

GOLDEN EAGLE ALLOCATION PROCEDURE

National Flyway Council
Atlantic, Mississippi, Central and Pacific Flyway Councils
and
U.S. Fish and Wildlife Service, Migratory Bird Office

INTRODUCTION

The Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668-668d) allows the U.S. Fish and Wildlife Service (Service) to authorize the take, possession, and transportation of golden eagles (hereafter eagles) for falconry. In the past, falconers primarily obtained golden eagles removed from the wild to address issues of depredation on livestock or wildlife. In a 2009 Final Environmental Assessment (74 FR 46838) and its associated permitting regulation (50 CFR Part 22), the Service determined eagle populations were likely declining and limited authorized take of wild eagles to the level that occurred prior to the promulgation of the regulation (74 FR 46838), unless that take would be offset by compensatory mitigation. The 2016 Final Programmatic Environmental Impact Statement (81 FR 91494) affirmed this analysis and decision. The Service determined that the take of eagles from the wild for falconry can occur through permits for eagle depredation of livestock or wildlife (50 CFR 22.24(b)) or from releasable rehabilitated eagles. Because falconers had taken an average of six eagles annually prior to 2009, the Service determined that up to six eagles could be taken for falconry purposes each year.

In a letter dated February 8, 2018, the Service requested that the four flyway councils (Atlantic, Mississippi, Central, and Pacific) establish and manage an allocation procedure for placing eagles with falconers. Since January 2014, state, tribal, and territory wildlife agencies (hereafter wildlife agencies with jurisdiction) have been responsible for managing falconry permitting and maintaining data on falconers.

The flyway councils recommend the following as the sole procedure for allocating take and placing golden eagles with falconers. There are two components of this procedure:

1. Identification of eagles available for transfer to falconry.
2. Development of an equitable procedure to allocate and transfer eagles to qualified falconers.

Wildlife agencies with jurisdiction and federal regulations will determine if a falconer is eligible to obtain an eagle permit. It is the falconer's responsibility to adhere to importation and permit requirements for each applicable wildlife agency with jurisdiction. This document summarizes the recommendations of the Atlantic, Mississippi, Central, and Pacific flyways to the Service on the proposed distribution of eagles for use in falconry. This procedure does not supersede applicable laws and regulations of the wildlife agencies with jurisdiction regarding transfer or possession of eagles, nor does it require participation by wildlife agencies with jurisdiction, landowners in depredation areas, or rehabilitation facilities.

TABLE OF CONTENTS

Introduction..... 1

Availability of Golden Eagles for Falconry..... 2

 Depredation Areas 2

 Rehabilitation..... 3

Allocation Procedure 3

 Annual Pool of Applicants..... 4

 Draw System..... 4

 Take from Golden Eagle Depredation Areas..... 5

 Communication and Information Feedback.....6

 Eagle Take as it Relates to Procedure.....6

 Amendments.....6

 Golden Eagle Allocation Procedure Flow Chart: Take from Depredation Areas 7

 Golden Eagle Allocation Procedure Flow Chart: Rehabilitated Birds.....8

Appendix 1..... 9

TABLE OF CONTENTS

Introduction..... 1

Availability of Golden Eagles for Falconry..... 2

 Depredation Areas 2

 Rehabilitation..... 3

Allocation Procedure 3

 Annual Pool of Applicants..... 4

 Draw System..... 4

 Take from Golden Eagle Depredation Areas..... 5

 Communication and Information Feedback.....6

 Eagle Take as it Relates to Procedure.....6

 Amendments.....6

 Golden Eagle Allocation Procedure Flow Chart: Take from Depredation Areas 7

 Golden Eagle Allocation Procedure Flow Chart: Rehabilitated Birds.....8

Appendix 1..... 9

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AVAILABILITY OF GOLDEN EAGLES FOR FALCONRY

DEPREDAATION AREAS

A federal Eagle Depredation Permit issued by the Service is required to intentionally take eagles determined to be injurious to wildlife, agriculture, or other interest or that pose a risk to human or eagle health and safety (50 CFR 22.23). Falconry regulations limit the situations when eagles may be transferred to falconers from livestock or wildlife depredation areas (50 CFR 22.24(b)). As part of the Eagle Depredation Permit application (Form 3-200-16), applicants (e.g., landowners and/or lessees) must contact the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) to obtain an APHIS-WS Permit Review Form (Form 37). During the Form 37 review process, APHIS-WS staff discuss available alternatives with the applicant. When appropriate to reduce a livestock conflict or wildlife depredation problem, APHIS-WS staff include “trap-and-place” with a falconer as a recommendation. Under this recommendation, APHIS-WS staff will complete the “Location” block on Form 37 to recommend an area (including a map if appropriate) where trapping and removal can assist in reducing the depredation problem and the recommended dates within which eagles should be taken. To include “trap-and-place” with a falconer, the depredation permit applicant must include the completed Form 37 and confirm on their Eagle Depredation Permit application form that they will allow:

1. A legally permitted and selected falconer(s) (see allocation procedure below) access to remove target eagle(s) in accordance with any existing landowner/lessee agreement(s);
2. Removal of eagle(s) by an authorized agent or agency and placement of the eagle with the selected falconer(s); or
3. A combination of the two approaches.

A Designated State Wildlife Agency (DSWA) will assist the Service by administering a random drawing of qualified applicants for the distribution of eagles according to the allocation procedure (see page 3). The DSWA will send the list of qualified applicants to the State Agency contacts (Contact list in Appendix 1). The DSWA also will send a list of the State Wildlife Agencies with permitting jurisdiction over the first ten (10) falconers to the USFWS Raptor Program point of contact. Individual falconer names will not be sent to the Service. Before the Service’s Migratory Bird Permit Office issues an Eagle Depredation Permit to the depredation permit applicant with authorization to “trap-and-place” with a falconer, the Service will notify the wildlife agency with permitting jurisdiction over the falconer who is next in the drawing and the wildlife agency with jurisdiction over the depredation area where the eagle take will occur. The agency with jurisdiction over the depredation area will provide information to the selected falconer regarding that state’s falconry regulations and, where applicable, the contact information for qualified individuals who may assist the falconer in the capture of the depredating eagle(s). Details on necessary communication between falconer, wildlife agencies with jurisdiction, and Eagle Depredation Permit holders are presented below in *Take from Golden Eagle Depredation Areas*.

Once the Service has issued an Eagle Depredation Permit that includes “trap-and-place” for falconry as an approved alternative, the Migratory Bird Permit Office will notify the wildlife agency with jurisdiction of the depredation area and any agency authorized as a sub-permittee, such as APHIS-WS, with respect to:

1. The number of eagle(s) authorized for take;
2. The date(s) authorized for take;
3. The legal location(s) of the trapping authorization (including a map);
4. Any limitations on access for falconers, or their authorized agent, imposed by the Eagle Depredation Permit holder;
5. Contact information for the Eagle Depredation Permit holder.

If a depredation permit applicant chooses not to request “trap-and-place” as an option on their Eagle Depredation Permit, it will not be possible to use falconry in an integrated management approach to help resolve the depredation problem.

REHABILITATION

A permitted migratory bird rehabilitation facility (rehabilitator) may, if allowed by the wildlife agency with jurisdiction, voluntarily transfer a rehabilitated wild raptor to a holder of the appropriate falconry permit as provided by federal law (50 CFR 21.31(e) (4) (ii)). The Service will notify all rehabilitators of the option to permanently transfer releasable eagles to falconers if allowed by the laws and regulations of the wildlife agency with jurisdiction. If a rehabilitator deems a releasable eagle appropriate for transfer, the rehabilitator may submit an Acquisition and Transfer Request Form (Form 3-202-12) to the appropriate regional Service Migratory Bird Permit Office for approval. In the recipient box of the request form, the rehabilitator should state “Eagle Allocation Procedure,” select the “State Falconry” box, and leave the remainder blank. If the Service approves the request, the Migratory Bird Permit Office will contact the rehabilitator’s wildlife agency with jurisdiction for concurrence. Once all agencies with jurisdiction concur on the transfer, the Migratory Bird Permit Office will provide the signed form to the rehabilitator and notify the wildlife agency with jurisdiction of the falconer who will contact the accepting falconer identified according to the allocation procedure described below. Details on necessary communication between falconer, wildlife agencies with jurisdiction, and rehabilitator are presented below in *Transfer to Falconry from Rehabilitation*.

Falconers may continue to act as sub-permittees under a rehabilitation permit and temporarily possess eagles for conditioning and evaluation purposes prior to release according to 50 CFR 21.31 (e)(3). Falconers participating in the rehabilitation or conditioning of an eagle may only be authorized to add that eagle to their falconry permit (i.e., permanent transfer for falconry purposes) according to the allocation procedure described below. This allocation process does not apply to eagles determined to be non-releasable.

ALLOCATION PROCEDURE

The National Flyway Council (NFC) will identify, through a voluntary or draw process as determined by the NFC, a DSWA, which will have responsibility for conducting the drawing and the notification of results to the appropriate agencies for the eagle allocation procedure for falconry. A DSWA will act in that capacity for 3 years. The NFC will solicit a new DSWA to serve for the next 3 years. The Service will be required to report the outcome of the Eagle Allocation

Process to the NFC annually at the North American Wildlife Conference through their flyway representative.

Opportunities to obtain an eagle for falconry purposes will be distributed by the Service using an annual random drawing conducted by the DSWA starting January 1 of each calendar year. These opportunities will be based on depredation permits and through rehabilitation transfers until the annual allocation of six eagles is reached (81 FR 91494). No opportunities will be allocated to specific flyways, states, or tribal and territorial wildlife agencies; instead, the annual random drawing will establish a nationwide allocation for the distribution of eagles for falconry.

ANNUAL POOL OF APPLICANTS

Falconers with valid authorizations for falconry and possession of eagles may apply to their wildlife agency of jurisdiction to be included in the annual eagle allocation drawing. Each wildlife agency is responsible for evaluating applications they receive from falconers residing in their jurisdiction and certifying the list of valid applications (i.e., Master Eagle Falconers) to the DSWA by November 1 annually. If a wildlife agency chooses not to participate in this procedure or fails to submit the list of eligible applicants to the DSWA by the deadline, their applications will not be included in that year's drawing.

Applications will be accepted from all wildlife agencies that elect to participate in this procedure and whose certified falconry regulations permit eagle acquisition and possession. Agencies must include the name, address, email address (optional), and phone number for each certified falconer applicant. The DSWA will compile applications, generate a nation-wide application list, and conduct a random drawing.

DRAW SYSTEM

The DSWA will conduct a random draw according to its state laws and processes to establish a drawing order from the applicant list. This drawing order will be finalized by December 31 annually. The DSWA will notify the state contacts identified in Appendix 1 of the drawing order so that they can inform their falconers of their position in the drawing order. Participating states shall notify the DSWA when their falconry program manager changes. The DSWA will also provide a list of the State Wildlife Agencies with permitting jurisdiction over the first ten (10) falconers that were drawn and the draw order to the Service's Raptor Program Coordinator. The advance notification does not guarantee an opportunity; rather it allows the falconers to prepare for the possibility of trapping an eagle or traveling to accept a rehabilitated eagle that year. The drawing order established for one year terminates upon the finalization of the next year's drawing order.

The wildlife agency with jurisdiction of the depredation area will offer the first eagle opportunity to the first falconer, by phone and email, in the drawing through the wildlife agency of jurisdiction of the falconer. This falconer will have five business days to accept the eagle opportunity after receiving notice of its availability. If the falconer does not respond to the wildlife agency of jurisdiction of the falconer within five business days of the initial contact attempt, or declines, the eagle opportunity will be offered to the next falconer in the drawing order and that falconer's name

(who declined) will be placed at the bottom of the draw list. The process, including additional advanced notification as needed, will be repeated until a falconer agrees to accept the eagle opportunity or all names are exhausted. A falconer's name is only removed from the drawing list for that calendar year when they accept an eagle opportunity for that calendar year, or they request to have their name removed from the list.

If a depredation permit holder has justified reasons (littering, disrupting agricultural operations, leaving gates open, etc.) to withdraw sub-permittee status from a falconer, then the permit holder should notify both the falconer and the wildlife agency of jurisdiction of the sub-permittee withdrawal. The state wildlife agency of jurisdiction will contact the next falconer on the list and advise them of the opportunity to trap and place. The state wildlife agency of jurisdiction will also contact the Service Raptor Program Coordinator. The falconer who loses their sub-permittee status will be moved to the bottom of the draw list.

TAKE FROM GOLDEN EAGLE DEPREDAATION AREAS

After accepting the opportunity, the falconer will be provided with the necessary contact information (*for the Eagle Depredation Permit holder*) and the permit time frame for trapping. The falconer will be responsible for coordinating with the Eagle Depredation Permit holder and the wildlife agency with jurisdiction over the depredation area. A selected falconer may designate one agent (either an authorized agency or another falconer) to obtain the eagle on their behalf. This agent must have the necessary authorization from the wildlife agency with jurisdiction over the depredation area and that state agency from which that falconer or trapper resides to obtain the eagle as an agent. Federal authorization will be conveyed through the Eagle Depredation Permit. The wildlife agency with jurisdiction over the depredation area will provide authorization to the selected falconer, agent, or agency according to their laws and processes, and can assist the selected falconer or sub-permitted agent or agency as a local point of contact to answer falconry-related questions and facilitate transfer of the bird to the selected falconer. Falconers who have questions concerning how to find and select an agent should contact their state wildlife agency.

The falconer or authorized agent or agency must carry a copy of the Eagle Depredation Permit, written designation from the Eagle Depredation Permit holder authorizing the falconer as a sub-permittee, and any authorization needed from the wildlife agency with jurisdiction over the depredation area on their person while conducting all eagle trapping and transportation activities. The steps below are covered in Communication and Information Feedback section

TRANSFER TO FALCONER FROM REHABILITATION

When a Transfer Form for an eagle is approved by both the Service and the wildlife agency with jurisdiction, the wildlife agency with jurisdiction in the state where the rehabilitated eagle resides will notify the Raptor Program Coordinator. The Raptor Program Coordinator will notify the wildlife agency with permitting jurisdiction over the next falconer on the drawing list of the eagle opportunity per the allocation procedure and deadlines above. If the falconer chooses to accept the eagle opportunity, the falconer will be provided with the rehabilitator's contact information to coordinate the transfer. The falconer must take possession of the eagle within 15 business days after receiving notice of availability, or request and receive approval for an extension from the

Service and the rehabilitation facility to delay transfer. The falconer is responsible for any costs associated with the transfer.

COMMUNICATION AND INFORMATION FEEDBACK

The Golden Eagle Allocation Procedure involves many partners including federal, state, tribal, NGOs and landowners. In order for the procedure to work, communication amongst all the partners is crucial to the success of the program. The DSWA will communicate the list of falconers drawn to each state contact (See Appendix 1 for contact list) once the draw is complete. The DSWA will also send a list of wildlife agencies with drawn falconers to the Service's Raptor Program lead. Participating states shall notify the DSWA when their falconry program manager changes.

1. Once the eagle depredation permit application is approved, the Service should be in communication with the wildlife agency with jurisdiction over the depredation area and the wildlife agency of the next drawn falconer.
2. Once a falconer accepts the opportunity, the wildlife agency with jurisdiction over the depredation area will forward the contact information of the depredation permit holder to the falconer.
3. If an eagle is captured and accepted by the falconer, the falconer will contact the wildlife agency with jurisdiction over the depredation area and the Service, reporting the "trap-and-place" has occurred. The successful falconer must submit a Form 3-186A for the falconry database.
4. If a depredation permit holder denies access to a selected falconer, the permit holder will request that the Service contact the next state agency with jurisdiction over the next falconer on the list. That state agency, in turn, will contact the next falconer in line on the list and the Service's Raptor Program Coordinator.
5. The process then starts over at step 1 until the six eagles have been allocated for "trap-and-place" or the transfer of a rehabilitated bird occurs.

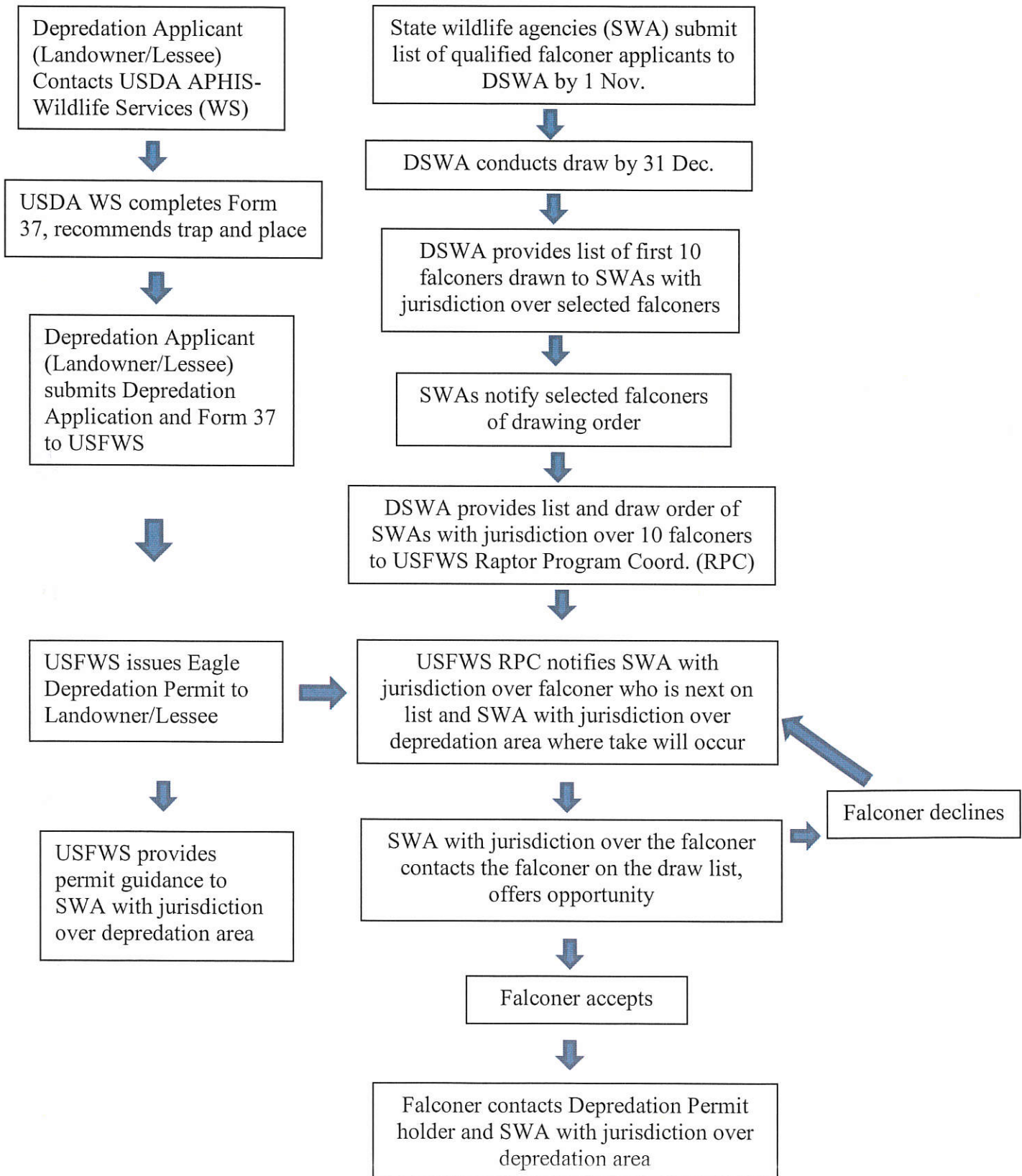
EAGLE TAKE AS IT RELATES TO PROCEDURE

Eagle take allocations authorized during this process will be counted against the annual quota of six. If, during trapping, an eagle dies or is injured beyond reasonable rehabilitation and must be euthanized, then that eagle is counted against the six-eagle annual quota. That take also counts as the falconer's opportunity for an eagle during that year. The Service's Raptor Program Coordinator will initiate the process to award the next falconer the opportunity.

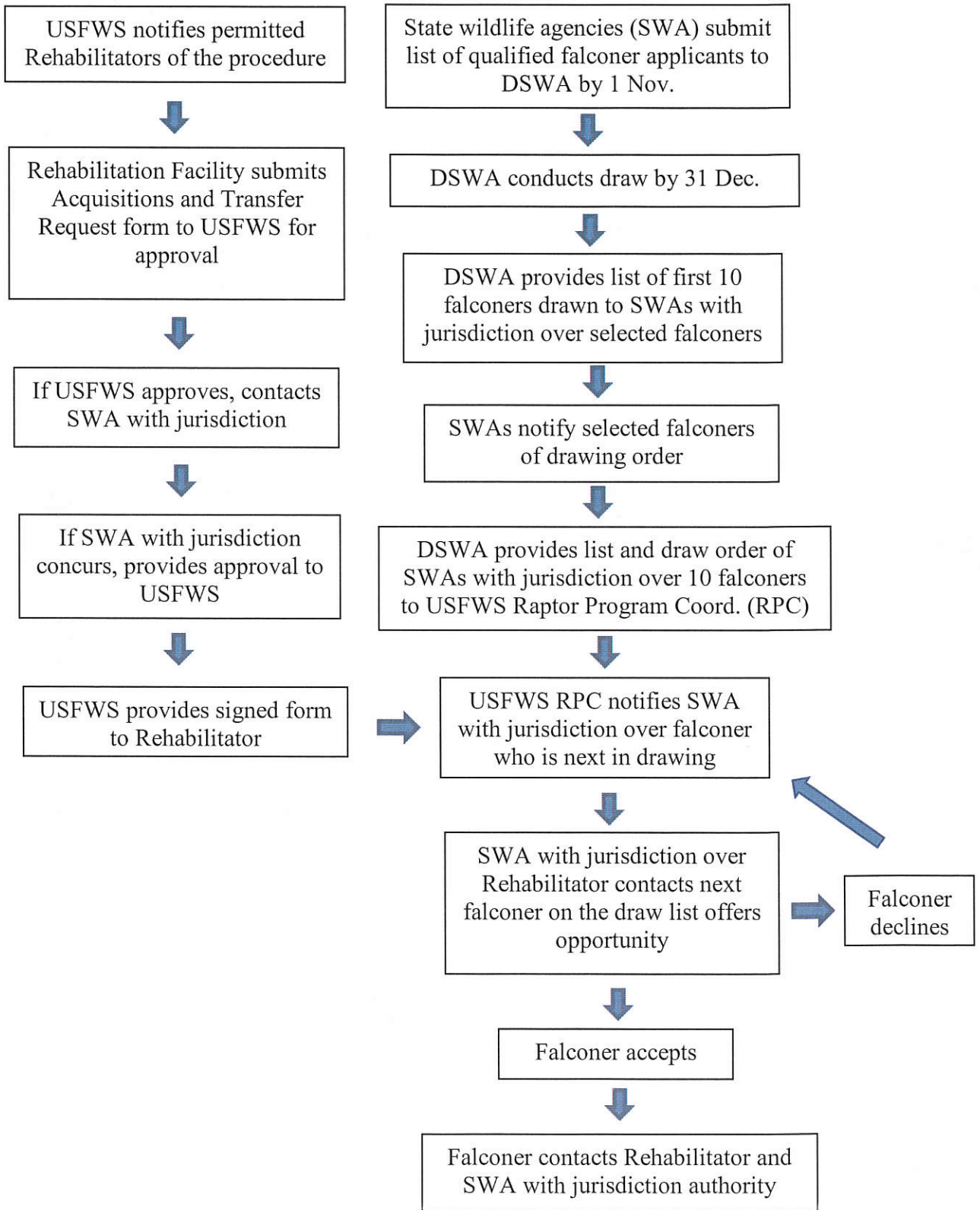
AMENDMENTS

Amendments to this procedure will be coordinated by the NFC. Any of the four NFC representatives can request an amendment to the NFC Chair, which will include details of the amendment and justification. The NFC Chair will distribute the requested amendment to the remaining representatives and allow 30 days for comments. The NFC Chair can call for a vote on the amendment any time after the 30 days has expired.

Golden Eagle Allocation Procedure Flow Chart: Take From Depredation Areas



Golden Eagle Allocation Procedure Flow Chart: Rehabilitated Birds



Appendix 1. State Contacts for Golden Eagle Allocation

ST	Name	Email	Telephone
AK	Bogle, Stephanie	stephanie.bogle@alaska.gov	(907) 465-4148
AK	Booms, Travis	travis.booms@alaska.gov	(907) 459-7335
AK	Snively, Marian	marian.snively@alaska.gov	(907) 267-2893
AL	Clay, Roger	roger.clay@dnr.alabama.gov	(251) 626-5474
AR	Rowe, Karen	karen.rowe@agfc.ar.gov	(870) 241-1146
AZ	Foley, Brandon	bfoley@azgfd.gov	(928) 263-8858
AZ	Groebner, Dan	dgroebner@azgfd.gov	(928) 532-2308
AZ	Jacobson, Kenneth Tuk	kjacobson@azgfd.gov	(623) 236-7575
AZ	Kuhn, David	dkuhn@azgfd.gov	(928) 342-0091
AZ	Lashway, Sharon	slashway@azgfd.gov	(480) 324-3541
AZ	MacVean, Susi	smacvean@azgfd.gov	(928) 214-1250
AZ	Snow, Tim	tsnow@azgfd.gov	(520) 388-4449
CA	Meshriy, Matt	matt.meshriy@wildlife.ca.gov	(916) 801-8708
CO	Slater, Erik	erik.slater@state.co.us	(303) 291-7143
CT	Fortin, Laurie Michelle	laurie.fortin@ct.gov	(860) 424-3963
DE	Terrell, Jordan	jordan.terrell@delaware.gov	(302) 735-8658
FL	Rains, Dorothy	dorothy.rains@myfwc.com	(850) 488-6253
FL	Whitaker, Shelly	shelly.whitaker@myfwc.com	(850) 488-6253
GA	Hawkins, Jamie	jamie.hawkins@dnr.ga.gov	(770) 918-6408
GA	Sargent, Bob	bob.sargent@dnr.ga.gov	(478) 994-1438
IA	Arthur, Aron	aron.arthur@dnr.iowa.gov	(515) 725-8478
IA	Klingenberg, Karmin	karmin.klingenberg@dnr.iowa.gov	(515) 725-8273
ID	Knetter, Jeffrey M.	jeff.knetter@idfg.idaho.gov	(208) 287-2747
IL	Clark, Brian	brian.clark@illinois.gov	(217) 785-5740
IN	Petercheff, Linnea	lpetercheff@dnr.in.gov	(317) 233-6527
KS	George, Jake	jake.george@ks.gov	(620) 672-0760
KS	Ornelas, Maria	maria.ornelas@ks.gov	(620) 672-5911
KY	Patton, Michael	michael.patton@ky.gov	(502) 892-4475
KY	Slankard, Kate	kate.slankard@ky.gov	(502) 564-3400
KY	Wilson, Naomi	naomi.wilson@ky.gov	(502) 564-7109
LA	Collins, Melissa E	mcollins@wlf.la.gov	(225) 763-8584
MA	Amati, Erik	erik.amati@state.ma.us	(508) 389-6396
MD	Roberts, Connie	connie.roberts@maryland.gov	(301) 478-2690
MD	Thomp, J E	toan_nguyen@fws.gov	(301) 555-1212
ME	Estabrook, Karen L.	karen.estabrook@maine.gov	(207) 287-5252
MI	Reitz, Casey M	reitzc@michigan.gov	(517) 284-6210
MN	Cyr, Heidi	heidi.cyr@state.mn.us	(651) 259-5107
MO	Dunham, Lisa	lisa.dunham@mdc.mo.gov	(573) 751-4115 x3255
MO	Kirby, Lizzy	lizzy.kirby@mdc.mo.gov	(573) 522-4115, ext. 3266
MS	Havens, Houston	houston.haven@wfp.ms.gov	(601) 432-2196 (O), (662)299-0273 (C)
MT	Basso, Sara	sara.basso@mt.gov	
MT	Fetherston, Chris	cfetherston@mt.gov	(406) 444-2414

NC	Barnes, Daron K	rapsreporting@ncwildlife.org	(919) 707-0062	
NC	Mugo, Wanda K	rapsreporting@ncwildlife.org	(919) 707-0061	
NE	Jorgensen, Joel	joel.jorgensen@nebraska.gov	(402) 471-5440	
NJ	Madonia, Mike	mike.madonia@dep.nj.gov	(908) 735-6938	
NM	White, Monique	monique.white@state.nm.us	(505) 476-8064	
NV	Meadows, Julie	jmeadows@ndow.org	(775) 688-1512	
NY	Greagan, Mary	mary.greagan@dec.ny.gov	(518) 402-8985	
NY	Ruiz, Teresa	teresa.ruiz@dec.ny.gov		
NY	Therrien, Joseph	joseph.therrien@dec.ny.gov		
OH	Welsh, Michele	michele.welsh@dnr.ohio.gov	(614) 265-6315	
OK	Rouner, Becky	becky.rouner@odwc.ok.gov	(405) 521-4660	
OR	Borisch, Roxann B	roxann.b.borisch@odfw.oregon.gov	(503) 947-6314	
PA	Eyler, Chad	ceyler@pa.gov	(717) 787-4250	
PA	Hollis, Brenton	bhollis@pa.gov	(717) 783-8164	
RI	Riley, Sarah M	sarah.riley@dem.ri.gov	(401) 789-0281	
SC	Kearse, Emily	kearsee@dnr.sc.gov	(803) 734-3887	
SD	Heimerl, Casey	casey.heimerl@state.sd.us	(605) 773-4345	
TN	Cook, Walter	walter.cook@tn.gov	(615) 781-6553	
TX	Anderson, Benjamin	benjamin.anderson@tpwd.texas.gov	(512) 389-8212	
TX	Garza, Lindsay	lindsay.garza@tpwd.texas.gov	(512) 389-8840	
UT	Norvell, Russ	falconry@utah.gov	(801) 537-3436	
VT	Kart, Jon	jon.kart@vermont.gov	(802) 595-1810	
WA	Thompson, Patricia A	patricia.thompson@dfw.wa.gov	(425) 379-2302	
WI	Rowe, Stacy	stacy.rowe@wi.gov	(608) 266-7012	
WV	Wilmoth, Cindy	cynthia.d.Wilmoth@wv.gov	(304) 637-0245 x2049	
WY	Kerr, Aaron	aaron.kerr@wyo.gov	(307) 233-6400	
WY	Nicholas, Sandra Bea	bea.nicholas@wyo.gov	(307) 777-4684	

Adoption
National Flyway Council



Ryan Scott, Chair