be removed from their aeries before they are 5 days of age.
6. To avoid premature fledging of nestlings, aeries should not be entered when young are 28 days or more of age.
7. At least one nestling must be left in each aerie prior to fledging.
8. A fledgling may be trapped for up to 30 days after fledging.
9. Each falconer who takes a nestling from the wild must report the sex and precise information about the capture location for each bird to the Montana Fish, Wildlife & Parks (nearest FWP regional headquarters) and to the U.S. Fish and Wildlife Service (contact info?) within 2 days of the take of the bird. If the falconer determines after submitting the information about the sex of the bird that his or her initial report was incorrect, the report should be corrected as soon as possible.
10. A falconer who takes a nestling from the wild must have it banded with a permanent, non-reusable, numbered Fish and Wildlife Service band by FWP personnel within 3 days of capture.
11. For potential stable isotope analyses and law enforcement purposes, the falconer also should submit two plucked breast feathers from the nestling after the bird is 30 days old. The feathers must be shipped or mailed to the Division of Migratory Bird Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Mail Stop 4107; Arlington, Virginia 22203-1610. When submitting the feathers, the permittee should report precisely where the nestling was taken from the wild.

12. Birds taken may only be transferred between licensed Montana falconers.
13. The following nests will be prohibited from take due to high value wildlife viewing opportunities, ongoing agency-approved research efforts, or to meet other management objectives.

    Blodgett eyrie in the Bitterroots
    Johnsrud eyrie on the Blackfoot River
    French Town eyrie on the Clarks Fork River
    Woods Bay eyrie by Flathead Lake
    Coulter (or Meriweather) eyrie on the Missouri River
    Sacrifice Cliff eyrie on the Yellowstone River near Billings

    Falconers requiring more precise locations should contact Montana Fish, Wildlife & Parks.
14. Falconers should take measures to avoid damage to aeries and to minimize disturbance of peregrine falcons. For example, individuals entering aeries should be skilled in rappelling and climbing safety measures. Removal of young from aeries vulnerable to physical damage should be avoided. Falconers should avoid entering an aerie with less than 2-3 hours of daylight remaining to minimize predation risks and remove any possible attractants that could encourage predation
15. Falconers must provide a photo of the nest and the chicks present when presenting the young for inspection to verify the number of chicks present at the site of take.
16. Take will be prohibited from that area of Montana lying east of the following line: Beginning at the Montana-Alberta border at the northern initiation of Interstate 15 (I-15), south along I-15 to Great Falls, then east along MT HWY 87 to its junction with MT HWY 191 at Eddie's Corner, then south along HWY 191 to Big Timber and the junction with Interstate 90 (I-90), then east and south along I-90 to the Montana-Wyoming border.
17. For regulations on take on tribal lands, national parks, or Federal wildlife refuges, please contact the appropriate tribal government or agency.