

Need:

FWP is requesting public comment to help clarify issues associated with a proposal to authorize the limited take of nestling peregrine falcons for falconry purposes. Action by the Montana Fish, Wildlife and Parks Commission at their October 19, 2006 meeting directed the Department to move forward with development of an Administrative Rule of Montana and dependent upon that outcome, subsequent Annual Rules governing the take of wild peregrine falcons by licensed Montana falconers. An Environmental Assessment would be prepared in conjunction with the ARM rule.

The FWP Commission is authorized under statutory authority (MCA 87-5-204, 87-5-205, 87-5-208 and 87-5-210) to establish the appropriate licenses and rules for the take, possession and propagation of raptors for falconry purposes. Those raptors may not include any species listed pursuant to 50 CFR, part 17 (Federal) or MCA 87-5-107 (State). Peregrine falcons have officially been delisted at both the federal and state level (ARM 12.5.201) and therefore can now be included as a raptor eligible for take under falconry statutes. Such action would require Commission action.

Issue Identification:

FWP is seeking public comment on the issues to be addressed in the development of a proposed Administrative Rule of Montana that would outline criteria used by the Commission to establish an authorized take of nestling peregrines. Potential issues/stipulations that need to be addressed under this course of action could include but not be limited to the following:

1. Authorizing a limited capture of wild peregrines for falconry purposes.
2. Establishing which class of falconer is authorized to participate.
3. Establishing a quota for the number of birds available for capture (within federal frameworks).
4. Establishing the number of nestlings that must remain in the nest at a capture site (federal regulations require at least one).
5. Establishing a period of time when take is permitted.
6. Establishing which nest sites may be excluded from take due to wildlife viewing opportunities or which geographic areas may be excluded from take if necessary to promote additional population growth in certain regions of the state.
7. Establishing an application and selection process for the limited capture permits.
8. Establishing the banding/reporting requirements for peregrines taken from the wild (both are currently required under federal frameworks).
9. Establishing any limitation on how often a falconer may be eligible to capture a wild peregrine.
10. Establishing any transferability limitations on birds captured in the wild.

Please provide comments relative to any additional issues, any clarification of these identified issues or any additional criteria that the Commission may consider in authorizing the limited take proposal.

Comments should be submitted by January 15, 2007 to:

MT Fish, Wildlife and Parks
Attn. Wildlife - Peregrines
PO Box 200701
Helena, MT 59620-0701

Or submitted by email to: fwpwld@mt.gov

Background Information:

Peregrine falcons have been officially recovered and removed from the list of threatened and endangered species at both the Federal (1999) and State level (2005). The recovery goal for Montana for delisting was 20 active nests. A 5-year post-delisting monitoring program was mandated under the Endangered Species Act to

document the status and trend of peregrine numbers. In Montana, the Montana Peregrine Falcon Working Group coordinated that survey effort during the 1999 – 2003 period and utilized funding provided by MFWP, BLM, BIA, BOR, USDA FS and USFWS. Montana falconers, interested individuals, agency and tribal staff were integral to that effort. The intent was to develop survey protocols and a database to track a history of occupancy and productivity at all known active nest sites. That objective has been accomplished.

The coordinated 2006 Montana survey documented approximately 65 active nests that fledged 147 young for a productivity rate of 2.3 young/nest. Given the propensity of peregrines to nest on cliff sites that can be difficult to detect, this estimate does not include all nesting pairs across the state and should be considered a minimum count. The observed productivity rate exceeds the early benchmark of 1.25 young/pair that would provide for nominal population growth given adult survival rates. For comparison purposes, the documented productivity rate for the 1994 –2001 period was 1.7 young/nest. Monitoring protocols call for intensive surveys every 3rd year until 2014 and the 2006 effort fit within this protocol.

While the national and state populations are considered recovered, Montana peregrines are not necessarily fully restored given that peregrine falcons were found distributed throughout the state. This includes the more xeric prairie habitat in eastern Montana. Figure 1 (2006) indicates the current distribution of documented breeding pairs. As documented by the monitoring protocol, the Montana population continues to grow and increase in both density and distribution.

In 2004, the US Fish and Wildlife Service completed a Final Environmental Assessment considering the take of nestling peregrine falcons in 12 western states. Through this document, implementation guidance has been provided by the Service to the states that must be in effect as part of the permitting process for taking peregrine falcons. Stipulations speak to the amount of disturbance at the nest site, the age of the young (minimum and maximum), the requirement that at least one young must be left in the nest from which a nestling has been taken, as well as banding and reporting requirements for any birds taken. In addition, the Service has published allowable “take” allocations in the Federal Register (2004-2006) prescribing the number of nestling birds that may be removed in each state for falconry purposes. Frameworks limit that take to no more than 5% of the observed number of fledged young and recent assessments indicate that this level of take would result in a less than 1% rate of change to population growth. The following western states have adopted “take” regulations for falconry purposes: Arizona, Colorado, Wyoming, Utah, Idaho and Washington. Oregon is in the state-delisting phase. Falconers must be legally permitted under state regulations in order to be eligible to apply for this opportunity. As is the case with migratory game bird regulations, states must operate within the federal frameworks but may choose to be more restrictive in any permitting requirements.

The Montana Falconers Association has requested, based on the status of the population and the existing federal frameworks in place, that the state implement rules to authorize the limited take of peregrine nestlings. Under current Montana statute (87-5-207), non-residents are not allowed to capture raptors from the wild for falconry or captive breeding purposes, therefore only resident falconers would be permitted to take wild peregrines under this proposal. Currently Montana has approximately 90 licensed falconers that include the apprentice, general, and master permit classes.

Captive breeding programs were instrumental in the recovery of the peregrine falcon and progeny from captive pairs were released at various “hack” sites across the state. An average of 31 captive bred young per year were released at hack sites during the 1981-1998 period. Captive breeding programs have also provided birds to falconers interested in flying peregrines while they were a listed species. Currently 28 licensed falconers report having a peregrine falcon that originated from captive bred stock. In addition, the Department currently licenses 13 raptor propagators who produce captive bred raptors. The anticipated demand for the permitted capture of wild birds will be limited in scope but is considered an important option by the falconry community.