**Section 1590.90 Capturing of Raptors − Regulations**

a) No permittee may capture any raptor without an appropriate permit from the Department. A permittee in possession of a valid capture permit may capture raptors of a non-prohibited species or subspecies. A person shall hold a valid falconry permit in Illinois or another state to be eligible for a capture permit. The Department will authorize up to 250 capture permits annually. Requests for capture permits in excess of 250 will be considered first in following years.

1) A capture permittee may only intentionally capture a raptor species that he or she is allowed to possess. A permittee that captures a raptor that he or she may not possess shall immediately release the bird.

2) Immature passage raptors may be captured from September 1 until March 1.

3) Haggard American kestrels (Falco sparverius) and great horned owls may be captured between September 1 and January 1.

4) The capture or taking of any eyass raptor in Illinois shall be permitted between February 1 and August 1. When eyasses are captured, at least one eyass shall be left in the nest.

5) The fee for a raptor capture permit for a resident of the State of Illinois is $50 per year. The fee for a non-resident raptor capture permit is $100 per year.

6) A capture permit shall expire on March 1 of each year and shall authorize the permittee to take up to his or her legal limit of raptors for possession and/or replacement, but no more than 2 raptors shall be taken from the wild per calendar year. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit and do not count as a bird taken from the wild.

7) The take of raptors from the wild must be reported by entering the required information into the electronic database at https://epermits.fws.gov/falcp or submitting a paper form 3-186A to the Department at the capturer's first opportunity to do so, but no later than 10 days after the capture of the raptor.

b) A raptor taken from the wild is always considered to be a wild raptor no matter how long it is held in captivity or whether it is transferred to another person. However, it is only considered to be taken from the wild by the person who captured it. The raptor is not considered to be taken from the wild by any subsequent permittee to whom it is legally transferred.

c) Wild raptors listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17) and golden eagles may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by FWS at 50 CFR 17, or a golden eagle, provided listed raptors are captured legally in another state or country, or transferred from another falconer in accordance with federal regulations (50 CFR 21.29), this Part and the laws of the jurisdiction in which the raptors are obtained.

d) No wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not by FWS (50 CFR 17) may be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee from obtaining a raptor of any listed species, provided that it is captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29), this Part, and the laws of the jurisdiction in which the raptor was obtained.

e) Except as provided for in Section 1590.50(a)(2) and (d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of FWS electronic form 3-186A must be sent to the Department within 5 days after marking, as determined by the postmark.

f) A raptor taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21.29).

g) A capture permittee who is present at the capture site and immediately receives a captured raptor from another permittee is considered to be the person who removed the raptor from the wild. The capture permittee receiving the raptor is responsible for submitting a form 3-186A reporting take of the raptor from the wild. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff.

h) If the capture permittee is not at the immediate location where the raptor is taken from the wild, then the person who takes it must be a general or master falconer, have a valid capture permit, and report take of the raptor. If the falconer capturing the raptor then transfers the raptor to the first capture permittee, the permittee capturing the raptor and the permittee receiving the raptor both must submit a 3-186A form reporting the transaction at the first opportunity to do so, but no later than 10 days after the transfer. The raptor will count as one of the two raptors the falconer who took it from the wild is allowed to capture in any year. The raptor will not count as a raptor taken from the wild by the capture permittee who received the raptor. The falconer who takes the raptor from the wild shall report the take even if he or she promptly transfers it.

i) If a capture permittee has a long-term or permanent physical impairment that prevents attending the capture of a species that is permitted for that permittee's use in falconry, then a general or master falconer holding a valid capture permit may capture the raptor for the permittee. The capture permittee receiving the raptor is then responsible for submitting a 3-186A form reporting take of the raptor from the wild and the raptor will count against the capture permittee's take of wild raptors allowed in any year.

j) Any raptor unintentionally captured shall be promptly released.

k) If a capture permittee transfers a raptor taken from the wild to a falconry permittee in the same year it was captured, the raptor will count as one of the raptors allowed to be taken from the wild in that year, but it will not count as a capture by the recipient, though it will always be considered a wild bird for purposes of bird counts and permits.

l) A raptor wearing falconry equipment or a captive-bred raptor may be recaptured at any time, even if the permittee is not allowed to possess the species. The raptor will not count against the capture permittee's possession limit, nor will its take from the wild count against the permittee's take limit. The recapture must be reported to the Department no more than 5 working days after the recapture by submitting a form 3-186A. A recaptured falconry raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department.

m) A raptor banded with an aluminum federal band issued by the federal Bird Banding Laboratory may be taken from the wild, except that a banded peregrine falcon may not be taken.

1) If a captured raptor (including a peregrine falcon) is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, it shall be reported to the Department by submitting a form 3-186A within 5 working days after the capture. A recaptured falconry raptor shall be returned to the person who lost it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department. While a bird is temporarily held for the purpose of returning it to the person who lost it, it will not count against the possession limit or the limit of take from the wild if it has been reported to the Department.

2) If a peregrine falcon having a research band (such as a colored band with alphanumeric codes) or a research marking attached to it is captured, then it shall immediately be released unless the falcon has a transmitter attached to it, in which case it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the batteries and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the batteries or remove the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, then the peregrine falcon may be kept for falconry purposes only if the species is not on the Illinois list of endangered and threatened species.

3) If a captured raptor has any other band, research marking or transmitter attached to it, the band numbers and all other relevant information must be promptly reported to the federal Bird Banding Laboratory at 1-800-327-2263.

A) If the raptor has a transmitter attached to it, then it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the transmitter and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the raptor is released. Disposition of the raptor will be at the discretion of the researcher and the Department.

B) A temporarily possessed raptor having a transmitter attached will not count against the raptor possession limit for falconry raptors.

n) A capture permittee is responsible for the costs of care and rehabilitation for any raptor that is injured as a result of the permittee's trapping efforts and the permittee may either:

1) place the raptor on the capture permittee's falconry permit. Take of the raptor shall be reported by entering the required information into the electronic database at https://epermits.fws.gov/falcp and by submitting a paper form 3-186A to the Department no more than 10 days after capture. The raptor must then be treated by a veterinarian or licensed wildlife rehabilitator. The raptor will count against the permittee's possession limit; or

2) the raptor may be given directly to a veterinarian or permitted wildlife rehabilitator or an appropriate Department employee. The raptor will then not count against the permittee's allowed take or possession limit.

o) In order to receive a permit to capture passage peregrine falcons (peregrine permit) in Illinois for falconry purposes, the following regulations apply, in addition to subsections (a) through (n).

1) Applicants must possess a valid master class falconry permit.

2) Those wanting a peregrine permit shall, by August 31 annually, submit an application and any applicable permit fee (see subsection (o)(4)) to the Department at the address cited in Section 1590.60(a). The Department will review and determine the completeness and eligibility of each permit application. Applicants deemed eligible by the Department will be placed in one of two lotteries (one for residents, followed by one for non-residents if any permits remain available after the resident lottery) to fill the permits allocated to Illinois by the U.S. Fish and Wildlife Service (FWS). Lottery winners will receive a permit, and any applicable fees paid by unsuccessful applicants will be refunded.

3) Preference for receiving a permit to capture a peregrine falcon will be given to Illinois residents. After all permit applications received from Illinois residents have been filled, remaining permits will be allocated to non-resident applicants via the separate non-resident lottery.

4) The fee for the permit for Illinois residents will be $50. The fee for non-residents will be $100. If the applicant possesses a valid permit issued under Section 1590.90 (raptor permit), no fee in addition to the raptor permit fee required by Section 1590.90(a)(5) will be charged.

5) Peregrine permits expire on March 1 annually, but peregrine falcons may only be captured between September 20 and October 20. Each permit will be valid for the capture of one peregrine falcon, and no applicant shall receive more than one peregrine permit. Any peregrine falcon captured under a peregrine permit shall be counted as a raptor captured under a raptor capture permit (see Section 1590.90(a) for the current raptor capture limit) and counted as possessed under the master class falconer permit (see Section 1590.80(c)(2) for the current possession limits).

6) Permittees must report successful captures of peregrine falcons within 48 hours after capture using the electronic reporting system or by phone to the Department's representative.

7) Holders of peregrine permits may be required to provide feathers or other samples as directed by the Department and/or FWS.

(Source: Amended at 43 Ill. Reg. 9659, effective August 23, 2019)