

CHAPTER 6238
DEPARTMENT OF NATURAL RESOURCES
FALCONRY

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6238.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Bred in captivity or captive-bred.** “Bred in captivity” or “captive-bred” means raptors, including eggs, hatched or produced in captivity from parents that mated or otherwise transferred gametes in captivity.

Subp. 3. **Eyases.** “Eyases” means young raptors not yet capable of sustained flight.

Subp. 4. **Falconry.** “Falconry” means the taking of quarry by means of a trained raptor.

Subp. 5. **Passage raptor.** “Passage raptor” means a juvenile raptor capable of flight.

Subp. 6. **Permit.** “Permit” means a falconry permit issued by the commissioner under part 6238.0200, unless otherwise specified.

Subp. 7. **Raptor.** “Raptor” means a live bird of the family Falconidae, or the great horned owl (*Bubo virginianus*), or of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).

Subp. 8. **Take.** “Take” means to trap, capture, or attempt to trap or capture for falconry purposes.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0200 FALCONRY PERMIT.

Subpart 1. **Permit requirements for residents.** Unless a falconry permit has been obtained from the commissioner, a resident of this state may not take, possess, transport, transfer, use, sell, purchase, barter, or offer to sell, purchase, or barter raptors or their eggs.

Subp. 2. **Permit requirements for nonresidents.** Nonresidents who have a valid falconry permit in the country, state, province, or territory of their residence or who are lawfully entitled or permitted to practice falconry may transport, possess, and use raptors for falconry purposes in this state on a temporary basis for periods of up to 30 consecutive days without obtaining written permission from the commissioner. Nonresidents may acquire captive bred raptors or their eggs for falconry purposes in this state. While in this state, nonresidents must comply with all applicable provisions of this chapter.

Subp. 3. **Permit application.** An applicant for a permit must be a resident of this state and must submit a fully completed application form to the commissioner.

Subp. 4. **Examination for permit.** A permit may not be issued until the applicant has obtained a score of at least 80 percent on a supervised examination provided by the commissioner. An applicant who fails the examination must wait a minimum of two weeks before retaking the examination.

Subp. 5. **Inspection.** Before a falconry permit is issued, the raptor housing facilities and falconry equipment must be inspected and approved by the commissioner. If necessary, an inspection may be conducted prior to permit renewal.

Subp. 6. **Facility standards.** Applicants must possess the minimum facilities in items A and B.

A. Indoor facilities (mews) must be large enough to allow easy access for care of the raptors housed in the facility. If more than one raptor is to be kept in the mews, raptors must be tethered or separated by partitions and the area for each bird must be large enough to allow the bird to fully extend its wings. There must be a secure door that can be easily closed, and at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body. The floor of the mews must permit easy cleaning and must be well drained. Adequate perches must be provided. If tethers are used, they must be at least long enough to allow the birds to reach the floor.

B. Outdoor facilities (weathering area) must be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6-1/2 feet high need not be covered or roofed. The enclosed area must be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather must be provided for each bird. Adequate perches must be provided. If tethers are used, they must be at least long enough to allow the birds to reach the ground.

Subp. 7. **Equipment standards.** An applicant must possess the following minimum equipment:

A. at least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material, to be used when any raptor is flown free (traditional one-piece jesses may be used on raptors when not being flown);

B. at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design as specified in information provided by the department;

C. at least one suitable drinking and bathing container for each raptor, two to six inches deep and of a width and length each greater than the length of the raptor;

D. at least one weathering area perch of an acceptable design, as specified in information provided by the department, for each raptor; and

E. a reliable scale or balance suitable for weighing a raptor, graduated to increments of not more than one-half ounce (15 grams).

Subp. 8. **Maintenance.** Facilities and equipment must meet the standards provided by this part at all times.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0300 FALCONRY PERMIT CLASSES.

Specifications for the three classes of falconry permits are contained in items A to C.

A. A Class III (apprentice) permittee:

(1) must be at least 14 years old;

(2) must be sponsored during the first two years in which an apprentice permit is held, regardless of the age of the permittee. The sponsor must be the holder of a Class II (general) or Class I (master) falconry permit. A sponsor may not have more than three apprentices at any one time;

(3) may not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period;

(4) may possess only the following raptors, which must be taken from the wild: an American kestrel (*Falco sparverius*), or a red-tailed hawk (*Buteo jamaicensis*); and

(5) may only take an adult or passage kestrel or a passage red-tailed hawk from the wild.

B. A Class II (general) permittee:

- (1) must be at least 18 years old;
- (2) must have at least two years' experience in the practice of falconry at the Class III level or its equivalent;
- (3) may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and
- (4) may not take, transport, or possess any owls or any species listed as threatened or endangered under state or federal law.

C. A Class I (master) permittee:

- (1) must have at least five years' experience in the practice of falconry at the Class II level or its equivalent;
- (2) may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period;
- (3) may not take any species listed as endangered in state or federal regulations, but may transport or possess such species in accordance with applicable rules;
- (4) may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing in accordance with appropriate federal regulations and approved by the commissioner; and
- (5) may not take in any 12-month period, as a part of the three bird limitation, more than one raptor listed as threatened in state or federal regulations, and then only in accordance with applicable rules.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0400 RESTRICTIONS ON TAKING RAPTORS.

Subpart 1. **Eyases.** Eyases may be taken from the wild only by a Class II or Class I falconer during the period of May 27 through July 14. No more than two eyases may be taken by the same permittee during the calendar year. In all cases at least one eyas must be left in a given nest.

Subp. 2. **Passage raptors.** Passage raptors may be taken from the wild only during the period of August 21 through December 29.

Subp. 3. **Escaped raptors.** An escaped, marked raptor may be retrapped at any time.

Subp. 4. **American kestrels and great horned owls.** Only American kestrels and great horned owls may be taken when over one year old, except that any raptor, other than state or federally listed endangered or threatened species, taken under a depredation or special purpose permit may be used for falconry by Class II or Class I falconers.

Subp. 5. **Raptors taken in Minnesota.** Raptors taken from the wild for falconry purposes in this state are subject to the restrictions in items A to D.

A. Raptors must be registered.

B. Title to raptors remains in the state of Minnesota.

C. Raptors may not be sold, bartered, transferred, or transported out of the state except with prior authorization from the commissioner.

D. Raptors may be transferred as gifts between holders of Minnesota permits, but the transfer must be reported by the recipient within five working days to the department regional headquarters where the bird was registered.

Subp. 6. **Raptors taken outside Minnesota.** Residents who obtain raptors lawfully taken outside this state may possess and use them for falconry purposes in this state

only with proof of lawful possession. Raptors must be registered by submitting a Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) as provided by part 6238.0800.

Subp. 7. **Areas closed to taking raptors.** Raptors to be used for falconry may not be taken under any circumstances within state parks or scientific and natural areas, state wildlife management areas without a permit from the regional wildlife manager, state game refuges without a permit from the regional enforcement officer, or private property without permission from the owner.

Subp. 8. **Use of traps.** Traps used to capture raptors must be attended.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0500 INTENTIONAL RELEASE OF RAPTORS.

Permittees must obtain written authorization from the commissioner before any species not indigenous to this state is intentionally released to the wild. The band from the released bird must be removed and surrendered to the department regional office within five working days of release. Whenever possible, a standard federal bird band must be attached to released birds.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0600 TEMPORARY HOLDING OF RAPTORS.

Subpart 1. **Federal form required.** A raptor possessed under authority of a Minnesota falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the person possessing the raptor is in possession at all times of a copy of a properly completed Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession. If the period of care will exceed 30 days, the permittee must inform the department regional office, in writing, within five days of the transfer, specifying where the birds are being held, the reason for the transfer, who is caring for them, and approximately how many days they will be in the care of the second person.

Subp. 2. **Temporary facilities.** A raptor may be transported or held in temporary facilities which must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days, unless written authorization to extend the period is obtained from the department regional office where the falconry permit is issued.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0700 RETENTION AND EXCHANGE OF FEATHERS.

Feathers that are molted or feathers from birds lawfully held in captivity that have died may be retained and exchanged only for imping purposes. Such feathers may not be sold or bartered.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0800 REPORTING AND MARKING OF FALCONS.

Subpart 1. **Banding requirement.** All raptors taken, possessed, or transported for falconry purposes must be banded. Captive-bred raptors must be banded with a numbered, seamless band provided by the department regional office where the permittee's permit is issued, or by the United States Fish and Wildlife Service. Raptors taken from the wild must be banded with a permanent, nonreusable band.

Subp. 2. **Reporting of raptor acquisition or loss or removal of bands.** All acquisitions of raptors or loss or removal of any band must be reported within five working days by submitting a Federal Form 3-186A in accordance with the instructions on the form. The blue copy must be submitted to the department regional office where the permittee's permit is issued.

Subp. 3. **United States Fish and Wildlife Service band.** If the United States Fish and Wildlife Service band affixed to a raptor becomes illegible, the owner must notify the department regional office where the permit is issued.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.0900 REPORTING REQUIREMENTS.

Subpart 1. **Required reporting for each bird.** A permittee may not take, purchase, receive, otherwise acquire, buy, sell, barter, transfer, or dispose of any raptor, including death of the raptor, unless the permittee submits, within five working days, Federal Form 3-186A completed, in accordance with the instructions on the form, for each bird. The blue copy must be submitted to the department regional office where the permit is issued.

Subp. 2. **Change of address.** Changes of address must be reported in writing to the department office where the falconry permit is issued within ten days following the move if the change of address will exceed 30 days. Facilities at the new address must be certified during the 30-day temporary holding period following a move to a new location.

Subp. 3. **Reports by permit holders.** Holders of permits issued for the taking, transportation, transfer, possession, and use of raptors for falconry purposes must report to the commissioner, as requested, listing:

A. all raptors in possession, by species, marker numbers, sex (if known), age (if known), date and where or from whom acquired;

B. all raptors possessed or acquired at any time during the specified period, but no longer possessed, by species, marker numbers, sex (if known), age (if known), date and where or from whom acquired, date and to whom given, if applicable, or whether escaped, died, or released, and when the event occurred; and

C. all unused markers in possession.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.1000 FALCONRY PERMIT DURATION AND RENEWAL.

Subpart 1. **Duration of permits.** Falconry permits may not exceed three years in duration and expire on September 30 of the year of expiration. Permits are not transferable.

Subp. 2. **Renewal of permits.** Falconry permits are renewable. Request for renewal must be made at least 30 days prior to the permit expiration date.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6238.1100 FALCONRY PERMIT REVOCATION.

A permittee violating the provisions of this chapter may be subject to permit revocation, and all raptors held may be subject to seizure and confiscation in the manner provided by law.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*