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April 11, 2017

RE: 2017 Falconry Rule Revision (Rule R657-20)

Dear Russ and Jessie,

Based on our further understanding of the issues associated with the proposed revisions to the State of Utah Falconry Rule R657-20 (3-23-2017) RL (2), Great Salt Lake Audubon (GSLA) has revised our comments from those we previously submitted on 4 April 2017. We have refined our comments to focus on those issues we feel most critical based on our current understanding of the rationale associated with the rule change.

We appreciate the tremendous effort the Utah Department of Wildlife Resources (UDWR) effort has undertaken for the 2017 Falconry Rule revision and appreciate the time UDWR spent with us in review of our previous comments. Great Salt Lake Audubon's comments were prepared in accordance with our longstanding mission to protect and enhance habitat for wild birds, animals and plants, and to maintain healthy and diverse environments for wildlife and people throughout the State. With this mission in mind, we concur with the majority of the most current revisions to the falconry rule, but we have strong concerns about the expansion of the current species list, exclusive of the Golden Eagle, from 14 to 54 species, which primarily includes exotic species, many of which are unsuitable for falconry. In addition, it allows General Class

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Falconers who have very little experience handling birds of prey to handle birds that are very aggressive and difficult to manage such as Harpy or Martial Eagles.

Our comments are based on the following understandings:

- 1- The Federal Falconry rule delegates Falconry management to the States.
- 2- The Federal Falconry rule is very general to allow for flexibility in developing state-specific guidance. This was required to account for differences in geography and habitat types.
- 3- Some members of the falconry community believe that they have always had access to all species listed in the Federal Rule because the State Rule does not include the species list, rather the allowable species are listed separately and included in UDWRs falconry guidance. GSLA's interpretation is that because the UDWR lists allowable species and this guidance is public and readily available, posted on the UDWR web site, the intent of the rule is to allow only the 14 species listed in the table, exclusive of the Golden Eagle.
- 4- UDWR reviewed the species allowed under the Federal Rule and screened out those species that posed a risk a) of establishment, b) to conservation status, c) of disease introduction, d) to human or environmental health.

GSLA believes that members of the Falconry community are exploiting a technical error to pursue an agenda of introducing inappropriate species into the State Falconry Rule. GSLA believes this is an effort to allow for exotic pets or "vanity" birds, rather than to serve the best interests of the Falconry community.

GSLA believes that the proposed expansion of falconry species from 14 to the 54 species listed in the R657-20(3-23-2017) RL (2) 2017 Falconry Rule Revision is not appropriate based on the concerns outlined in the following comments.

1. Rare Birds

There are species that are so rare in Utah and prone to disturbance, that they will most likely be extirpated in Utah if they are allowed to be taken for falconry. Particularly, the Common Black-hawk is only known from two nesting locations in southwestern Utah and they are highly prone to disturbance and will abandon nest sites. Should the falconry rules be expanded to include this species, the Common Black-hawk will likely be extirpated from Utah. This will be a great loss to our state's natural diversity, and will harm the general public by removing the opportunity to see these birds in the wild.

2. Suitability for Falconry Versus Exotic Pets

We understand that, as stated in *R657-20-1 Purpose and Authority* "Raptor species possessed under the authority of this rule must be trained in the pursuit of wild game and used in hunting, unless specifically noted otherwise in special provisions granted

under this rule.” We find that not all species should be allowed for falconry because many species cannot be trained in the pursuit of wild game and used in hunting. Falconers use specific species because they have suitable “temperament” and behavior that allows them to be trained to capture wild prey. Many species of raptors prey on small rodents and invertebrates that are not considered wild game. Many species of raptors only hunt at night (i. e., owls) and are not suitable for legal hunting. We believe that some of the species included in the 2017 Falconry Rule Revision are not suitable for falconry. For example, the Common Black-Hawk preys primarily on aquatic invertebrates and would not be suitable for falconry.

Raptors that are not suitable will only be inhumanely treated (i.e., starved to near death while their handlers attempt to train them) or will be used simply as exotic pets and curiosities. We believe the mistreatment of raptors in the name of falconry is unacceptable. Falconry represents one of the most beautiful and intimate relationships between humans and another animal species. GSLA believes that to use Falconry as a justification to abuse this relationship is morally wrong.

3. Administrative Burden

We believe there is an unacceptable amount of administrative burden placed on the UDWR and Law Enforcement by allowing the proposed number of falconry species. There is currently no suitable way to track if a falconry bird was obtained by legal means. Specifically, Aplomado Falcons may not be taken from the wild because they are listed as federally Endangered. However, there are no means available for the UDWR to track if a bird was taken illegally from the wild. UDWR Law Enforcement is already under budget and understaffed. Chief Rick Olson, UDWR assistant state director, was quoted in a January 23, 2015 article saying that “We’re very short-staffed.” We do not have confidence that UDWR has the budget or staffing means to regulate the sport of falconry, as proposed.

In addition, UDWR currently has **no** funding to manage Falconry. They cannot manage the program as it exists, let alone managing the complexity associated with inclusion of the additional species.

4. Exotic Species Trade

A number of the proposed falconry species are considered exotic species, as they are from outside the U.S. Although management of exotic species import and transportation is under purview of the US Fish and Wildlife Service, they are perennially underfunded and understaffed; they simply do not have the capacity to execute required oversight. Therefore from a moral perspective it should be incumbent upon the States to not contribute to exotic species trade by encouraging programs that allow use of exotic species.

As stated above, it is difficult to demonstrate that exotic species were obtained legally, especially from other countries. The trade in exotic wildlife is a serious issue. Not only is it tied to the trade in drugs, violence, and human trafficking, but it has serious

implications for the conservation of such species in their native habitats. We encourage Utah to stay out of the trade for exotic species by prohibiting exotic species in falconry. The International Union for Conservation of Nature (IUCN) is the international governing body that supports conservation around the globe and contributes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to ensure international trade is not detrimental to wild species. The following species are listed by the IUCN Red List as Near Threatened, Vulnerable, or Endangered and we request that UDWR not allow these species to be used in the sport of falconry in Utah:

- Saker Falcon
- Taita Falcon
- Orange-Breasted Falcon
- Laggar Falcon
- New Zealand Falcon
- Steppe Eagle
- Martial Eagle
- Harpy Eagle

While listed as “Least Concern”, the following species are non-native to the United States and their trade contributes to their displacement from their native habitat and decline in their native populations:

- Eurasian Sparrowhawk
- Augur Buzzard
- Common Buzzard
- Grey-lined Hawk
- Shikra
- Levant Sparrowhawk
- Japanese Sparrowhawk
- Black Sparrowhawk
- Bicolored Hawk
- Jackal Buzzard
- Great Black Hawk
- Lanner
- Barbary Falcon
- Red-Headed Falcon
- Bat Falcon
- Eurasian Hobby
- European Kestrel
- Eurasian Eagle-Owl

5. Consequences of Establishment

We are concerned that the proposed 2017 Falconry Rule Revision does not seriously contemplate the consequences of establishment of proposed falconry species. UDWR should perform further assessment of the potential risks should a falconry bird escape

or be released back into the wild before increasing the number of species that can be used in falconry. We are very concerned about the spread of disease (including zoonotic), risk of hybridization with native birds, and establishment of non-native populations.

6. Danger to Human Health

In addition to other environmental concerns, some of the proposed falconry species are dangerous to human health. These include:

- Bonelli's Eagle
- Steppe Eagle
- Tawny Eagle
- African Hawk-Eagle
- Verreaux's Eagle
- Crested Hawk-Eagle
- Mountain Hawk-Eagle
- Martial Eagle
- Harpy Eagle

We have concerns that falconers and the general public may become injured by these species, especially given that the proposed rule changes allow for General Class Falconers to own these species. Should these species be released during sport or accidentally, these species are capable of inflicting serious damage to humans or domestic animals. Of particular concern is the Harpy Eagle and Martial Eagle. These are the world's largest eagles and can regularly take very large prey, recorded up to 82 pounds. We ask that further research be conducted by the UDWR to research safety issues.

GSLA supports Falconry in its true form, "the hunting of wild quarry in its natural state and habitat by means of a trained bird of prey". A bird of prey's behavior in a captive environment, its responsiveness to training, and its prey and hunting habits should all be considered in relation to selecting and using a species for falconry. The inclusion of species outside the original 14, except for the Golden Eagle, is contrary to the sport of falconry given its definition and the associated criteria under which one would select a bird. The expanded list appears to be more about "vanity" bird ownership than the sport of falconry. Including bird species that can contribute to the exotic species trade; that will place additional administrative and enforcement burdens to already underfunded state agencies; and that will pose environmental problems and danger to human health if released to the wild is not about the sport of falconry, which is a beautiful tradition representing one of the most intimate relationships between man and wildlife.

We request that the UDWR reconsider the proposed falconry species list given the concerns discussed above and that the Utah Wildlife Board and Regional Advisory Council Members withhold their approval of the 2017 Falconry Rule Revision (Rule R657-20) unless the proposed falconry species list is revised to exclude the species

identified above. If the list is not revised prior to public comment, GSLA will actively bring their concerns to the public process.

Thank you,



Deborah Drain
GSLA Conservation Chair



Heather Dove
GSLA President

CC: State of Utah Wildlife Board
Regional Advisory Council Members