

**6238.1350 PERMIT CLASSES; REQUIREMENTS.**

Specifications for permit classes are contained in items A to F. Permittees under all permit classes are only allowed to take or possess raptors defined under part 6238.1200, subpart 16, unless further restricted in this part and in federal regulations.

A. A junior apprentice falconry permittee:

- (1) must be at least 12 years old and less than 16 years old;
- (2) must have a parent or legal guardian sign the application. The parent or guardian must agree to take legal responsibility for the activities of the permittee;
- (3) must have a sponsor who is the holder of a valid master falconry permit or who is the holder of a valid general falconry permit and has two seasons of experience or 24 total months of experience with the sponsor's own raptors at the general level. A sponsor must not have more than three apprentices at any one time. A permittee must notify the commissioner within ten days if there is a change in sponsorship;
- (4) must not possess more than one raptor and must not obtain more than two wild raptors for replacement during any season;
- (5) must house the raptor at the legal residence of an adult, preferably a parent or legal guardian, who is in possession of a valid falconry permit or at the permitted location of the adult's raptors. If the adult falconry permittee is an apprentice, only one raptor is allowed under either the junior apprentice falconry permit or the adult's permit unless the raptor is housed with the sponsor;
- (6) may take and possess only red-tailed hawk (*Buteo jamaicensis*); and
- (7) must not possess an imprinted raptor or a raptor that was taken from the wild as a nestling.

B. An apprentice falconry permittee:

- (1) must be at least 16 years old;
- (2) must have a parent or legal guardian sign the application if the permittee is under 18 years old, in which case the parent or guardian must agree to take legal responsibility for the activities of the permittee;
- (3) must have a sponsor, regardless of the age of the permittee. A permittee must notify the commissioner within ten days if there is a change in sponsorship. A sponsor must be the holder of a valid master falconry permit or the holder of a valid general falconry permit who has two seasons of experience or 24 total months of experience with the sponsor's own raptors at the general level. A sponsor may have no more than three apprentices at any one time. All new residents of the United States age 16 or older must be initially permitted at the apprentice level. After a minimum of four months of practicing

falconry with their own raptors, new residents of the United States with falconry records from their country of origin and their sponsor's approval may apply for a general or master falconry permit;

(4) must not possess more than one raptor and must not obtain more than two wild raptors for replacement during any season;

(5) may take and possess only passage red-tailed hawk (*Buteo jamaicensis*), except that, with approval from the permittee's sponsor, an apprentice permittee with a minimum of two seasons of experience may take and possess any raptor allowed for an apprentice class falconer under federal regulations and under part 6238.1200, subpart 16; and

(6) must not possess an imprinted raptor or a raptor that was taken from the wild as a nestling.

C. A general falconry permittee:

(1) must be at least 18 years old;

(2) must submit documentation from the permittee's junior apprentice or apprentice sponsor stating that the permittee has practiced falconry under the sponsor's supervision as a junior apprentice or apprentice falconer for at least two seasons of experience with the permittee's own raptors and the permittee's training included capturing, maintaining, training, flying, hunting, and releasing raptors;

(3) must not possess more than two raptors and must not obtain more than two wild raptors for replacement during any season;

(4) may take and possess any raptor, except the permittee must not possess, take, or transport a bald eagle, white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), or golden eagle (*Aquila chrysaetos*) or any species listed as threatened or endangered under state or federal regulations; and

(5) may possess captive-bred raptors and hybrids.

D. A master falconry permittee:

(1) must have at least five seasons of experience with the permittee's own raptors as a general falconer;

(2) must not possess more than five raptors except as authorized under an abatement permit under part 6238.1250, subpart 6;

(3) must not possess more than three wild raptors at any time;

(4) must not obtain more than two wild raptors during any season;

(5) must not take any species listed as endangered in state or federal regulations, but may transport or possess endangered species according to applicable rules;

(6) must not take, transport, or possess a golden eagle, white-tailed eagle, or Steller's sea-eagle for falconry purposes, unless authorized in writing according to appropriate federal regulations and approved by the commissioner; and

(7) must not take in any 12-month period, as a part of the three wild raptor limitation, more than one raptor listed as threatened in state or federal regulations, and then only according to applicable state and federal regulations.

E. A propagation permittee:

(1) must meet the minimum qualifications under part 6238.1300, subpart 2, and must comply with all applicable provisions in this chapter and associated federal regulations;

(2) must not possess more than six raptors under the propagation permit as a standard propagator unless:

(a) the propagation is conducted for a specialized purpose such as education, business, reintroduction, research, abatement, or another similar activity authorized by the commissioner; and

(b) the propagator has submitted a proposal or business plan that outlines the number and type of raptors to be propagated, facility schematics, number of assistants that are necessary to care for the raptors, documentation necessary to determine compliance with state law pertaining to the operation of large animal facilities, and other information the commissioner deems necessary for public health and safety and for the welfare of the raptors;

(3) must transfer propagated young to another permit type or permittee within one year of hatch unless the propagated young will be included under the six raptor limit for standard propagators or included under the limit specified in the permit of a specialized propagation program issued under subitem (2), units (a) and (b). If the propagated raptors are to be released to the wild, the propagator must comply with part 6238.1500 and federal regulations;

(4) must have adequate raptor propagation facilities maintained according to federal regulations for the number and species of raptors to be held under the permit;

(5) must not take more than two passage raptors from the wild per year under the permit, which also counts against the take limit under a general or a master falconry permit held by the propagation permittee;

(6) must not possess more than six wild raptors total, including the number of wild raptors possessed under a general or master falconry permit held by the propagation permittee; and

(7) must submit a completed propagation form provided by the commissioner by January 31 of each year for January 1 through December 31 of the preceding year.

F. An abatement permittee:

(1) must meet the minimum qualifications under part 6238.1300, subpart 4, and must comply with all applicable provisions in this chapter, associated federal regulations under Code of Federal Regulations, title 50, section 21.29, and federal abatement regulations and requirements;

(2) may have subpermittees under the permittee's abatement permit. A subpermittee must be a Minnesota falconer with a valid general or master falconry permit;

(3) is responsible for the conduct of subpermittees on the permit while the subpermittees conduct abatement activities;

(4) must not use wild raptors in abatement activities;

(5) must not use golden eagles in abatement activities;

(6) must carry a copy of the abatement permit while conducting abatement activities. A subpermittee must carry a copy of the abatement permit that the subpermittee is working under while conducting abatement activities;

(7) may possess additional propagated raptors under a falconry permit for abatement use, provided the permittee submits a proposal or business plan that outlines the number and type of raptors, facility schematics, number of assistants that are necessary to care for the raptors, documentation necessary to determine compliance with state law pertaining to the operation of large animal facilities, and other information the commissioner deems necessary for public health and safety and for the welfare of the raptors; and

(8) must submit a completed abatement form provided by the commissioner by January 31 of each year for January 1 to December 31 of the preceding year.

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

**History:** *38 SR 299*

**Published Electronically:** *September 5, 2013*