

6238.1400 RESTRICTIONS ON TAKING RAPTORS.**Subpart 1. Raptors taken in Minnesota.**

A. A permittee taking raptors from the wild in this state must comply with this part and applicable federal regulations.

B. The commissioner may include conditions in a permit to prevent depletion of wild raptor populations. These conditions include:

- (1) limits on the number of raptors that may be taken;
- (2) restrictions on species of raptors that may be taken;
- (3) limits on the geographical area where raptors may be taken;
- (4) restrictions on when raptors may be taken; and

(5) other similar conditions that the commissioner deems necessary to prevent depletion of wild raptor populations.

C. A trap used to capture raptors must be attended at all times, except a trap that entirely encapsulates the raptor within a protective cage must be checked at least once every 24 hours.

D. If a raptor is injured while a permittee is attempting to take the raptor, the permittee must report the injury to the commissioner, whether the raptor is kept or given directly to a veterinarian, a permitted wildlife rehabilitator, or an appropriate wildlife agency employee as provided under federal regulations.

E. Permits under this chapter do not authorize trespass. A permittee must not take raptors within state parks, state scientific and natural areas, state wildlife management areas, or state game refuges unless specifically authorized in a permit from the commissioner. A permittee must not take raptors from private property without permission from the property owner.

F. Taking a raptor from the wild, as well as any subsequent transfer of the wild raptor, must be reported according to federal regulations, with the reporting form submitted to the commissioner according to part 6238.1650, subpart 1, within ten days of the taking or transfer.

G. Wild raptors must not be purchased, sold, traded, or bartered, but may only be transferred or released. As provided under federal regulations, a raptor may be transferred to another permit type if the recipient of the raptor, which could be the possessor, has the necessary permit for the other activity. Both the transferor and transferee must report the transfer to the commissioner within ten days by submitting a reporting form under part 6238.1650, subpart 1, and each must also submit any documentation required under federal regulations, such as veterinarian or rehabilitator certification, at that time.

Subp. 2. Raptor take time periods.

A. Eyases may be taken from the wild from May 27 through July 31 only. A person must be a general or master falconer or have the equivalent classification in the person's state, tribe, or territory of residence to take eyases from the wild. A permittee must not take more than two eyases during a calendar year. At least one eyas must be left in a nest from which other eyases are taken.

B. Passage raptors may be taken from the wild from August 21 through February 28 only.

C. A permittee under this chapter must not take raptors over one year old from the wild, except for:

(1) American kestrels and great horned owls; and

(2) any raptor, other than state or federally listed endangered or threatened species, taken under a depredation or special purpose permit under Minnesota Statutes, section 97A.401, and used for falconry by general or master falconers.

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

History: *38 SR 299*

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