

Georgia Department of Natural Resources
Wildlife Resources Division

2070 U.S. Highway 278, S.E., Social Circle, Georgia 30025
(770) 918-6400

June 26, 2009

MEMORANDUM

TO: INTERESTED PERSONS AND ORGANIZATIONS

FROM: DAN FORSTER

SUBJECT: **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in the Game and Fish Code (Official Code of Georgia Annotated, Titles 12 and 27; O.C.G.A. §§ 12-6-172 and 27-3-132), the Board of Natural Resources proposes to amend Department of Natural Resources rules and regulations specifying exceptions to the prohibitions under the Georgia Endangered Wildlife Act (27-3-132). The proposed regulation (copy attached hereto), when adopted, will amend Rule 391-4-10-.07 to allow the Department to issue permits allowing qualified falconers to take passage peregrine falcons for the purpose of falconry.

SYNOPSIS AND MAIN FEATURES

The peregrine falcon was once listed as Endangered by the U.S. Fish and Wildlife Service but was delisted in 1999 following a successful recovery effort. The species remains listed as "rare" under Georgia's Endangered Wildlife Act as a conservation measure for our nesting pairs, only two of which are known, both in downtown Atlanta. Historically, the only documented falcon nest was in Cloudland Canyon in the early 1940s.

The USFWS and the Flyway Councils recently approved a plan outlining a framework for states to allow taking of peregrines for falconry. Georgia's allotment is 5 of the 36 birds available in the eastern United States. Trapping will be limited to a one-month period during the fall to help protect our resident peregrine population and ensure that migrants from the northern population are most likely to be taken. This rule establishes a permit system for allowing falconry take of peregrines even though the species remains protected under Georgia's Endangered Wildlife Act.

This notice and synopsis of the proposed rule revisions, together with an exact copy of proposed rule revisions, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are also available by mail and are available for review on the Wildlife Resources Division web page (www.georgiawildlife.com). Please call Jim Ozier (478) 994-1438 to request a copy by mail.

Memorandum – Notice and Synopsis of Proposed Rule Making

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Members of the public will have an opportunity to comment on these proposed changes at 7:00 p.m. on July 14th in Jesup at Altamaha Technical College, 1777 Cherry Street. Any participant at the hearing may present data, make a statement or comment, or offer a viewpoint or argument, either orally or in writing. Statements should be concise to permit everyone an opportunity to speak. Participants in the hearing are required to register on arrival and to notify the registering official of their intent to give a statement.

Those unable to attend the hearings may submit written statements, before close of business on August 7, 2009. Such statements should be mailed to the attention of Mr. Jim Ozier at:

Department of Natural Resources
Wildlife Resources Division
Nongame Conservation Section
116 Rum Creek Drive
Forsyth, Georgia 31029

Please bring this notice to the attention of interested acquaintances. This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Jim Ozier at the above address no later than July 8, 2009.

DF/jo

Attachment: Proposed Regulations

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION	
391-4-10-.07 Protection of Endangered, Threatened, Rare, or Unusual Species.	Take of passage peregrines for falconry purposes	Passage peregrine falcons may be trapped in Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden counties during September 20 through October 20 by licensed falconers who are quota permit holders for falconry purposes.	No take of passage peregrines.	Allow the take of passage peregrines by quota permit for falconry purposes within Federal frameworks set by the U.S. Fish and Wildlife Service.	The peregrine falcon population has recovered such that limited falconry take should have no biological impact. Timing and location of permitted trapping will help ensure that more numerous northern migrants rather than eastern residents are captured. Falconers are a legitimate resource user group and have been instrumental in recovery efforts.

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE
KAREN HANDEL**

(Pursuant to O.C.G.A. Secs. 50-13-3, 50-13-4, and 50-13-6)

I do hereby certify that the attached amendments are correct copies, as promulgated and adopted on the 26th day of August 2009.

STATE DEPARTMENT OF NATURAL RESOURCES

FILING DATE _____

Rule 391-4-10-.07 entitled "Exceptions" is amended by adding paragraph (3) and subparagraphs (3)(a) through (3)(d) and reads as attached hereto.

Authority O.C.G.A. Secs. 12-6-172 and 27-3-132.

Chris Clark, Commissioner
Department of Natural Resources

Emily Hitchcock, Executive Counsel

Sworn to and subscribed before
me this ___ day of August 2009.

Notary Public

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
WILDLIFE RESOURCES DIVISION**

**CHAPTER 391-4-10
PROTECTION OF ENDANGERED, THREATENED,
RARE, OR UNUSUAL SPECIES
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391-4-10-.07 Exceptions. Amended.

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(1) Permits. The Department may issue permits for the collection, transportation, and/or possession of protected plant and animal species. Such permits do not alleviate the responsibility to acquire specific federal permits, if required.

(2) Protected Crayfish Species. The collection of state protected crayfish species (those species included in 391-4-10-.09) while collecting fishing bait is authorized without permit under the following conditions:

(a) State protected crayfish species may not be collected from crayfish burrows (i.e., "crayfish chimneys") in any manner, including burrow excavation or setting traps or other devices within, on or near the entrance to the burrow.

(b) State protected crayfish species may not be exported from the state of Georgia.

(3) Peregrine Falcon Take for Falconry Purposes. The Department may issue up to five (5) annual permits for the trapping and possession of wild peregrine falcons for falconry purposes in accordance with the framework established by the United States Fish and Wildlife Service and as may be appropriate based on sound wildlife management principles. Trapping will be allowed only during September 20 through October 20 and only within Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden counties. Only wild peregrines trapped during their first year (passage birds) may be kept. Permits shall be issued based upon a random drawing of qualified applicants. Preference shall be given to Georgia residents such that a majority of permits are issued to qualified resident applicants.

(a) To qualify, an applicant shall be a licensed Master Falconer, or a licensed General Falconer with at least 5 years of licensed falconry experience, and shall be a resident of Georgia or a resident of a state that provides Georgia residents

the opportunity to trap raptors for falconry.

(b) When trapping or attempting to trap a peregrine falcon, a person shall have on their person a current peregrine falcon take permit from the Department, a valid Georgia hunting license, and a valid falconry license.

(c) A peregrine falcon take permit shall not authorize any person possessing said permit to commit any act inconsistent with O.C.G.A. 27-2-17.

(d) Said permit may be revoked in accordance with the provisions of the Game and Fish Code.

Authority O.C.G.A. Titles 12 and 27; O.C.G.A. §§ 12-6-172 and 27-3-132.