

**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. 4a. **Falconry permit.** "Falconry permit" means a permit issued under part 6238.0200, subpart 1, for residents to take, possess, transport, transfer, use, sell, purchase, barter, or offer to sell, purchase, or barter raptors.

Subp. 5. **Passage raptor.** "Passage raptor" means a juvenile raptor less than one year old that is capable of flight.

Subp. 6. [Repealed, 32 SR 724]

Subp. 6a. **Propagation permit.** "Propagation permit" means a permit issued under part 6238.0200, subpart 1b, to breed and raise raptors in captivity.

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. 7a. **Raptor permit.** "Raptor permit" means a permit issued under part 6238.0200, subpart 1a, for nonresidents to take, possess, and transport raptors.

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; 32 SR 724*

**6238.0200 FALCONRY, RAPTOR, AND PROPAGATION PERMITS.**

Subpart 1. **Falconry permit requirements.** The commissioner may issue falconry permits to Minnesota residents. A person may not take, possess, transport, transfer, use, sell, purchase, barter, or offer to sell, purchase, or barter raptors or their eggs without a falconry permit from the commissioner, except as provided by subparts 1a, 1b, and 2.

Subp. 1a. **Raptor permit requirements.** The commissioner may issue raptor permits to nonresidents. A nonresident must have a valid permit or other written documentation that authorizes the person to practice falconry in the country, state, province, or territory of the person's residence to be eligible for a raptor permit. A nonresident may not take, possess, or transport raptors or their eggs without a raptor permit, except as provided by subpart 2. Raptor permits may include conditions to prevent depletion of wild bird populations, including, but not limited to:

- A. limits on the number of raptors that may be taken;

- B. restrictions on which species of raptors may be taken;
- C. limits on the geographical area in which raptors may be taken; and
- D. restrictions on when raptors may be taken.

Subp. 1b. **Propagation permit requirements.** The commissioner may issue propagation permits to Minnesota residents. A person may not breed and raise raptors, or sell, barter, or transfer captive bred raptors or their eggs without a propagation permit. Propagation permits may include conditions that specify the location of the propagation facilities, restrictions on release of birds from captivity, and requirements for the disposition of dead raptors.

Subp. 2. **Nonresident falconry requirements.** A nonresident who has in possession a valid permit or other written documentation that authorizes the person to practice falconry in the country, state, province, or territory of the person's residence may transport, possess, and use raptors for falconry purposes without obtaining a raptor permit. Nonresidents may acquire raptors or their eggs from a person with a falconry or propagation permit, and possess and transport raptors so acquired, without obtaining a raptor permit. While in this state, nonresidents conducting activities under this subpart must comply with all applicable provisions of this chapter.

Subp. 3. **Permit application.** An application for a falconry, raptor, or propagation permit must be submitted to the commissioner on a form provided by the commissioner.

Subp. 4. **Examination for falconry permit.** A person must obtain a score of at least 80 percent on a supervised examination provided by the commissioner before receiving a falconry permit. A person who fails to score at least 80 percent on the examination must wait a minimum of two weeks before retaking the examination.

Subp. 4a. **Qualifying for propagation permits.** A person must meet one or more of the following criteria to qualify for a propagation permit:

- A. the person meets the requirements for a Class II falconry permit as provided by part 6238.0300;
- B. the person is conducting research for an educational or government institution;
- C. the person has been eligible for a permit to propagate raptors or its equivalent in another country, state, province, or territory; or
- D. the person can demonstrate through written or other documentation at least two years experience propagating raptors.

Subp. 5. **Inspection.** A person's raptor housing facilities and falconry equipment must be inspected and approved by the commissioner before the person receives an initial falconry or propagation permit. The commissioner may inspect a person's raptor housing facilities or falconry equipment or require other documentation, such as photographs, prior to permit renewal or if the housing facilities or equipment are moved or changed.

Subp. 6. **Facility standards.** An applicant for a falconry permit must possess facilities that meet the requirements in items A, B, and C. An applicant for a propagation permit must possess facilities that meet the requirements in items A and C.

A. Indoor facilities (mews) must be large enough to allow easy access for care of the raptors housed in the facility. Except for raptors housed for propagation, 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 or a platform constructed as a base.

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. Chicken wire may not be used to enclose birds unless measures are taken to prevent birds from directly contacting the chicken wire. 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 or a platform constructed as a base.

C. Facilities used to hold raptors must be designed so that domesticated livestock or fowl cannot access the area occupied by the raptors.

Subp. 7. **Equipment standards.** An applicant for a falconry or propagation permit must possess the following 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 commissioner;

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 commissioner, 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. [Repealed, 32 SR 724]

**Statutory Authority:** *MS s 97A.401; 97A.418*

**History:** *18 SR 83; 32 SR 724*

#### **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 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; 97A.418*

**History:** *18 SR 83; 32 SR 724*

**6238.0400 RESTRICTIONS ON TAKING RAPTORS.**

Subpart 1. **Eyases.** Eyases may be taken from the wild during the period of May 27 through July 14. A person must be a Class I or Class II falconer or have the equivalent classification in the person's country, state, province, or territory of residence to take eyases from the wild. 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.** A person may not take raptors over one year old from the wild, except for American kestrels and great horned owls, and except that any raptor, other than state or federally listed endangered or threatened species, may be taken under a depredation or special purpose permit and 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 and B.

A. A person who takes a raptor must register the bird within five days by sending a completed Federal Form 3-186A to the commissioner.

B. Raptors may be transferred as gifts between holders of falconry, propagation, or raptor permits. The recipient must report the transfer to the commissioner within five working days.

Subp. 6. **Raptors taken outside Minnesota.** Residents who obtain a raptor outside this state must provide proof of lawful possession by submitting Federal Form 3-186A to the commissioner within five days after the raptor is brought into Minnesota.

Subp. 7. **Areas closed to taking raptors.** Raptors may not be taken within state parks or scientific and natural areas, state wildlife management areas, or state game refuges unless specifically authorized in a falconry, raptor, or other permit from the commissioner. Raptors may not be taken from private property without permission from the owner.

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

Subp. 9. **Peregrine falcon restrictions.** If the peregrine falcon is removed from listing in part 6134.0200, subpart 2, the commissioner may limit the number of this species that may be taken each year to prevent population depletion. These limits must be based on estimated population size and expected hatch and may be applied to a specific geographical

area. A falconry or raptor permit may include conditions that specify where and when peregrine falcons may be taken.

**Statutory Authority:** *MS s 97A.401*

**History:** *18 SR 83; 32 SR 724*

#### **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 RAPTORS.**

Subpart 1. **Banding requirement.** All raptors taken, possessed, or transported for falconry or propagation 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.

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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; 32 SR 724*

**6238.0900 REPORTING REQUIREMENTS.**

Subpart 1. **Required reporting for each bird.** A person who takes, purchases, receives, or otherwise acquires, buys, sells, barbers, transfers, or disposes of any raptor, including dead raptors, must submit, within five working days, a completed Federal Form 3-186A for each bird to the commissioner.

Subp. 2. **Change of address.** A person with a falconry or propagation permit must report a change of address to the department office where the permit is issued within ten days following the move if the change of address will exceed 30 days.

Subp. 3. **Reports by permit holders.** Holders of falconry and propagation permits 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; 32 SR 724*

**6238.1000 PERMIT DURATION AND RENEWAL.**

Subpart 1. **Duration of permits.** Falconry and propagation permits may not exceed three years in duration and expire on September 30 of the year of expiration. Raptor permits may not exceed one year in duration and expire on December 31 of the year of expiration. Permits are not transferable.

Subp. 2. **Renewal of permits.** Falconry, raptor, and propagation 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; 97A.418*

**History:** *18 SR 83; 32 SR 724*

**6238.1100 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*