

6238.1250 PERMIT REQUIREMENTS.

Subpart 1. **State and federal regulations.** All persons conducting activities under subparts 2 to 6 must comply with all applicable provisions of this chapter and federal regulations. Permits issued under this part shall include:

- A. conditions that specify measures to prevent adverse impacts to wild populations;
- B. restrictions for compliance with other game and fish laws; and
- C. other restrictions for public health and safety and for the welfare of raptors described in this chapter.

Subp. 2. **Resident falconry permit requirements.** All Minnesota residents who practice falconry within the state must obtain a Minnesota falconry permit from the commissioner. A person must not take, possess, transport, transfer, use, sell, purchase, or barter raptors or offer to sell, purchase, or barter raptors or their eggs without a falconry permit issued under this subpart, except as provided under subparts 3 to 5 and Minnesota Statutes, section 97A.401.

Subp. 3. **Nonresident falconry permit requirements.**

A. This subpart applies to a resident of the United States who is not a Minnesota resident and who has in possession a valid permit or other written documentation that authorizes the person to practice falconry in the state, tribe, or territory of the person's residence.

B. A nonresident described under item A who moves to Minnesota or who practices falconry in Minnesota for 120 days or more within a given year must obtain a Minnesota falconry permit. The nonresident must submit a copy of the permit or documentation that authorizes the person to practice falconry in the state, tribe, or territory of the person's residence and apply for a Minnesota falconry permit under part 6238.1300, except that the nonresident need only comply with part 6238.1300, subpart 1, items C and D. If approved, the Minnesota permit shall be for the same or an equivalent permit class listed on the falconry permit of the state, tribe, or territory of the person's residence.

C. A nonresident described under item A may transport, possess, and use raptors for falconry purposes without obtaining a Minnesota falconry permit, provided such activities do not exceed 120 days within a given year.

D. While in this state, nonresidents conducting activities under this subpart must comply with all applicable provisions of this chapter.

E. A nonresident described under item A may acquire, transfer, and sell propagated raptors or their eggs or transfer wild raptors that are not wild Minnesota raptors from or to a person with a falconry or propagation permit issued under this part.

F. For all raptors acquired under this subpart, a nonresident must submit the report required under part 6238.1650, subpart 1, to the commissioner, in addition to any required reporting to the person's state of residence.

Subp. 4. **Nonresident take permit requirements.** A nonresident described in subpart 3, item A, must obtain a nonresident take permit, issued by the commissioner, to take and possess wild Minnesota raptors while in Minnesota and to transport or receive wild Minnesota raptors directly from the state of Minnesota, except that a nonresident described in subpart 3, item B, who has obtained a Minnesota falconry permit does not need a nonresident take permit unless the nonresident is removing a wild Minnesota raptor from the state of Minnesota. Nonresident take permits are valid for up to one year and do not need to be renewed to maintain possession of a wild Minnesota raptor previously transported outside of Minnesota under a valid nonresident take permit. The nonresident take permittee must submit a summary of the activities conducted under the permit to the commissioner by January 31 of the following year. Nonresident take permittees must follow all other applicable provisions under subpart 3.

Subp. 5. **Propagation permit requirements.** A person must obtain a propagation permit, issued by the commissioner, to breed or raise raptors; capture raptors from the wild for propagation purposes; or possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

Subp. 6. **Abatement permit requirements.** A person must obtain an abatement permit, issued by the commissioner, to use raptors to remove animals from undesirable locations through disturbance or capture or to remove animals under a state or federal depredation permit through disturbance or capture. Other permits or licenses may be required under game and fish laws for the capture or taking of animals. An abatement permit may contain specifications on raptors authorized for use in abatement activities; qualifications, requirements, and restrictions for subpermittees; requirements on raptor transfers between abatement permittees and their subpermittees; and other requirements necessary to administer abatement permits, the raptors used for abatement, and abatement jobs performed. Minnesota falconers do not need an abatement permit to disturb or capture game species during the game season, provided no payment is received for the activity and they have the appropriate game permit, license, or stamp for the game to be taken or disturbed.

Statutory Authority: *MS s 97A.401; 97A.418; 97B.105*

History: *38 SR 299*

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