

Falconry in

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for New Falconer Information Packet

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Minnesota

* Enclosed regulations are valid as of the version date.
Please verify that the regulations are current by going to <https://www.revisor.mn.gov/rules/?agency=158> for DNR regulations and <http://www.ecfr.gov/cgi-bin/ECFR?page=browse> for federal regulations.

IS FALCONRY RIGHT FOR ME?

Issues to consider before becoming a Falconer

Falconry (also known as “Hawking”) is a hunting sport that uses trained raptors to hunt wild game. Falconry includes taking raptors from the wild and caring for, training, hunting with, and transporting those raptors. "Raptor" means a bird of the family Falconidae (examples include peregrine falcon, gyrfalcon, or American kestrel), the great horned owl, or a bird of the family Accipitridae (examples include Northern goshawk, Cooper’s hawk, or red-tailed hawk) with the exception of the bald eagle which is not allowed in falconry.

Is falconry right for you?

You may have become interested in falconry because a book, a movie, or even a commercial made it seem cool or interesting. But before you go any further, you should ask yourself, “Is falconry right for me?” You may want to reconsider getting into falconry if any of the following apply to you:

If you want a pet, then falconry may not be right for you.

Raptors are not pets, and they do not behave like parrots. They are predators, and as such they are inherently dangerous and are forever wild. Raptors taken from the wild are always considered “wild raptors” and cannot be sold, but they may be gifted to other falconers. No matter the amount of training, raptors always retain a degree of independence which often proves frustrating for the falconer. A falconer realizes that someday their bird may revert to the wild. Each time the falconer throws a prize hawk into the air, it may not come back.

If you are interested in taking a lot of game, then falconry may not be right for you.

Taking game is not the main purpose of falconry. If it were, satisfaction would probably be pretty low. The average hawk takes 30-50 flights before it catches anything, and chances are when it does catch something, it may only be a mouse. The real thrill of falconry is watching a magnificent hunter in action.

If you are under 18, are your parents willing take the time to get involved?

Parents or legal guardians must sign permits and state that they are willing to take responsibility for all activities that occur under their child’s permit. That includes raptor care and maintenance and possible injury or damage that may result when hunting with the raptor. For children under 16 years of age, the raptor must be housed at the facilities of a permitted adult falconer, which is why we encourage a parent or guardian to become a falconer (if that is not possible, the raptor can be housed with the sponsor if that sponsor is willing to take the bird, but that may require frequent travel to the sponsor’s facilities). **Falconry applicants that are under 18 years of age should review this entire packet with their parents prior to taking the exam.**

If you have very limited free time, then falconry may not be right for you.

Are you willing to devote a minimum of one hour per day all year long to falconry? Will family, career, or travel obligations conflict with these time requirements? Raptors need food, water, and daily weigh-ins all year long. They have specialized diets, so their food must be purchased, caught, or raised and then cleaned, cut, and frozen for storage. They also need their facilities cleaned and regular vet check-ups. During the hunting season, the raptors should be flown regularly (at a minimum, this would require an additional hour per day). For every hour spent in the field, there may be a hundred hours spent in the care, maintenance, and training of the raptor.

If you have very limited disposable income, then falconry may not be right for you.

The sport of falconry is not cheap. In order to get a falconry permit, you must, at a minimum:

1. **Build a mews**—The mews is usually an insulated shed, portion of your garage, or room in your house. The mews must have a door that is accessible by humans, window(s) with vertical bars, perches, and water dish. The mews must be large enough for the raptor to spread its wings and fly without hitting the walls if untethered or flap its wings without hitting the walls if tethered. The mews must be secure enough to protect the raptor from predators, domestic animals, and poultry and other livestock. The mews must protect the raptor from the cold and wind during the winter months and sun and heat during the summer months.
2. **Build a weathering area**—A weathering area is similar to an outdoor kennel, but with vertical bars, roof, perches, floor, and water dish.
3. **Purchase the required equipment or materials**—The mandatory equipment required for the sport are jesses or the material and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing your raptors. Radio telemetry equipment is often used to track and recover raptors, and are mandatory for raptors that are not native to Minnesota or are hybrids.
4. **Purchase a Giant hood or similar container**—A giant hood is basically a dog carrier or some other type box with a perch for transporting the raptor.
5. **Purchase, raise, or capture appropriate food**—raptors have restrictive diets. Their food must be purchased, raised, or captured during the hunting season.
6. **Visit a vet**—whether the raptor is caught in the wild or obtained as a captive bred animal, they should still be seen by a veterinarian regularly (many regular vets do not see raptors, so a specialist or a vet at The Raptor Center may be your only option).
7. **Obtaining a raptor**—even “free” raptors taken from the wild will cost you time and possibly money for travel and hotels (the best places to trap a raptor may not be local to your residence). And raptors that have been captive bred can cost hundreds if not thousands of dollars depending on the species and gender.

If you have a short attention span, then falconry may not be right for you.

Have you been reading through these cautions or only skimming them? Are you already bored? If so, falconry is probably not your sport. In order to even get a falconry permit you must

1. **Study for the falconry exam**—You will be required to independently study and do library research from multiple sources of information such as books, regulations, other falconers, and the internet.
2. **Find a sponsor**—A sponsor must be a current Master Falconer or General Falconer with two years' experience with a bird as a General Falconer. Many potential sponsors are hesitant to take on a prospective falconer unless they demonstrate a very serious interest in falconry. The best place to find a sponsor is through local falconry clubs or contacting the DNR falconry permit coordinator. You should take the time to travel to several falconry meets, get to know the falconers, and learn from them before advancing your quest to become a falconer. Sponsorship is a two year commitment for the sponsoring falconer--they do not like to waste their time and they would prefer not to commit themselves to someone they do not know. They are doing you a favor, appreciate it and learn from them.
3. **Trap your bird**—Because raptors are not hanging around waiting to fly into your trap, you may not catch one on your first trip out. You may not catch a raptor on your second or third trip out either.
4. **Training and Maintenance**—Once you trap your bird, it will probably actively dislike you. Training a raptor takes time and trust. In addition to feeding and cleaning up after the bird, you should expect to spend at least an hour each day training and/or hunting with the bird. Some hawks require a full year of training before they are ready to hunt.

Are you still interested?

Congratulations, you may just have what it takes to become a falconer!

PARENT FACTSHEET

FOR FALCONERS UNDER THE AGE OF 18

So your child wants to become a falconer, what do you need to know? If you haven't already read the "Is Falconry Right for Me" factsheet, please do so now.

Why should I allow my child to become a falconer?

Falconry is more than a sport; it is a way of hunting that dates back over 4,000 years. It is one of the few activities that allow a human trainer to form a hunting bond with a wild animal allowing them to participate in the capture of prey. It is a tremendous learning experience about nature, raptors, and their ecology. It is also a great way to get children outdoors in an activity that the whole family can enjoy.

What is the minimum age to become a falconer?

According to federal regulations, children must be at least 12 years old to become a falconer. All beginner falconers start as Apprentices; however, under Minnesota regulations, children between 12 to 16 years of age are listed as Junior Apprentices.

What are my responsibilities as their parent or guardian?

According to federal regulations, a parent or legal guardian must sign the permits for all children under the age of 18, and they must state that they are willing to take responsibility for all activities that occur under their child's permit. That includes hunting and training with the raptor, as well as, care and maintenance of the raptor. Additionally, in Minnesota, Junior Apprentices (permittees that are between 12 and 16 years of age) must house their raptor in the facilities of an adult falconry permittee, preferably their parent or legal guardian; therefore, it is recommended that at least one of the parents become a falconer as well.

Why do we require parental involvement and encourage parents to obtain permits themselves?

1. **Natural resource**—Falconry is the only sport that uses a trained wild animal. These wild predators are a valuable natural resource, so falconers must use wise conservation practices in the pursuit of their sport. The casual and uninformed novice may inadvertently, through ignorance or neglect, harm their raptor, themselves, and potentially discredit the sport. The DNR feels that birds should only be placed with those who are deeply motivated to practice falconry; otherwise, the raptor should be restored to the wild without delay.
2. **Dangerous**—Raptors are not pets, and they do not behave like parrots. They are predators, and as such they are inherently dangerous and are forever wild. Parents must be aware of the risks that their child is taking to pursue the sport, and they or another adult should closely attend the child any time the raptor is handled or flown.

3. **Daily care and maintenance**—Children mature at different ages and their attention for a hobby may wane as cars, school, sports, and social lives take precedence—but their raptor will still require daily care, and this may fall to you. Raptors have specific dietary requirements and must be weighed daily. They should be flown daily during the hunting season. Training must take place in an area that has adequate space to accommodate the raptor’s flight pattern and prey type—this may not describe your back yard. Their facilities and equipment requirements must be purchased and maintained according to federal regulations. The raptors must be maintained in a healthy and safe environment, which means their facilities must be cleaned regularly.
4. **Veterinarian and seasonal care**—Although they may be wild, the raptors should be taken to a vet regularly. You should know what a sick raptor looks like. You should know when their feathers or beak need maintenance. You should know the type of perches that the bird must have for its species and size to prevent debilitating foot injuries. You should know how much a raptor should weigh, and how much they should be fed (this may change in the winter). In the winter, you should know if the raptor needs an extra heat source or alternatively needs to be brought into the house. In the summer, you should know if they have adequate ventilation.
5. **Junior Apprentices**—Because of the specific and specialized care noted previously, Junior Apprentices must keep their raptor at the facilities of a permitted adult falconer. This could be in the facilities of any permitted adult falconer, but to become truly proficient, a Junior Apprentice should care for and maintain their own animals. Therefore, the DNR prefers that a parent or guardian become a falconer as well. To become a falconer, you would need to go through the same steps as your child--take the exam, find a sponsor (please be aware sponsors may only have 3 apprentices at a time, so your child’s sponsor, may not be able to sponsor you), include a facilities inspection (if you and your child share facilities, you do not need get a separate inspection), and apply for the permit. For more information, see the “Steps to Become a Falconer” Factsheet.

What else should I know?

1. Read the attached state and federal regulations for falconry. If you have any questions or concerns regarding the regulations, falconry, or these factsheets, please contact the Falconry Coordinator, Heidi Cyr, at heidi.cyr@state.mn.us or 651-259-5107.
2. For Junior Apprentices (JA), if their parent is also an Apprentice, only one bird may be obtained at a time, but both falconers may fly the bird. Initially, Apprentices and JA’s may only take a red-tailed hawk.
3. JA’s will automatically become Apprentices on their 16th birthday, but to become a General Falconer, an Apprentice must meet federal and state requirements. Please review item number 12 in the “Steps to Become a Falconer” factsheet for information on upgrading.
4. A raptor may only be registered to one person at a time; therefore, in terms of upgrades, the raptor will only count as a season of experience for whoever it is registered to. That means the other falconer may have a longer apprentice period until they have the required seasons of experience as well. Therefore, thought should be given to who lists the raptor under their name. Example:

- A. A 12 year old JA and their parent who is an Apprentice have a passage red-tailed hawk. The hawk is listed under the adult's permit.
- B. In 2 seasons and with their sponsor's approval, the adult Apprentice Falconer could become a General Falconer. The adult could then have their own bird (any species that a General Falconer is allowed to have) and their now 14 year old JA could have their own red-tailed hawk.
- C. In 2 more seasons, the JA would be 16 and would become an Apprentice (as an Apprentice with two seasons of experience, they could have any species raptor allowed for Apprentices under federal regulations for an Apprentice Falconer and under M.R. 6238.1200, subpart 16). The adult would now have 2 seasons of experience as a General Falconer, and they could take over as their child's sponsor (this is particularly good if there are younger siblings who would also like to become a falconer).
- D. In two years the child, who is now 18, could become a General Falconer with the approval of their sponsor.

STEPS TO BECOME A FALCONER IN MINNESOTA

1. First Steps

Download the Department of Natural Resources Falconry Packet or contact the falconry coordinator for a printout if you do not have access to a computer.

- A. Review the state and federal falconry regulations.
- B. Study recommended reading materials listed on the MN DNR website.
- C. Print out the Apprentice Falconer Checklist sheet
- D. Cultivate relationships with other falconers by talking to them and going out in the field with them

2. Falconry Exam

Contact the Falconry Coordinator to arrange a time and place to take the falconry exam. New exams are generally scheduled between May 1st and November 30th. The falconry exam may be taken at the DNR central office in Saint Paul or at one of the field offices. You must get at least 80% of the questions right for a passing grade. If you fail the exam, you must wait at least two weeks before you may re-take it.

3. Sponsorship

Once you pass the exam, you will need to find an active Minnesota Falconer who will agree to become your sponsor. They must be a Master Falconer or a General Falconer with at least 2 seasons of experience as a General Falconer. If you are having difficulty finding a sponsor, contact a local falconry club or the DNR Falconry Permit Coordinator.

4. Falconers under 18 years old

Falconry applicants that are under 18 years of age should review the “Complete Minnesota Falconry Packet” with their parents.

5. Facilities and Equipment

- A. Before beginning any constructing on your facilities or making/buying any equipment, we strongly recommend that you discuss your facilities needs with your sponsor, tour several falconers’ facilities, and review the Facilities Handbook and Facilities Inspection Form.
- B. Additionally, we recommend that you consider your future bird possession goals when building your facilities. That means if you plan to possess more than one bird after you become a General, you may want to build your facilities in such a way that you are able to easily add on to your facilities, or you may want to build your facilities large enough to accommodate more than one bird right away. Such considerations may save you time and money later.

- C. Once you have determined the type and size facilities that you will need then, in coordination with your sponsor and in compliance with state and federal regulations, you may construct your facilities (both an outdoor weathering area and an indoor mews). Also in coordination with your sponsor, you must obtain the necessary equipment listed in the federal regulations. If you have any questions about the federal or state facilities or equipment regulations contact the Falconry Permit Coordinator.
- D. Finally, once your sponsor has inspected your equipment and your completely finished facilities, contact the Falconry Permit Coordinator to arrange a time for your official state facilities inspection. For people who are outside the metro area or who contact a local MN DNR Conservation Officer or Nongame Specialist directly, please tell the Falconry Permit Coordinator the Conservation Officer or Nongame Specialist's name and the date that they will be conducting the inspection to prevent delays in permitting. The Conservation Officers often need the correct forms to conduct the inspection and the Falconry Permit Coordinator can follow up if the forms have not been turned in after the inspection.

6. Apply for a Falconry Permit

- A. Once you submit your complete application, expect the permitting process to take **4-6 weeks**. **Please plan accordingly as we cannot expedite permits.**
- B. **Mail** your application with appropriate certifications signed. If your sponsor will be submitting their sponsorship letter separately, make sure that they submit it. If the exam and facilities were not conducted by the Falconry Permit Coordinator, ensure that all necessary paperwork was forwarded to the Falconry Permit Coordinator. Communication with the Falconry Permit Coordinator at this stage is very important. **Do not assume all paperwork was submitted on your behalf.** We do not start processing permit applications until all paperwork has been submitted.
- C. Once all paperwork has been submitted, you will receive an unsigned permit by email in **2-3 weeks**.
- D. Upon receipt of your permit, print, sign, and **mail** it to the Falconry Permit Coordinator.
- E. In **2-3 weeks**, you will receive a state-signed permit via email and a black falconry band via postal mail. If you do not get the black falconry band within 2 weeks of receipt of your emailed permit, contact the Falconry Permit Coordinator. Due to the bands thickness, the envelopes do not go through the postal rollers well and have been returned crumpled or destroyed in the past.

7. Trap Your Raptor

In coordination with your sponsor, you must:

- A. Acquire and/or make necessary falconry and trapping equipment to capture a red-tailed hawk.
- B. Stock your freezer with a variety of quality hawk food.

- C. Trap a red-tailed hawk. If you are not trapping on your own property, ensure you have any necessary permissions required to trap on that land. Not many people outside of falconers are aware that falconry is allowed in Minnesota and what the sport entails; therefore, when trapping in visible locations, we highly recommend that you do some outreach to neighbors through direct communication or post some signage to prevent tampering with traps and unnecessary calls to Conservation Officers or other law enforcement.
- D. Once an immature red-tailed hawk is captured, immediately place the black falconry band on the raptor's leg.
- E. Within 10 days of obtaining a raptor, complete and submit the required raptor reporting forms to the MN DNR.
- F. **Please note:** For a complete "season of experience" (a consideration for upgrading, see numbers 11&12 below), you would need to have a raptor in your possession by at least November 1st then hunt with and maintain the bird until April 30th (6 full months).

8. Raptor Maintenance

Your raptor must be maintained in a safe and humane manner, and your facilities must be maintained in accordance with state and federal regulations while you are a permitted falconer. If you make any major changes to your facilities or their location, you must contact the Falconry Coordinator in case an inspection is necessary.

9. As an Apprentice Falconer

- A. Maintain close contact with your Sponsor;
- B. **Contact the Falconry Permit Coordinator within 10 days if you lose or change sponsorship.**
- C. Discuss general maintenance issues, training, etc. with your sponsor and other falconers.
- D. Consistent hunting with your hawk is important.
- E. We highly recommend that you attend the Mid-Winter Anemia educational seminar presented by Minnesota Falconers' Association/The Raptor Center. Raptors generally need more food in the winter to maintain the same weight and stay healthy.
- F. Some species require an additional heat source during the winter months. Contact your sponsor to ensure proper maintenance of your raptor during winter weather.
- G. You should attend falconry events and meets to develop knowledge, maintain contacts, and further your falconry education.
- H. Consider attending The Raptor Center's Basic Raptor Rehabilitation Workshop (registration is through the University of Minnesota). It is for raptor rehabilitation, but feather, feet, and weight issues are discussed along with a lot of other useful information.

10. Falconry Permit Renewals

Renewal applications must be submitted **30 days prior to permit expiration**. Annually, an email is sent at the end of July/beginning of August reminding falconers to submit their annual report and renew their falconry permits if necessary. Requesting the renewal and completing the email via reply email is allowed in lieu of a standard renewal application form. Your facilities must also be inspected when renewing. Contact the Falconry Coordinator or your local Conservation Officer at least **30 days prior to permit expiration** to schedule the inspection.

Because many falconers renew at the same time, scheduled inspections sometimes cut very close to the expiration date. Accommodations can usually be made to keep the permit valid if there is a known issue; however, requesting renewal or the inspection near or on the expiration date, often results in a permit that is temporarily expired. You cannot possess a raptor with an expired permit; therefore, if you allow your permit to expire, any raptors in your possession must be released or transferred to another permitted falconer until your permit can be renewed.

11. Upgrading to an Apprentice Permit for Junior Apprentices

Upgrade is automatic on your 16th birthday. Contact the Falconry Permit Coordinator for the upgraded permit.

12. Upgrading to a General Falconry Permit

Upgrades are not automatic. The requirements for upgrades follow state and federal requirements. For the integrity of the program no exceptions to the requirements are made. Requirements to become a General Falconry Permittee are:

- A. You must have been a Junior Apprentice or Apprentice Falconer (or a combination of the two) for at least 24 complete months (2 years).
- B. You must have two (2) seasons of experience to be considered for upgrade.
 - i. A "season of experience" is defined as the experience gained by a falconer who has one or more raptors in the falconer's possession for a minimum of six calendar months within a season.
 - ii. A "season" in falconry is from May 1 to April 30 of the next year.
 - iii. Half months are counted from the first day of the month to the 15th day of the month or from the 16th day of the month to the last day of the month.
 - iv. Periods less than half months are not included in the total.
- C. You must meet federal requirements: At least 4 of the 6 months in **each season** must be during the hunting season, September 1st to February 28/29th.
- D. A written recommendation by your sponsor is required (they may email the recommendation).
- E. Once you have 2 seasons of experience and your sponsor's recommendation letter (emails are sufficient), you may apply to the Falconry Coordinator for a permit upgrade.

APPRENTICE FALCONER CHECKLIST

Checklist Steps for Getting a Falconry Permit

For your assistance only, do not submit to Falconry Coordinator. Working diligently, this process usually takes 3-4 months, but may take longer due to scheduling conflicts, facilities construction, and exam or facilities failures. Most people who take the exam by August 1st and work diligently at each step will be able to still get their permit to capture and hunt with a bird that same season; however, if they do not possess their bird until after November 1st, the season will not count toward upgrade.

1. Minnesota Falconry Packet: **YES / NO**

View or download Minnesota Falconry Packet from the MN DNR website or if you do not have access to a computer, request a copy from the Falconry Permit Coordinator, heidi.cyr@state.mn.us

2. Meet potential sponsors: **YES / NO**

_____	_____	_____
(Name)	(Phone)	(Email)
_____	_____	_____
(Name)	(Phone)	(Email)
_____	_____	_____
(Name)	(Phone)	(Email)
_____	_____	_____
(Name)	(Phone)	(Email)

3. Contact Falconry Coordinator to take exam: **YES / NO**

1 st Attempt _____	_____	_____	_____
(Date)	(Time)	(Location)	(Contact)
2 nd Attempt _____	_____	_____	_____
(Date)	(Time)	(Location)	(Contact)

Exam forwarded to Falconry Permit Coordinator: **YES / NO**

4. Sponsor: **YES / NO**

_____	_____	_____
(Name)	(Phone)	(Email)

(Address)		

Sponsor recommendation sent to Falconry Permit Coordinator: **YES / NO**

5. Contact Sponsor to inspect facilities: **YES / NO**

6. Contact Falconry Coordinator to Schedule a facilities inspection: **YES / NO**

Inspection: _____ **Passed / Failed**
(Date) (Time) (Conservation Officer/Nongame Specialist)

Re-inspection: _____ **Passed / Failed**
(Date) (Time) (Conservation Officer/Nongame Specialist)

Inspection forwarded to Falconry Permit Coordinator: **YES / NO**

7. Mail **complete** application to Falconry Permit Coordinator: **YES / NO**

Application submitted with all applicable Certifications signed (Applicant, Parent or guardian if under 18, Apprentice, and Rental Certifications).

8. Permit and signatures: **YES / NO**

Permit emailed from Falconry Permit Coordinator for signature (allow 2-3 weeks): **YES / NO**

Print, sign, and mail permit to Falconry Permit Coordinator: **YES / NO**

Complete signed permit emailed from Falconry Permit Coordinator (allow 2-3 weeks): **YES / NO**

Falconry band received (allow 2 weeks after permit received): **YES / NO**

Application to Upgrade to General Falconer

NAME: _____

SPONSOR NAME: _____

NAME OF OFFICER WHO CONDUCTED FACILITIES INSPECTION: _____

RAPTOR POSSESSION

Band #	Species	Hatch year	Gender	Wild/captive bred	Acquisition date	Reporting form submitted?	Disposition date	Reporting form submitted?

SEASONS OF EXPERIENCE

Mark complete months and half months of bird possession on the calendar below. Half months are counted from the first day of the month to the 15th day of the month or from the 16th day of the month to the last day of the month. Periods less than half months are not included in the total.

Note whether the year met the requirements for a complete Season of Experience and Federal Requirements.

- A. **Season of Experience.** One “Season of Experience” is 6 complete months within one Falconry Year. A “Falconry Year” is from May 1st to April 30th of the next year.
- B. **Federal Requirements.** To meet “Federal Requirements” the bird must be possessed and used for hunting for at least 4 months during the Hunting Season. The “Hunting Season” is between September 1st to February 28/29th (small game season).

Years	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Season of Experience	Federal Requirements
													Yes/No	Yes/No
													Yes/No	Yes/No
													Yes/No	Yes/No
													Yes/No	Yes/No

SUBMIT UPGRADE APPLICATION

1. Am I at least 18 years of age? **YES / NO**
2. Has it been at least 24 months since I was first permitted as an apprentice falconer? **YES / NO**
3. Do I have at least two Seasons of Experience? **YES / NO**
4. Do I meet Federal Requirements in each year that I count as a Season of Experience in #3? **YES / NO**
5. Has my sponsor submitted a letter of recommendation to the Falconry Permit Coordinator? **YES / NO**
6. Have I had my facilities inspected within the last year? **YES / NO**

If you circled YES to items 1-6 above, you are eligible for upgrade to General Falconer. Mail/email a completed copy of this upgrade application. It is your responsibility to ensure that your sponsor’s recommendation letter and the facilities inspection were received by the Falconry Permit Coordinator.

APPRENTICE / SPONSOR GUIDELINES

Federal and State Regulations for Sponsors and Apprentices:

1. A Sponsor must hold a valid Master Falconry permit or a valid General Falconry permit with two seasons of experience or 24 total months of experience with the Sponsor's own raptors at the General level.
2. A Sponsor must not have more than three apprentices at any one time.
3. To become an Apprentice Falconer, a permittee must have a letter/email from their sponsor stating that they will assist the permittee in:
 - a) Learning about the husbandry and training of raptors held for falconry;
 - b) Learning relevant wildlife laws and regulations; and
 - c) When the time is right, deciding what species of raptor is appropriate for them to possess.
4. An Apprentice must notify the MN DNR Falconry Permit Coordinator within ten days if there is a change in sponsorship (it is recommended that the Sponsor also notify the MN DNR Falconry Permit Coordinator as to the reason for the change in sponsorship).
5. An Apprentice must practice falconry under the Sponsor's supervision for at least two seasons of experience with the Apprentice's own raptors. The Apprentice's training must include capturing, maintaining, training, flying, hunting, and releasing raptors.
6. Junior Apprentices and Apprentice Falconers may take and possess only passage red-tailed hawks (*Buteo jamaicensis*), except that, with approval from the Apprentice'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 M.R. 6238.1200, subpart 16.
7. For Apprentices under age 18 and for Junior Apprentices, their parent or legal guardian must sign the application, and must agree to take legal responsibility for the activities of the child (it is the recommendation of the DNR that the Sponsor also work in close coordination with the Apprentice's parent or guardian).
8. Junior Apprentices must house their 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 (it is the recommendation of the DNR that for Junior Apprentices, the parent or guardian become a falconer as well). 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 additional raptor is housed with the Sponsor.
9. To advance to General Falconer, a permittee must have a letter/email from their Sponsor stating that the permittee has practiced falconry with raptor(s) as an Apprentice Falconer to obtain at least 2 seasons of experience, including maintaining, training, flying, and hunting the raptor(s) for least 6 months in each year (at least 4 of those months during the fall hunting season). That practice may have included the capture and release of the falconry raptors.

Additional Sponsorship Recommendations:

State and Federal falconry regulations do not address all the duties and responsibilities of the Sponsor and the Apprentice. Therefore, the following guidelines based on the Minnesota Falconer's Association (MFA)'s sponsorship guidelines have been prepared and are recommended by the Minnesota DNR.

The Sponsor:

1. The Sponsor shall be available to the potential Apprentice Falconer after they have passed the falconry exam, but before the construction of the facilities.
2. The Sponsor shall be available for a minimum of two years to their Apprentices.
3. The Sponsor is not responsible for any expense involved in sponsorship such as telephone bills or travel. However, regular meetings between the Apprentice and Sponsor are recommended by the Minnesota DNR (a minimum of 20 hours of field instruction annually); therefore, sponsoring Apprentices that require long commutes is discouraged.
4. The Sponsor should promote the open exchange of ideas and assist in development of the Apprentice's falconry skills. A lack of adequate communication by the Apprentice should be followed up on by the Sponsor.
5. The Sponsor's responsibility is to try to provide answers to questions, help solve problems and assist in developing falconry skills and skills relating to the care and maintenance of raptors (seasonal advice should be included in the consultations).
6. The Sponsor is expected to provide information regarding various aspects of falconry, including building of facilities and making equipment. In addition, the Sponsor should inspect the facilities and equipment before the initial inspection by the Minnesota DNR.
7. The Sponsor is not responsible for acts by the Apprentice that are unlawful or constitute mismanagement, and such acts shall **not** reflect upon the abilities or reputation of the Sponsor. However, if the Sponsor becomes aware of situations relating to the Apprentice which may adversely affect the health and welfare of the bird or the sport of falconry they must act accordingly by contacting the MN DNR Falconry Permit Coordinator.
8. The Sponsor should inform the MN DNR Falconry Permit Coordinator of pertinent issues relating to the Apprentice's permit. In the event of serious mismanagement issues, the Sponsor may recommend revocation of the permit. Generally, before revocation proceedings occur, an Apprentice will be placed with a new sponsor in order to work with them to correct the deficiencies or corroborate that the permit should be revoked.

The Apprentice:

1. The MFA recommends all Apprentices read:
 - North American Falconry and Hunting Hawks by Frank Beebe and Harold Webster is considered the handbook on falconry, with many exam questions based on this book.
 - Falconry: Art and Practice by Emma Ford.
 - Falconry and Hawking by Phillip Glasier.
 - The Falconer's Apprentice by William Oakes.
 - The Red-tailed Hawk by Liam McGranaghan
 - Falconry Equipment by Bryan Kimsey and Jim Hodge
 - American Falconry Magazine
 - NAFA (North American Falconers' Association) newsletters and annual Journal
3. The Apprentice must maintain their facilities, equipment, and hawk in good condition and abide by all Federal/State regulations.
4. It is the Apprentice's responsibility to keep in close contact with their Sponsor over the phone and **in person**. They should ask questions and request clarification on any issues that they do not understand or feel they need assistance. Regular meetings between the Apprentice and Sponsor are recommended by the Minnesota DNR (a minimum of 20 hours of field instruction annually); therefore, Apprentices should find Sponsors that are close enough that they will be able to visit and call regularly. The Apprentice predominantly bears the burden of travel time and expense.
5. If there are personality or stylistic issues that are causing problems in the Sponsor/Apprentice relationship, the Sponsor and Apprentice should contact the MN DNR Falconry Permit Coordinator. If those issues cannot be resolved the Apprentice may need to find a new Sponsor.

Membership in national, state, and local falconry clubs are recommended, but not required. Membership helps falconers obtain the most up-to-date information on falconry and to improve, aid, and encourage competency in the art of falconry. The falconry clubs may have additional recommendations regarding the Sponsor/Apprentice relationship. If you are a member of a local falconry club, you should contact club representatives for the most recent recommendations.

QUALIFYING EXAM FOR FALCONRY PERMITS

Purpose

The exam is designed to determine the applicant’s basic knowledge of raptor identification, natural history, care in captivity, falconry techniques, and applicable laws and regulations.

Legal requirements

Federal regulations require that anyone who wants to get a falconry permit must answer at least 80 percent of the questions on a supervised examination correctly. If anyone fails the exam, they must wait a minimum of two weeks before to retaking the exam. Once an applicant has passed the exam, no future exams are required by federal/state regulations for permit renewal or for changes in permit class or state of residence. Except that if someone allows their permit to lapse for 5 years or more, they must retake the falconry exam prior to getting their permit renewed.

Administering Agency

Minnesota DNR personnel will administer the examination. Contact the Falconry Coordinator, Heidi Cyr at heidi.cyr@state.mn.us or 651-259-5107 to arrange a time and place to take the exam. **Include your name, address, email, and phone number in the request.**

Content

The examination consists of 100 multiple-choice questions, each with four possible answers. The questions are distributed into four general categories: falconry regulations, raptor biology and identification, general falconry knowledge, and health and maintenance.

<u>Subject</u>	<u>Number of questions</u>
Regulations.....	16
Raptor Biology and Identification.....	15
Identification (species/sex/age), Ecology (habitat/food/behavior/ distribution), and Breeding Biology	
General Falconry Knowledge	
Equipment and Facilities.....	12
Trapping Methods.....	6
Training Methods.....	15
Health and Maintenance	
General Maintenance.....	18
Health (Injuries/Disease/Parasites).....	18

Persons desiring to take the exam should review falconry and raptor literature; state and federal regulations; and participate in meets, talk to other falconers, and observe raptors. The questions emphasize the practical aspects and obligations of being a falconer. Knowledge of scientific names and obscure publications is not required.

APPENDIX A
State Falconry
Regulations

6234.0800 HUNTING BY FALCONRY.

Subpart 1. **Bag limits.** A person may not take more than three small game animals per day in the aggregate or possess more than six small game animals in the aggregate, other than rabbits and squirrels. A person may take and possess the limits of rabbits and squirrels allowed under parts 6234.0600 and 6234.0700.

Subp. 2. **Possession of firearms and bows and arrows prohibited.** A person may not hunt by falconry while in possession of, or having under control, any firearm or bow and arrow.

Subp. 3. **Open season and hours for nonmigratory small game.** Nonmigratory small game may be taken by falconry from September 1 to the last day in February. Falconry hunting hours are from one-half hour before sunrise to sunset, except that pheasants may not be taken before 9:00 a.m.

Subp. 4. **Open season and hours for migratory game birds.** Woodcock, sora and Virginia rails, mourning dove, and common snipe may be taken by falconry from September 1 to December 16. Ducks, coots, and moorhens (*Gallinules*) may be taken by falconry from the Saturday nearest October 1 to the Saturday nearest January 14. Geese may be taken by falconry during any open goose season. Crows may be taken by falconry during the open season. Falconry hours are from one-half hour before sunrise to sunset, except during the regular waterfowl season when falconry hours are the same as waterfowl shooting hours.

Statutory Authority: *MS s 97B.105; 97B.731*

History: *18 SR 83; 24 SR 644; 30 SR 613; 35 SR 505*

Posted: *October 13, 2010*

CHAPTER 6238
DEPARTMENT OF NATURAL RESOURCES
FALCONRY

- 6238.1200 DEFINITIONS.
- 6238.1250 PERMIT REQUIREMENTS.
- 6238.1300 PERMIT QUALIFICATIONS.
- 6238.1350 PERMIT CLASSES; REQUIREMENTS.
- 6238.1400 RESTRICTIONS ON TAKING RAPTORS.
- 6238.1450 RESTRICTIONS ON IMPORTING RAPTORS INTO MINNESOTA.
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- 6238.1700 PERMIT DURATION, RENEWAL, AND TERMINATION.
- 6238.1750 DISCLAIMER OF LIABILITY.

6238.0100 Subpart 1. [Repealed, 38 SR 299]

- Subp. 2. [Repealed, 38 SR 299]
- Subp. 3. [Repealed, 38 SR 299]
- Subp. 4. [Repealed, 38 SR 299]
- Subp. 4a. [Repealed, 38 SR 299]
- Subp. 5. [Repealed, 38 SR 299]
- Subp. 6. [Repealed, 32 SR 724]
- Subp. 6a. [Repealed, 38 SR 299]
- Subp. 7. [Repealed, 38 SR 299]
- Subp. 7a. [Repealed, 38 SR 299]
- Subp. 8. [Repealed, 38 SR 299]

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6238.0200 Subpart 1. [Repealed, 38 SR 299]

- Subp. 1a. [Repealed, 38 SR 299]
- Subp. 1b. [Repealed, 38 SR 299]
- Subp. 2. [Repealed, 38 SR 299]
- Subp. 3. [Repealed, 38 SR 299]
- Subp. 4. [Repealed, 38 SR 299]
- Subp. 4a. [Repealed, 38 SR 299]
- Subp. 5. [Repealed, 38 SR 299]
- Subp. 6. [Repealed, 38 SR 299]

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6238.1100 [Repealed, 38 SR 299]

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6238.1200 DEFINITIONS.

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

Subp. 2. **Abatement.** "Abatement" means using raptors to remove animals from undesirable locations through disturbance or capture.

Subp. 3. **Abatement permit.** "Abatement permit" means a permit issued under part 6238.1250, subpart 6, for residents to conduct abatement activities using raptors.

Subp. 4. **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 or were artificially inseminated.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 6. **Eyases.** "Eyases" means young raptors not yet capable of sustained flight.

Subp. 7. **Falconry or practice of falconry.** "Falconry" or "practice of falconry" means training raptors for pursuit of wild game and hunting wild game with raptors. Falconry includes taking raptors from the wild to use in the sport and caring for, training, and transporting raptors held for falconry.

Subp. 8. **Falconry permit.** "Falconry permit" means a permit issued under part 6238.1250, subpart 2, for residents and, under part 6238.1250, subpart 3, for nonresidents who practice falconry in Minnesota for more than 120 days within a given year to take, possess, transport, transfer, use, sell, purchase, or barter raptors or offer to sell, purchase, or barter raptors.

Subp. 9. **Federal regulations.** "Federal regulations" means Code of Federal Regulations, title 50, sections 21.29 and 21.30.

Subp. 10. **Hacking.** "Hacking" means the temporary release of a falconry raptor or a raptor produced under a propagation permit to the wild so that it must survive on its own.

Subp. 11. **Hybrid.** "Hybrid" means offspring of birds listed as two or more distinct species or subspecies.

Subp. 12. **Imprinted raptor.** "Imprinted raptor" means a raptor that is hand-raised from two weeks of age until it has fledged and that has identified itself with humans rather than its own species. An imprinted raptor is considered to be so for its entire lifetime.

Subp. 13. **Nonresident take permit.** "Nonresident take permit" means a permit issued under part 6238.1250, subpart 4, for residents of the United States who are not Minnesota residents to take and possess wild Minnesota raptors while in Minnesota and to transport or receive wild Minnesota raptors directly from the state of Minnesota.

Subp. 14. **Passage raptor.** "Passage raptor" means a fledged juvenile raptor less than one year old that is capable of flight.

Subp. 15. **Propagation permit.** "Propagation permit" means a permit issued under part 6238.1250, subpart 5, for residents to breed and raise raptors; capture raptors from the wild; and possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

Subp. 16. **Raptor.** "Raptor" means a bird of the family Falconidae, the great horned owl (*Bubo virginianus*), or a bird of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*).

Subp. 17. **Raptors not native to Minnesota.** "Raptors not native to Minnesota" means any raptor species that does not naturally spend some portion of its life cycle, including migration, breeding, or wintering, in Minnesota.

Subp. 18. **Season.** "Season" in falconry means from May 1 to April 30 of the next year.

Subp. 19. **Season of experience.** "Season of experience" means the experience gained by a falconer who has one or more raptors in the falconer's possession for a minimum of six calendar months within a season. Half months are counted from the first day of the month to the 15th day of the month or from the

16th day of the month to the last day of the month. Periods less than half months are not included in the total.

Subp. 20. **Take.** "Take" means to trap, capture, or attempt to trap or capture wild raptors, raptor eggs, or raptor semen for falconry or propagation purposes.

Subp. 21. **Wild Minnesota raptor.** "Wild Minnesota raptor" means a wild raptor that was removed from the wild within the state of Minnesota.

Subp. 22. **Wild raptor.** "Wild raptor" means a raptor or raptor egg removed from the wild for falconry or propagation. A wild raptor remains a wild raptor regardless of how long the bird is held in captivity or whether the bird is transferred to another permittee or permit type; however, the wild raptor is considered to be taken from the wild only by the person who originally captured the raptor. The wild raptor is not considered to be taken from the wild by any subsequent permittee to whom the raptor is legally transferred.

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

History: *38 SR 299*

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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*

Published Electronically: *September 5, 2013*

6238.1300 PERMIT QUALIFICATIONS.

Subpart 1. **Permit application.** A form, provided by the commissioner, must be submitted to obtain the following permits and renewal of the following permits: falconry, nonresident take, propagation, abatement, and eagle. The commissioner shall specify the information or supporting documentation required on the application, including information or documentation required by federal regulations. In addition to other requested documentation, the documentation under items A to D must be submitted for falconry permits and the documentation under items C and D must be submitted for propagation and abatement permits:

A. documentation of a passing score of at least 80 percent on a supervised examination provided by the commissioner. A person who fails to score at least 80 percent on the examination must wait a minimum of two weeks before retaking the examination;

B. a sponsorship acceptance letter from a sponsor for an individual who is applying for a falconry permit at the junior apprentice or apprentice level, who is a new resident of the United States, or who has had a falconry permit revoked and is eligible for reinstatement;

C. documentation of inspection and approval of the applicant's raptor equipment and housing facilities, including indoor mews and outdoor weathering area, by an agent of the commissioner to ensure compliance with standards under federal regulations. This item also applies to permit renewal and upgrade. Other documentation, such as photographs and schematics, must be submitted when multiple raptors will be housed in the permittee's facilities; and

D. a form provided by the commissioner and signed by the applicant stating that the falconer or propagator has read and understands all applicable state and federal regulations; will maintain the facilities and equipment according to federal regulations for the duration of the permit; and will allow inspection of the facilities, equipment, raptors, and supporting documentation according to federal regulations.

Subp. 2. **Propagation permits.** To obtain a propagation permit, in addition to the requirements in subpart 1, a person must:

A. be the holder of a valid master falconry permit in good standing under part 6238.1350, item D; or

B. demonstrate through written or other documentation at least two years' experience propagating raptors and:

(1) have a valid general falconry permit in good standing under part 6238.1350, item C, with 24 months' experience with a raptor at the general level; or

(2) be conducting research on raptors for an educational or governmental institution and submit a research proposal.

Subp. 3. **Eagle permits.** A master falconer in good standing may apply to possess up to three eagles, which count as part of the falconer's raptor possession limit. To obtain an eagle permit, falconers must submit the supporting documentation required by federal regulations. Falconers may not possess bald eagles under a permit issued under this subpart.

Subp. 4. **Abatement permits.** To obtain an abatement permit, a person must be the holder of a valid master falconry permit in good standing under part 6238.1350, item D, in addition to the requirements in subpart 1. Holders of a valid master falconry permit in good standing under part 6238.1350, item D,

or a valid general falconry permit in good standing under part 6238.1350, item C, may conduct abatement activities as subpermittees of a holder of an abatement permit.

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

History: *38 SR 299*

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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*

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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*

Published Electronically: *September 5, 2013*

6238.1450 RESTRICTIONS ON IMPORTING RAPTORS INTO MINNESOTA.

Subpart 1. **Importing hybrid raptors and raptors not native to Minnesota.** A permittee who plans to obtain a hybrid raptor or raptor not native to Minnesota from outside the state must notify the commissioner ten days before importing the raptor and must submit a reporting form under part 6238.1650, subpart 1, to the commissioner within ten days of obtaining the raptor. A permittee must obtain the required Board of Animal Health certification from a veterinarian and submit a copy to the commissioner before importation.

Subp. 2. **Importing raptors native to Minnesota.** A permittee who obtains a raptor that is native to Minnesota while outside the state must submit a reporting form under part 6238.1650, subpart 1, to the commissioner within ten days of obtaining the raptor. A permittee must obtain the required Board of Animal Health certification from a veterinarian and submit a copy to the commissioner before importation.

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

History: *38 SR 299*

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6238.1500 FLYING AND INTENTIONAL RELEASE OF RAPTORS.

Subpart 1. **Flying raptors.** Permits under this chapter do not authorize trespass. All applicable state and federal trespass regulations must be followed. Further restrictions on the practice of hunting by falconry are provided under part 6234.0800 and in federal regulations. All applicable state and federal game and fish laws, licenses, permits, and stamps apply for taking game.

Subp. 2. **Flying hybrid raptors or raptors not native to Minnesota.** When flown free, a hybrid raptor or a raptor that is not native to Minnesota must have at least two functioning radio transmitters attached to assist in locating the raptor. A raptor listed as an unregulated species under part 6216.0270 is exempt from this subpart. A raptor designated as appropriate for introduction according to the process under part 6216.0290 for the review of proposed introductions of unlisted nonnative species is exempt from this subpart.

Subp. 3. **Intentional release of raptors.** A person must not permanently release a hybrid raptor into the wild. A person must not permanently release a raptor that is not native to Minnesota into the wild. A person releasing a raptor into the wild:

A. must obtain permission from the commissioner to release a captive-bred raptor species that is native to Minnesota;

B. may hack the raptor and allow it to adjust to the wild, at an appropriate time of year and an appropriate location, according to federal regulations;

C. must make a reasonable determination that a raptor held in captivity for an extended period of time can capture and consume native prey prior to release into the wild;

D. must release the raptor only at an appropriate time of year and an appropriate location for the species to be released;

E. must remove falconry bands before release and surrender the bands to the commissioner, but propagation bands must be left in place; and

F. must report release of the raptor within ten days as provided under part 6238.1650, subpart 1.

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

History: *38 SR 299*

Published Electronically: *September 5, 2013*

6238.1550 TRANSPORTING, RELOCATING, AND HOLDING RAPTORS.

Subpart 1. **State and federal regulations.** This part and applicable federal regulations apply when transporting, relocating, housing, and temporarily holding raptors in the state.

Subp. 2. **Carrying permit when trapping, transporting, working with, or flying raptor.** A person trapping, transporting, working with, or flying raptors must have the person's permits, or legible copies of the permits, in the person's immediate possession when not at the location of the person's permitted raptor facilities.

Subp. 3. **Permanent change of address.** A person with a falconry or propagation permit must report a permanent change in the location of permitted facilities to the commissioner within five days following the move. Until new facilities are inspected, the permittee must house raptors as described under subpart 7. Persons moving out of state must comply with required notifications under federal regulations.

Subp. 4. **Multiple facilities; part-year residents.** If a permittee houses permitted raptors in a location other than the permittee's primary facilities for more than 120 consecutive days, the facilities at the other location must comply with federal regulations and be listed on the permit. A permittee who resides part of the year in another jurisdiction may be required to obtain a permit in the state, tribe, or territory where the permittee lives part time.

Subp. 5. **Location of facilities.** Falconry facilities may be on property not owned by the permittee if the permittee's primary residence is also located at that property. The falconry facilities may be on property owned by the permittee that is not the permittee's primary residence if the facilities are 30 miles or less from the permittee's primary residence or if the facilities are over 30 miles from the permittee's primary residence and used for 120 days or less annually. Regardless of location, the raptors must be maintained in a humane and healthy manner, and the facilities must comply with federal regulations.

Subp. 6. **Temporary care.** A permitted raptor, including a nestling, may be temporarily held by a person other than the permittee according to federal regulations. The permittee must inform the commissioner, in writing, within ten days of the transfer, specifying where the raptor is being held, the reason for the transfer, who is to care for the raptor, what that person is allowed to do with the raptor, and approximately how many days the raptor is expected to be in the care of the person. If the person caring for the raptor is a permitted falconer or propagator, the raptor must be reported as a loan or transfer with appropriate paperwork submitted within ten days as provided under part 6238.1650, subpart 1.

Subp. 7. **Temporary facilities.** A raptor may be transported or held in temporary facilities for a period not to exceed 30 days, unless written authorization to extend the period is obtained from the commissioner. The temporary facilities must provide a suitable perch and protection from predators, domestic animals, extreme temperatures, wind, and excessive disturbance. If the temporary facilities are to be used more than 120 calendar days, the falconry permittee must follow federal regulations for falconry facilities, have the facilities inspected, and request an updated permit with the change of address or the addition of the secondary housing location.

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

History: *38 SR 299*

Published Electronically: *September 5, 2013*

6238.1600 BANDING OR TAGGING OF RAPTORS.

A. All propagated and wild raptors for falconry or propagation purposes must be banded according to federal regulations, except that banding applies to all raptor species and hybrid raptors. In addition to bands, a permittee may use International Organization for Standardization (ISO)-compliant microchips (134.2 kHz), but microchips must not be used alone unless the permittee provides documentation of health issues or injury that prevents the use of the bands on the raptor according to federal regulations.

B. Captive-bred nestlings must be banded with a numbered, seamless metal United States Fish and Wildlife Service band provided by the United States Fish and Wildlife Service or by the commissioner. The band is generally referred to as a propagation band.

C. Propagated raptors that have been transferred to another permit type or permittee or that have lost their propagation band and wild raptors must be banded with a permanent, nonreusable, numbered plastic United States Fish and Wildlife Service leg band supplied by the commissioner. The band is generally referred to as a falconry band.

D. Eagles must be banded with an eagle band provided by the United States Fish and Wildlife Service or by the commissioner. The band is generally referred to as an eagle band.

Statutory Authority: *MS s 97A.401*

History: *38 SR 299*

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6238.1650 REPORTING REQUIREMENTS.

Subpart 1. **Required federal reporting; permittee's duties.**

A. A permittee must comply with reporting requirements under federal regulations and must submit a paper or digital copy of the federal reporting form to the commissioner within ten days of the date that:

- (1) the permittee takes, purchases, receives, or otherwise acquires a raptor;
- (2) the permittee sells, barter, or otherwise disposes of a raptor;
- (3) the permittee transfers a raptor to another type of permit (their own or that of another permittee), except that falconers do not need to transfer a raptor from a falconry permit to the permittee's own propagation permit if the raptor is used in propagation for less than eight months in a given year;
- (4) the permittee loans a raptor or has a raptor returned from a loan. A raptor may be loaned between falconers or propagators for up to 120 days, after which the raptor must be either returned to the permittee or transferred to the recipient's permit. During the time of loan, the raptor counts toward the limit of the original holder. Upon transfer, the raptor counts toward the limit of the recipient;
- (5) the permittee loses a raptor to the wild and does not recover the raptor within 30 days, except that hybrid raptors and raptors not native to Minnesota must also be reported within 48 hours according to the invasive species rules under part 6216.0280;
- (6) a raptor dies while under a permit;
- (7) a raptor is stolen from the permittee; or
- (8) the permittee rebands or microchips a raptor, except that old band removal must be reported within five days. The reporting form must include the old band number and the new band or microchip number.

B. Under item A, subitems (2) to (4), a permittee must verify that any person receiving a raptor from the permittee has obtained all required permits necessary to receive the raptor.

C. A permittee must keep copies of all submissions listed under item A for a minimum of five years from the submission date.

Subp. 2. **Required possession reporting.** Annually or as requested according to federal regulations, holders of falconry and propagation permits must report to the commissioner:

A. for all raptors in possession at the time of the report, the species, band numbers, sex (if known), and age (if known); whether wild or propagated; the date acquired; and where and, if applicable, from whom acquired;

B. for all raptors possessed since the previously submitted report but no longer in possession at the time of the current report, the species, band numbers, sex (if known), and age (if known); the date

acquired; where and, if applicable, from whom acquired; and the date of disposition listing to whom given or whether the raptor escaped, died, or was released; and

C. all unused bands in possession.

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

History: *38 SR 299*

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6238.1700 PERMIT DURATION, RENEWAL, AND TERMINATION.

Subpart 1. **Duration of permits; nontransferable.** Falconry, propagation, and abatement permits are valid for three years or until September 30 of the third year following issuance, whichever comes first. Nonresident take permits are valid for one year or until December 31, whichever comes first. Permits are not transferable.

Subp. 2. **Permit renewal.** Falconry, abatement, and propagation permits are renewable. A request for renewal must be made at least 30 days before the permit expiration date.

Subp. 3. **Transfer of raptors if permittee dies.** A surviving spouse, executor, administrator, or other legal representative of a deceased permittee may transfer or sell any propagated raptor or transfer any wild raptor held by the permittee to another permittee authorized to possess raptors within 90 days of the death of the permittee, provided the recipient is allowed to possess that species and the recipient's permit raptor quota is not exceeded. The commissioner shall make temporary exceptions in quota or species in order to place a raptor, if necessary. The transaction must be reported within ten days as provided under part 6238.1650, subpart 1. Wild Minnesota raptors must either be released according to part 6238.1500, subpart 3, or transferred to another falconer. After 90 days, disposition of a raptor held under the permit of a deceased person is at the discretion of the commissioner.

Subp. 4. **Permit revocation.** A permittee violating this chapter is subject to permit revocation, and all raptors held are subject to seizure and confiscation in the manner provided by law. If a permit issued under this chapter is revoked, all other permits that the permittee holds under this chapter shall be revoked at that time. For any activities under this chapter that also require federal permits, if the permittee's federal permit is revoked, the associated state permit shall be revoked pending reinstatement of the federal permit. Permittees who have any incidence of raptor mortality or a high incidence of raptor loss are subject to additional review. Examples of review are additional inspections and required submission of veterinarian's or rehabilitator's notes or necropsies on the subject raptors. If evidence is provided to the commissioner that the permittee is neglecting the health, safety, or welfare of raptors in the permittee's possession, the permittee is subject to one or more of the following measures:

- A. reduction in permit class;
- B. required sponsorship; or
- C. permit revocation.

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

History: *38 SR 299*

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6238.1750 DISCLAIMER OF LIABILITY.

A permit issued under this chapter is permissive only and no liability is incurred by the state or by any of its officers, agents, or employees by reason of issuing the permit or by reason of any acts or operations of the permittee or any wildlife. At all times, the state, its officers, agents, and employees are held harmless from any liability for damage or injury arising from issuing the permit.

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

History: *38 SR 299*

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APPENDIX B

Federal Falconry and Raptor Propagation Regulations

§ 21.29 Falconry standards and falconry permitting.

(a) Background

- (1) *The legal basis for regulating falconry.*
- (2) *“ Possession” and short-term handling of a falconry raptor.*
- (3) *Regulatory year for governing falconry.*

(b) Federal approval of State, tribal, and territorial falconry programs

- (1) *General*
- (2) *State, tribal, or territorial submission for approval.*
- (3) *Electronic reporting.*
- (4) *Federal approval and terms .*
- (5) *Review of a State, tribal, or territorial falconry program .*
- (6) *Suspension of a State's, tribe's, or territory's certification*
- (7) *Appeal of a decision to suspend State, tribal, or territorial certification .*
- (8) *Recertification of compliance with this section if a State's, tribe's, or territory's falconry permitting authority has been suspended .*
- (9) *Authority to suspend or revoke a falconry permit issued by a State, tribe, or territory .*
- (10) *Standards in effect in your place of residence.*
- (11) *Compliance date for the regulations in this section.*
- (12) *What will happen if a State with falconry regulations certified under earlier regulations does not come into compliance with this section by January 1, 2014?*

(c) Practicing falconry

- (1) *Permits and inspections to practice falconry.*
- (2) *Classes of permit to practice falconry.*
 - (i) *Requirements and possession options for an Apprentice Falconer.*
 - (ii) *Requirements and possession options for a General Falconer.*
 - (iii) *Requirements and possession options for a Master Falconer.*
- (3) *Taking a test to qualify for a falconry permit.*
- (4) *Reinstatement of a lapsed falconry permit if your State, tribe, or territory allows it.*
- (5) *Permit to practice falconry at an appropriate level if you have experience in falconry but are a new resident in the United States.*
- (6) *Banding or tagging raptors used in falconry.*
- (7) *Carrying your permit(s) when conducting falconry activities.*
- (8) *Transporting a falconry raptor or raptors to other States or territories.*

(d) Facilities and care requirements

- (1) *Facilities you must have and maintain .*
- (2) *Falconry facilities on property you do not own*
- (3) *Equipment you must have and maintain.*
- (4) *Facilities you must have for a raptor when you are transporting it, using it for hunting, or are away from your home with it.*
- (5) *Temporarily housing a raptor outside of your permanent facilities when you are not transporting it or using it for hunting.*
- (6) *Care of falconry raptors by another falconry permittee .*
- (7) *Care of falconry raptors by someone who does not have a falconry permit.*
- (8) *Residence part of the year in another jurisdiction.*
- (9) *Inspections.*

(e) Taking, possessing, and transporting raptors for falconry

- (1) *Raptor species you may take from the wild to use for falconry.*
- (2) *How and when you may take raptors from the wild to use in falconry.*
- (3) *Other restrictions on taking raptors from the wild for falconry.*
 - (i) *If you are a General or Master Falconer, you may take only raptors less than 1 year of age from the wild*
 - (ii) *If you are a Master Falconer authorized to possess golden eagles for use in falconry*
 - (iii) *You may recapture a falconry bird you have lost at any time.*
 - (iv) *You may recapture a raptor wearing falconry equipment or a captive-bred bird at any time - even if you are not allowed to possess the species.*
 - (v) *You may take any raptor that you are authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory aluminum band*
 - (vi) *You must leave at least one young from any nest or aerie from which you take a nestling.*
 - (vii) *If you are an Apprentice Falconer, you may not take a nestling from the wild.*
 - (viii) *If you are a Master Falconer with a permit to do so, you may take, transport, or possess up to three eagles*
- (4) *Take of a species or subspecies that was recently removed from the Federal List of Endangered and Threatened Wildlife to use in falconry.*
 - (5) *Raptors injured due to falconer trapping efforts.*
 - (6) *Acquisition, transfer, loss, or rebanding of a raptor.*
 - (7) *Acquiring a bird for falconry from a permitted rehabilitator.*
 - (8) *Flying a hybrid raptor in falconry.*
 - (9) *Releasing a falconry bird to the wild.*
 - (10) *Restrictions on transfers of falconry raptors from other falconers.*

(f) Additional information on the practice of falconry

- (1) *Raptors removed from the wild for falconry are always considered "wild" raptors.*
- (2) *"Hacking" of falconry raptors .*
- (3) *Use of other falconry training or conditioning techniques.*
- (4) *Selling or trading raptors under a falconry permit.*
- (5) *Transfer of wild-caught raptors captured for falconry to another type of permit.*
- (6) *Transfer of captive-bred falconry raptors to another type of permit .*
- (7) *Use of raptors held under a falconry permit in captive propagation .*
- (8) *Use of falconry raptors in conservation education programs .*
- (9) *Other educational uses of falconry raptors .*
- (10) *Assisting in rehabilitation of raptors to prepare them for release .*
- (11) *Using a falconry bird in abatement activities.*
- (12) *Feathers that a falconry bird or birds molts.*
- (13) *Disposition of carcasses of falconry birds that die.*
- (14) *Visitors practicing falconry in the United States.*
- (15) *Taking falconry raptors to another country to use in falconry activities .*
- (16) *Permission to capture, fly, or release a falconry bird at any location.*
- (17) *Practicing falconry in the vicinity of a Federally listed threatened or endangered animal species.*
- (18) *Trapping a bird for use in falconry in areas used by the northern aplomado falcon.*

- (19) *Prey item killed by a falconry bird without your intent, including an animal taken outside of a regular hunting season .*
- (20) *Take of bird species for which a depredation order is in place .*
- (21) *Transfer of falconry raptors if a permittee dies .*

(g) *Applying for a falconry permit .*

- (1) The completed application
- (2) Proof that you have passed the falconry test
- (3) For an Apprentice permit, you must provide the following:
 - (i) A letter from a General or Master Falconer
 - (ii) An original, signed certification that you are particularly familiar with §10.13 of this subchapter
- (4) For an Apprentice or General Falconry permit, a parent or legal guardian must co-sign your application if you are under 18.
- (5) For a General Falconer permit:
 - (i) Information documenting your experience maintaining falconry raptors, including a summary of what species you held as an Apprentice Falconer and how long you possessed each bird, and
 - (ii) A letter from a General Falconer or Master Falconer (preferably your sponsor) attesting that you have practiced falconry with raptor(s) at the Apprentice Falconer level for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year.
- (6) For a Master Falconer permit, you must attest that you have practiced falconry at the General Falconer level for at least 5 years.

(h) *Updating a falconry permit after a move.*

(i) *Restoration of revoked permits .*

(j) *Information collection requirements .*

(k) *Database required of States, tribes, and territories.*

§ 21.30 Raptor propagation permits.

- (a) *Legal basis for regulating raptor propagation.***
- (b) *Species available for raptor propagation.***
- (c) *Facilities used for raptor propagation.***
- (d) *Inspection***
- (e) *Banding of raptors used for propagation.***
- (f) *Taking and transferring raptors or raptor eggs from the wild to use in propagation.***
- (g) *Transfer, purchase, sale, or barter of captive-bred raptors, eggs, or semen.***
- (h) *Required paperwork.***
- (i) *Care of a propagation raptor by another person —***
- (j) *Care of nestlings by an individual who does not hold a migratory bird permit.***
- (k) *Disposition of molted feathers from a live raptor or carcasses of raptors held under your permit.***
- (l) *Raptor products.***
- (m) *Release to the wild.***
- (n) *Conservation education programs.***
- (o) *Permit restrictions.***
- (p) *Training propagation raptors.***
- (q) *Hacking of propagation raptors.***
- (r) *Transfer of propagation raptors and offspring if a permittee dies.***
- (s) *Records of captive propagation efforts.***
- (t) *Annual report.***
- (u) *Endangered or threatened species.***
- (v) *Applying for a Federal raptor propagation permit.***
- (w) *Criteria for issuing a permit.***
- (x) *Updating a raptor propagation permit after a move.***
- (y) *Permit expiration.***

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Title 50 → Chapter I → Subchapter B → Part 21 → Subpart C → §21.29

Title 50: Wildlife and Fisheries

PART 21—MIGRATORY BIRD PERMITS

Subpart C—Specific Permit Provisions

§21.29 Falconry standards and falconry permitting.

(a) *Background*—(1) *The legal basis for regulating falconry.* The Migratory Bird Treaty Act prohibits any person from taking, possessing, purchasing, bartering, selling, or offering to purchase, barter, or sell, among other things, raptors (birds of prey) listed in §10.13 of this subchapter unless the activities are allowed by Federal permit issued under this part and part 13 of this chapter, or as permitted by regulations in this part.

(i) This section covers all Falconiformes (vultures, kites, eagles, hawks, caracaras, and falcons) and all Strigiformes (owls) listed in §10.13 of this subchapter (“native” raptors), and applies to any person who possesses one or more wild-caught, captive-bred, or hybrid raptors protected under the MBTA to use in falconry.

(ii) The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) provides for the taking of golden eagles from the wild to use in falconry. It specifies that the only golden eagles that may be taken from the wild for falconry are those that would be taken because of depredations on livestock or wildlife (16 U.S.C. 668a).

(2) *“Possession” and short-term handling of a falconry raptor.* We do not consider short-term handling, such as letting any other person hold or practice flying a raptor you possess under your permit, to be possession for the purposes of this section if you are present and the person is under your supervision.

(3) *Regulatory year for governing falconry.* For determining possession and take of raptors for falconry, a year is any 12-month period for take defined by the State, tribe, or territory.

(b) *Federal approval of State, tribal, and territorial falconry programs*—(1) *General.* (i) A State (including the District of Columbia), tribe, or territory under the jurisdiction of the United States that wishes to allow falconry must establish laws and regulations (hereafter referred to as laws) that meet the standards established in this section. To allow the practice of falconry on tribal lands by tribal members or residents, a tribe may either certify that it has adopted Service-approved State laws if those laws are fully enforceable on tribal lands, or issue its own laws and request our approval.

(ii) State, tribal, or territorial laws may be more restrictive than these Federal standards but may not be less restrictive. For instance, a State, tribe, or territory may choose not to allow possession of some species of raptors otherwise allowed in this section. State, tribal, and territorial laws must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory Bird Treaty Act.

(2) *Reporting.* (i) The State, tribe, or territory must work with us to ensure that the electronic 3-186A reporting system (<http://permits.fws.gov/186A>) for reporting take, transfers, and loss of falconry birds is fully operational for residents of that jurisdiction.

(ii) If you are required to submit a report or other information under this section, you must either enter the required information in the electronic database at <http://permits.fws.gov/186A>, or at <http://www.wildlife.ca.gov/FalconryReporting> if you are a resident of California, or submit a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(3) *Federal approval and terms.* If we concur that the regulations and the examination meet the requirements of this section, we will publish a rule in the FEDERAL REGISTER adding the State, tribe, or territory to the list of those approved for allowing the practice of falconry. We will terminate Federal falconry permitting in any State certified under these regulations on January 1st of the calendar year following publication of the rule.

(4) *Review of a State, tribal, or territorial falconry program.* We may review the administration of an approved State's, tribe's, or territory's falconry program if complaints from the public or law enforcement investigations indicate the need for a review or for revisions to the State's, tribe's, or territory's laws, or falconry examination. The review may involve, but is not limited to:

(i) Inspecting falconers' facilities to ensure that the facilities standards in this section are met;

(ii) Processing time of applications;

(iii) Reviewing approved applications for completeness;

(iv) Determining that permits issued are appropriate for the experience of the applicants;

(v) Determining the adequacy of the State's, tribe's, or territory's recordkeeping for the needs of State, tribal, or territorial and Federal law enforcement;

(vi) Reviewing laws to determine if they meet the requirements of this section; and

(vii) Reviewing a revised falconry examination to determine if it meets the requirements of this section.

(5) *Suspension of a State's, tribe's, or territory's certification.* (i) We may propose to suspend, and may suspend, the approval of a State, tribal, or territorial falconry program in accordance with the procedures in paragraph (b)(5)(ii) of this section if we determine that the State, tribe, or territory has deficiencies in one or more items in paragraph (b)(4) of this section.

(ii) When we propose to suspend approval of a State, tribal, or territorial falconry program, we will first provide written notice to the State, tribe, or territory. Any such notice will include the basis for our determination that suspension is warranted. We will identify the actions that would, if implemented by the State, tribe, or territory, allow us to cancel the proposed suspension of approval.

(iii) The State, tribe, or territory will have 2 years from the date of our notification to correct the deficiencies. The State, tribe, or territory must respond in writing within that time to the proposed suspension, specifying the reasons why the certification should not be suspended. We will give due consideration to any objections and evidence raised by the State, tribe, or territory.

(iv) If we continue to believe that suspension is warranted, we will provide written notice of suspension, including the rationale for suspension, and respond to any objections to the suspension.

(A) The suspension of approval of the State's, tribe's, or territory's falconry program will be effective 180 days from the date of the Service's final notification of suspension.

(B) The State, tribe, or territory must then inform all falconry applicants and permittees of the impending cancellation of permitting.

(v) We will honor all falconry permits in that jurisdiction for 2 years from the date of our final notification of suspension of certification. At the end of the 2 years, you must transfer all raptors (including captive-bred raptors) held under permits from the State, tribal, or territorial falconry program to other falconry permittees in other States or territories, or to Federal raptor propagation or education permittees, institutions exempt from the Federal permit requirements, or permanently released to the wild (if it is allowed by the State, tribe, or territory and by this section), or euthanized. However, you may not permanently release hybrid raptors to the wild.

(6) *Appeal of a decision to suspend State, tribal, or territorial certification.* The State, tribe, or territory may appeal a decision to suspend certification to the Director within 180 days of the date of the Director's decision. The Director will then respond to the State, tribe, or territory within 180 days of receipt of the appeal. The State, tribe, or territory certification will remain effective until the Director makes a final decision on the appeal.

(7) *Recertification of compliance with this section if a State's, tribe's, or territory's falconry permitting authority has been suspended.* If a State, tribe, or territory has had its falconry permitting authority suspended but has corrected its problems, it must submit a request for approval of its permitting activities. We will then either recertify the program, or report in writing why we do not believe that earlier permitting problems have been rectified.

(8) *Authority to suspend or revoke a falconry permit issued by a State, tribe, or territory.* Suspension or revocation of a falconry permit is the responsibility of the State, tribe, or territory. However, compliance with all provisions of these regulations remains under the purview of the Fish and Wildlife Service.

(9) *Standards in effect in your place of residence.* If you live in any State except Hawaii, you may practice falconry as permitted in these regulations if you have a falconry permit from your State, tribe, or territory.

(c) *Practicing falconry—(1) Permits and inspections to practice falconry.* You must have a valid falconry permit from the State, tribe, or territory in which you reside (or the tribe on whose land you wish to practice falconry if you reside on tribal land or are a tribal member), to take, possess, or transport raptors for falconry, or to hunt with them. Depending on the game you hunt as a falconer and where you hunt, you also may need a Federal Migratory Bird Hunting and Conservation Stamp (a "Duck Stamp"), and State, tribal, or territorial hunting permits or stamps to hunt with a raptor.

(i) Some State, tribal, territorial, or local governments may require you to have additional permits or licenses to practice falconry or to take a raptor from the wild.

(ii) You must comply with all regulations governing migratory bird permitting.

(iii) If you reside for more than 120 consecutive days in a State or territory or on tribal lands other than the location of your primary residence, your falconry facilities in the second location must meet the standards in paragraph (d) of this section and of the corresponding State, tribal, or territorial lands, and your facilities must be listed on your falconry permit.

(2) *Classes of permit to practice falconry.* We recognize Apprentice, General, and Master Falconer levels. Each State, tribe, or territory may have any number of permit levels, but the standards for them must be at least as restrictive as these Federal standards. Your State, tribe, or territory may have more restrictive laws or regulations governing falconry.

(i) Requirements and possession options for an Apprentice Falconer.

(A) You must be at least 12 years of age.

(B) If you are under 18 years of age, a parent or legal guardian must sign your application and is legally responsible for your activities.

(C) You must have a letter from a Master Falconer or a General Falconer with a valid State, tribal, or territorial falconry permit who is at least 18 years old and has at least 2 years experience at the General Falconer level, stating that he or she will assist you, as necessary, in:

(1) Learning about the husbandry and training of raptors held for falconry;

(2) Learning and about relevant wildlife laws and regulations, and

(3) Deciding what species of raptor is appropriate for you to possess while an Apprentice.

(D) Regardless of the number of State, tribal, or territorial falconry permits you have, you may possess no more than one raptor for use in falconry.

(E) You may take raptors less than 1 year old, except nestlings, from the wild during any period or periods specified by the State, tribe, or territory. You may take any raptor species from the wild except a federally listed threatened or endangered species or the following species: Bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), golden eagle (*Aquila chrysaetos*), American swallow-tailed kite (*Elanoides forficatus*), Swainson's hawk (*Buteo swainsoni*), peregrine falcon (*Falco peregrinus*), flammulated owl (*Otus flammeolus*), elf owl (*Micrathene whitneyi*), and short-eared owl (*Asio flammeus*).

(F) You may possess a raptor of any Falconiform or Strigiform species, including wild, captive-bred, or hybrid individuals, except a federally listed threatened or endangered species, a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), a Steller's sea-eagle (*Haliaeetus pelagicus*), or a golden eagle (*Aquila chrysaetos*).

(G) You do not need to capture a wild raptor yourself; it can be transferred to you by another falconry permittee.

(H) You may not possess a raptor taken from the wild as a nestling.

(I) You may not possess a bird that is imprinted on humans.

(J) Your raptor facilities must pass inspection by your State, tribe, or territory before you may be granted a permit.

(ii) Requirements and possession options for a General Falconer.

(A) You must be at least 16 years of age.

(B) If you are 16 or 17 years of age, a parent or legal guardian must sign your application and must be legally responsible for your activities.

(C) You must submit a document from a General Falconer or Master Falconer (preferably your sponsor) to your State, tribal, or territorial wildlife agency stating that you have practiced falconry with raptor(s) at the Apprentice Falconer level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for least 4 months in each year. That practice may include capture and release of falconry raptors.

(D) You may not substitute any falconry school program or education to shorten the period of 2 years at the Apprentice level.

(E) You may take and possess any species of Falconiform or Strigiform except a golden eagle, a bald eagle, a white-tailed eagle, or a Steller's sea-eagle. You may use captive-bred individuals and hybrids of the species you are allowed to possess.

(F) Regardless of the number of State, tribal, or territorial falconry permits you have, you may possess no more than 3 raptors.

(iii) Requirements and possession options for a Master Falconer.

(A) You must have practiced falconry with your own raptor(s) at the General Falconer level for at least 5 years.

(B) You may take and possess any species of Falconiform or Strigiform except a bald eagle. However, you may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea eagle only if you meet the qualifications set forth under paragraph (c)(2)(iv).

(C) You may possess any captive-bred individuals or hybrids of species your State, tribe, or territory allows you to possess for use in falconry.

(D) Regardless of the number of State, tribal, or territorial falconry permits you have, you may possess no more than 5 wild raptors, including golden eagles.

(E) You may possess any number of captive-bred raptors. However, you must train them in the pursuit of wild game and use them in hunting.

(iv) If you meet the requirements in paragraph (c) of this section for falconry you may possess up to 3 eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea eagle.

(A) Your State, tribal, or territorial agency that regulates falconry must document the following before approving your request to possess an eagle to use in falconry:

(1) Your experience in handling large raptors, including information about the species you have handled and the type and duration of the activity in which you gained the experience.

(2) At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess your ability to care for eagles and fly them in falconry.

(B) A golden eagle, white-tailed eagle, or Steller's sea-eagle you hold will count as one of the raptors you are allowed to possess for use in falconry.

(3) *Taking a test to qualify for a falconry permit.* Before you are issued an Apprentice permit you must correctly answer at least 80 percent of the questions on an examination administered by the State, tribe, or territory under which you wish to obtain a falconry permit. The examination must cover care and handling of falconry raptors, Federal, State or territorial, and tribal (if applicable) laws and regulations relevant to falconry, and other appropriate subject matter. Contact your State, tribal, or territorial agency that regulates falconry for information about permits and taking the test.

(4) *Reinstatement of a lapsed falconry permit if your State, tribe, or territory allows it.* (i) If your permit has lapsed for fewer than 5 years, it may be reinstated at the level you held previously if you have proof of your certification at that level.

(ii) If your permit has lapsed for 5 years or longer, you must correctly answer at least 80 percent of the questions on an examination administered by the State, tribe, or territory in which you wish to obtain a falconry permit. If you pass the exam, your permit may be reinstated at the level you previously held. Your facilities must pass State, tribal, or territorial inspection before you may possess a falconry bird.

(5) *Permit to practice falconry at an appropriate level if you have experience in falconry but are a new resident in the United States.* You may qualify for the falconry permit appropriate for your experience. To demonstrate your knowledge of U.S. falconry laws and regulations, you must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the State, tribe, or territory under which you wish to obtain a falconry permit. If you pass the test, the State, tribe, or territory will decide for which level of falconry permit you are qualified, consistent with the class requirements in paragraph (c)(2) of this section. To do so, the State, tribe, or territory should base its decision on your documentation of your experience. Your falconry facilities must meet the standards in paragraph (d)(1) of this section before you may keep a raptor to use in falconry.

(6) *Banding or tagging raptors used in falconry.* (i) If you take a goshawk, Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) from the wild or acquire one from another falconer or a rehabilitator, and if the raptor is not already banded, you must band it with a permanent, nonreusable, numbered U.S. Fish and Wildlife Service leg band that your State, tribal, or territorial agency will supply. If you wish, you may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in addition to the band. You must report the band number when you report your acquisition of the bird. Contact your State, tribal, or territorial agency for information on obtaining and disposing of bands. Within 10 days from the day on which you take the raptor from the wild, you must report take of the bird by submitting the required information (including the band number) using one of the methods listed in paragraph (b)(2)(ii) of this section. You may request an appropriate band from your State, tribal, or territorial agency in advance of any effort to capture a raptor. Your State, tribe, or territory may require that you band other species taken from the wild.

(ii) A raptor bred in captivity must be banded with a seamless metal band (see §21.30). If you must remove a seamless band or if it is lost, within 10 days from the day you remove or note the loss of the band, you must report it and request a replacement U.S. Fish and Wildlife Service nonreusable band from your State, tribe, or territory. You must submit the required information using one of the methods listed in paragraph (b)(2)(ii) of this section. You must replace a

seamless band that is removed or lost. You may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition to the seamless band.

(iii) If the band must be removed or is lost from a raptor in your possession, you must report the loss of the band within 5 days, and you must then do at least one of the following:

(A) Request a U.S. Fish and Wildlife Service nonreusable band from your State, tribal, or territorial agency that regulates falconry. You must submit the required information within 10 days of rebanding the raptor using one of the methods listed in paragraph (b)(2)(ii) of this section.

(B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information using one of the methods listed in paragraph (b)(2)(ii) of this section.

(iv) You must not alter, deface, or counterfeit a band. You may remove the rear tab on a band on a raptor you take from the wild, and you may smooth any imperfect surface if you do not affect the integrity of the band or the numbering on it.

(v) If you document health or injury problems for a raptor you possess that are caused by the band, the State, tribe, or territory may provide an exemption to the requirement for that raptor. In that case, you must keep a copy of the exemption paperwork with you when transporting or flying the raptor. If your bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, you must replace the band with an ISO-compliant microchip that we will supply to your State, tribe, or territory. We will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless you have demonstrated that a band causes an injury or a health problem for the bird.

(vi) You may not band a raptor removed from the wild with a seamless numbered band.

(7) *Carrying your permit(s) when conducting falconry activities.* You must have your permit(s) or legible copies of them in your immediate possession if you are not at the location of your falconry facilities and you are trapping, transporting, working with, or flying your falconry raptor(s).

(8) *Transporting a falconry raptor or raptors to other States or territories.* If you have a valid falconry permit, you may possess and transport for falconry purposes a lawfully possessed raptor through other States or territories. However, any State, tribe, or territory may further regulate such transport.

(d) *Facilities and care requirements—(1) Facilities you must have and maintain.* You must keep all raptors you hold under your falconry permit in humane and healthful conditions.

(i) Whether they are indoors (a “mews”) or outdoors (a “weathering area”), your raptor facilities must protect raptors in them from the environment, predators, and domestic animals. You are responsible for the maintenance and security (protection from predators) of raptors you possess under your permit.

(ii) You must have raptor housing facilities approved by your State, tribe, or territory before you may obtain a bird to use in falconry. Your State, tribe, or territory may require that you have both indoor and outdoor facilities. A representative of your agency that regulates falconry, or its designee, must certify that your facilities and equipment meet the following standards:

(A) For housing raptors indoors or outdoors, the facility must protect raptors from predators and domestic animals.

(1) The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors inside.

(2) You may house untethered raptors together if they are compatible with each other.

(3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.

(4) Each falconry bird must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(B) An indoor facility must be large enough to allow easy access for the care and feeding of raptors kept there.

(1) If raptors you house in this indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor you house in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

(2) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and allow them to maintain healthy feathers.

(3) An eyas raptor may be kept in any suitable container or enclosure until it is capable of flight.

(C) You may keep a falconry raptor or raptors inside your place of residence if you provide a suitable perch or perches. If you house your raptor(s) inside your home, you do not need to modify windows or other openings of the structure. Raptors kept in your home must be tethered when they are not being moved into or out of the location in which they are kept.

(D) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

(1) The facility must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.

(2) The facility must be large enough to insure that the birds cannot strike the enclosure when flying from the perch.

(3) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements above and are approved by the State, tribal, or territorial authority regulating falconry.

(iii) You may keep falconry raptors outside in the open if they are under watch, such as by you or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

(iv) You must inform your State, tribal, or territorial agency within 5 business days if you change the location of your facilities.

(2) *Falconry facilities on property you do not own*—(i) Your falconry facilities may be on property owned by another person where you reside, or at a different location. Regardless of location, the facilities must meet the standards in paragraph (d)(1) of this section and those of the State, tribe, or territory from which you have a falconry permit.

(ii) You must submit to your State, tribal, or territorial agency that regulates falconry a signed and dated statement showing that you agree that the falconry facilities and raptors may be inspected without advance notice by State, tribal (if applicable), or territorial authorities at any reasonable time of day, but you must be present. If your facilities are not on property that you own, you must submit a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected by State, tribal (if applicable), or territorial authorities at any reasonable time of day in the presence of the property owner; except that the authorities may not enter the facilities or disturb the raptors unless you are present.

(3) *Equipment you must have and maintain*. You must have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptor(s) you possess.

(4) *Facilities you must have for a raptor when you are transporting it, using it for hunting, or are away from your home with it*. You must be sure that the bird has a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A “giant hood” or similar container is acceptable for transporting or housing a raptor when you are away from the permanent facility where it is housed.

(5) *Temporarily housing a raptor outside of your permanent facilities when you are not transporting it or using it for hunting*. You may house a raptor in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(6) *Care of falconry raptors by another falconry permittee*. Another falconry permittee may care for a raptor or raptors for you at your facilities or at that person's facilities for up to 120 consecutive calendar days. The other person must have a signed and dated statement from you authorizing the temporary possession, plus a copy of FWS form 3-186A that shows that you are the possessor of each of the raptors. The statement must include information about the time period for which he or she will keep the raptor(s), and about what he or she is allowed to do with it or them.

(i) Your raptor(s) will remain on your falconry permit, and will not be counted against the possession limit of the person caring for your raptors.

(ii) If the person caring for your raptor(s) holds the appropriate level falconry permit, he or she may fly your raptor(s) in whatever way you authorize, including hunting.

(iii) This care of your raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The State, tribe, or territory may consider such instances on a case-by-case basis.

(7) *Care of falconry raptors by someone who does not have a falconry permit*. Another person may care for falconry birds you possess at your facilities for up to 45 consecutive calendar days.

(i) The raptor(s) will remain on your falconry permit.

(ii) The raptors must remain in your facilities.

(iii) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency.

(iv) The person(s) caring for your raptors may not fly them for any reason.

(8) *Residence part of the year in another jurisdiction.* (i) The State, tribe, or territory in which you live part-time may require that you obtain its falconry permit. You must contact the State, tribal, or territorial agency that regulates falconry to determine whether you need a permit.

(ii) If you live for more than 120 consecutive days in a State or territory or on tribal lands other than where you maintain your primary residence, your falconry facilities in the second State must meet the standards in this section.

(9) *Inspections.* Falconry equipment and records may be inspected in the presence of the permittee during business hours on any day of the week by State, tribal, or territorial officials.

(e) *Taking, possessing, and transporting raptors for falconry—*(1) *Raptor species you may take from the wild to use for falconry.* (i) You may not intentionally capture a raptor species that your classification as a falconer does not allow you to possess for falconry. If you capture a bird you are not allowed to possess, you must release it immediately.

(ii) On some tribal lands and in some States there may be State, tribal, or Federal restrictions on the take or use of these species, and you may need a tribal or State permit or permits to capture a bird.

(iii) State, tribal, or territorial regulations on take may be more restrictive than those in this section.

(iv) Take of any species must be in compliance with these regulations.

(v) If you are a Master Falconer and your State, tribe, or territory allows you to possess golden eagles, in any year you may take up to two golden eagles from the wild and only in a livestock depredation area during the time the depredation area and associated depredation permit or depredation control order are in effect. A livestock depredation area is declared by USDA Wildlife Services and permitted under §22.23, or upon the request of a State governor and authorized by the Service Director pursuant to §§22.31 and 22.32.

(2) *How and when you may take raptors from the wild to use in falconry.* You may take no more than two raptors from the wild each year to use in falconry.

(i) If you transfer a bird you take from the wild to another permittee in the same year in which you capture it, the bird will count as one of the raptors you are allowed to take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.

(ii) If you are a General or Master Falconer, you may remove nestlings from a nest or aerie in accordance with tribal (if applicable), State, territorial, and Federal restrictions.

(iii) You may not take raptors at any time or in any manner that violates any law of the State, tribe, or territory on whose land you are trapping.

(iv) If you are responsible for reporting take of a raptor from the wild, use one of the methods listed in paragraph (b)(2)(ii) of this section. You must do this at your first opportunity to do so, but no later than 10 days after the capture of the bird.

(v) If you are present at the capture site, even if another person captures the bird for you, you are considered the person who removes the bird from the wild. You are responsible for filing a 3-186A form reporting take of the bird from the wild. This would occur, for example, if another person climbs a tree or rappells down a cliff and takes a nestling for you and gives it to you at the tree or cliff.

(vi) If you are not at the immediate location where the bird is taken from the wild, the person who removes the bird from the wild must be a General or Master Falconer, and must report take of the bird. If that person then transfers the bird to you, you must both file 3-186A forms reporting the transaction at your first opportunity to do so, but no later than 10 days after the transfer. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird you took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to you.

(vii) If you have a long-term or permanent physical impairment that prevents you from attending the capture of a species you can use for falconry, a General or Master Falconer may capture a bird for you. You are then responsible for filing a 3-186A form reporting take of the bird from the wild, and the bird will count against the take of wild raptors that you are allowed in any year.

(viii) You must promptly release any bird you capture unintentionally.

(3) *Other restrictions on taking raptors from the wild for falconry.* (i) If you are a General or Master Falconer, you may take only raptors less than 1 year of age from the wild during any period or periods specified by the State, tribe, or territory. However, you may take an American kestrel or great horned owl of any age from the wild during any period or periods specified by the State, tribe, or territory.

(ii) If you are a Master Falconer authorized to possess golden eagles for use in falconry, you may capture a golden

eagle in a livestock or wildlife depredation area during the time the depredation area and associated depredation permit or depredation control order are in effect.

(A) You may capture an immature or subadult golden eagle.

(B) You may take a nestling from its nest in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area has determined that the adult eagle is preying on livestock or wildlife

(C) You may take a nesting adult golden eagle only if a biologist representing the agency responsible for declaring the depredation area has determined that the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to an individual authorized to possess it.

(D) You must determine the locations of the livestock or wildlife depredation areas declared by USDA Wildlife Services, or published in the FEDERAL REGISTER by the Service in response to a State governor's request. We will not notify you about them.

(E) Before you begin any trapping activities, you must inform our regional Law Enforcement office of your capture plans. You must notify the office in person, in writing, or via facsimile or email at least 3 business days before you start trapping. You may send an email with your trapping plans to lawenforcement@fws.gov, or you may deliver your trapping plans in person or by mail to the Law Enforcement office in your region at the applicable street address provided at 50 CFR 2.2. Telephone and fax numbers are as follows:

Region	Law enforcement office telephone number	Law enforcement office fax number
1	503-231-6125	503-231-2193
2	505-248-7889	505-248-7899
3	612-713-5320	612-713-5283
4	404-679-7057	404-679-7065
5	413-253-8274	413-253-8459
6	303-236-7540	303-236-7901
7	907-786-3311	907-786-3313
8	916-414-6660	916-414-6715

(F) You also must meet all requirements of the State or territory in which you plan to trap, or the tribe on whose lands you plan to trap.

(G) You must have permission from the landowner to capture an eagle; or if you wish to capture one on public land, the responsible agency must allow it.

(iii) You may recapture a falconry bird you have lost at any time. We do not consider recapture of a wild bird to be taking a bird from the wild.

(iv) You may recapture a raptor wearing falconry equipment or a captive-bred bird at any time - even if you are not allowed to possess the species. The bird will not count against your possession limit, nor will its take from the wild count against your limit. You must report your recapture of the bird to your State, tribal, or territorial agency that regulates falconry no more than 5 working days after the recapture. You must return a recaptured falconry bird to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the State, tribe, or territory.

(v) You may take any raptor that you are authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory aluminum band except that you may not take a banded peregrine falcon from the wild.

(A) If a raptor (including a peregrine falcon) you capture is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, you must report your capture of the bird to your State, tribal, or territorial agency that regulates falconry no more than 5 working days after the capture. You must return a recaptured falconry bird to the person who lost it. If that person cannot possess the bird or does not wish to possess it, you may keep it. Otherwise, disposition of a bird whose legal possession cannot be determined will be at the discretion of the State, tribe, or territory. While you keep a bird for return to the person who lost it, the bird will not count against your possession limit or your limit on take of raptors from the wild if you have reported possessing the bird to your State, tribal, or territorial falconry permit office.

(B) If you capture a peregrine falcon that has a research band (such as a colored band with alphanumeric codes) or a research marking attached to it, you must immediately release the bird, except that if the falcon has a transmitter attached to it, you are authorized to possess the bird up to 30 days if you wish to contact the researcher to determine if he or she wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his or her designee can make the change or allow you to do so before you release the bird. If the researcher does not wish to keep the transmitter on the falcon, you may keep the bird if you captured it in circumstances in which capture of wild peregrines is allowed.

(C) If a raptor you capture has any other band, research marking, or transmitter attached to it, you must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.

(1) You may contact the researcher and determine if he or she wishes to replace a transmitter attached to a bird you capture. If so, you are authorized to possess the bird up to 30 days until the researcher or his or her designee does so, or until you can replace it yourself. Disposition of the bird will be at the discretion of the researcher and your State, tribal, or territorial agency that regulates falconry.

(2) If you possess such a bird temporarily, it will not count against your possession limit for falconry raptors.

(vi) You must leave at least one young from any nest or aerie from which you take a nestling.

(vii) If you are an Apprentice Falconer, you may not take a nestling from the wild.

(viii) If you are a Master Falconer with a permit to do so, you may take, transport, or possess up to three eagles, including golden eagles, white-tailed eagles, or Steller's sea-eagles, subject to the requirements in paragraph (c)(2)(iv) of this section and §22.24 of this part. A golden eagle, white-tailed eagle, or Steller's sea-eagle you possess counts as a bird to be included under your possession limit.

(ix) If you are a General or Master Falconer, you may take no more than one bird of a threatened species from the wild each year if the regulations in part 17 of this subchapter allow it and if you obtain a Federal endangered species permit to do so before you take the bird. You also may need a State, tribal, or territorial endangered species permit to take a listed species.

(4) *Take of a species or subspecies that was recently removed from the Federal List of Endangered and Threatened Wildlife to use in falconry.* We must first publish a management plan for the species. If take is allowed in the management plan, you may do so in accordance with the provisions for take in the plan.

(5) *Raptors injured due to falconer trapping efforts.* You have two options for dealing with a bird injured by your trapping efforts. In either case, you are responsible for the costs of care and rehabilitation of the bird.

(i) You may put the bird on your falconry permit. You must report take of the bird using one of the methods listed in paragraph (b)(2)(ii) of this section at your first opportunity to do so, but no more than 10 days after capture of the bird. You must then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will count against your possession limit.

(ii) You may give the bird directly to a veterinarian, or a permitted wildlife rehabilitator, or an appropriate wildlife agency employee. If you do so, it will not count against your allowed take or the number of raptors you may possess.

(6) *Acquisition, transfer, loss, or rebanding of a raptor.* (i) If you acquire a raptor; transfer, reband, or microchip a raptor; if a raptor you possess is stolen; if you lose a raptor to the wild and you do not recover it within 30 days; or if a bird you possess for falconry dies; you must report the change within 10 days using one of the methods listed in paragraph (b)(2)(ii) of this section.

(ii) If a raptor you possess is stolen, you must report the theft to your State, tribal, or territorial agency that regulates falconry and to your Fish and Wildlife Service Regional Law Enforcement office (see paragraph (e)(3)(ii)(E) of this section) within 10 days of the theft of the bird.

(iii) You must keep copies of all electronic database submissions documenting take, transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after you have transferred or lost the bird, or it has died.

(7) *Acquiring a bird for falconry from a permitted rehabilitator.* You may acquire a raptor of any age of a species that you are permitted to possess directly from a rehabilitator. Transfer to you is at the discretion of the rehabilitator.

(i) If you acquire a bird from a rehabilitator, within 10 days of the transaction you must report it using one of the methods listed in paragraph (b)(2)(ii) of this section.

(ii) If you acquire a bird from a rehabilitator, it will count as one of the raptors you are allowed to take from the wild that year.

(8) *Flying a hybrid raptor in falconry.* When flown free, a hybrid raptor must have attached at least two functioning radio transmitters to help you to locate the bird.

(9) *Releasing a falconry bird to the wild.* You must follow all applicable State or territorial and Federal laws and regulations before releasing a falconry bird to the wild.

(i) If the raptor you wish to release is not native to the State or territory, or is a hybrid of any kind, you may not permanently release the bird to the wild. You may transfer it to another falconry permittee.

(ii) If the species you wish to release is native to the State or territory and is captive-bred, you may not release the bird to the wild unless you have permission from the State, tribe, or territory to release the bird. If you are permitted to do so, you must hack the bird (allow it to adjust) to the wild at an appropriate time of year and an appropriate location. You must remove its falconry band (if it has one) and report release of the bird by submitting the required information using one of the methods listed in paragraph (b)(2)(ii) of this section.

(iii) If the species you wish to release is native to the State and was taken from the wild, you may release the bird only at an appropriate time of year and an appropriate location. You must remove its falconry band and report release of the bird by submitting the required information using one of the methods listed in paragraph (b)(2)(ii) of this section.

(10) *Restrictions on transfers of falconry raptors from other falconers.* We do not restrict the number of wild-caught or captive-bred raptors transferred to you, but you may not exceed your possession limit.

(f) *Additional information on the practice of falconry—(1) Raptors removed from the wild for falconry are always considered “wild” raptors.* No matter how long such a bird is held in captivity or whether it is transferred to another permittee or permit type, it is always considered a “wild” bird. However, it is considered to be taken from the wild only by the person who originally captured it. We do not consider the raptor to be taken from the wild by any subsequent permittee to whom it is legally transferred.

(2) *“Hacking” of falconry raptors.* Hacking (temporary release to the wild) is an approved method for falconers to condition raptors for falconry. If you are a General Falconer or a Master Falconer, you may hack a falconry raptor or raptors.

(i) You may need permission from your State, tribal, or territorial wildlife agency to hack a bird you possess for falconry. Check with your State, tribal, or territorial agency that regulates falconry to determine if hacking is allowed.

(ii) Any bird you are hacking counts against your possession limit and must be a species you are authorized to possess.

(iii) Any hybrid you hack must have two attached functioning radio transmitters during hacking.

(iv) You may not hack a falconry bird near a nesting area of a Federally threatened or endangered bird species or in any other location where the raptor is likely to harm a Federally listed threatened or endangered animal species that might be disturbed or taken by your falconry bird. You should contact your State or territorial wildlife agency before hacking a falconry bird to ensure that this does not occur. You can contact the State Fish and Wildlife Service office in your State or territory for information on Federally-listed species.

(3) *Use of other falconry training or conditioning techniques.* You may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons, or kites in training or conditioning falconry raptors. You also may fly falconry birds at bird species not protected under the Migratory Bird Treaty Act or at pen-raised animals.

(4) *Selling or trading raptors under a falconry permit.* (i) If allowed by your State, tribe or territory, you may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred raptors marked with seamless bands to other permittees who are authorized to possess them.

(ii) You may not purchase, sell, trade, or barter wild raptors. You may only transfer them.

(5) *Transfer of wild-caught raptors captured for falconry to another type of permit.* Under some circumstances you may transfer a raptor to another permit type if the recipient of the bird (which could be you) possesses the necessary permits for the other activity.

(i) If your State, tribe, or territory allows you to do so, you may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel). When you transfer the bird, you must provide a copy of the 3-186A form documenting acquisition of the bird by the propagator to the Federal migratory bird permit office that administers the propagation permit.

(ii) You may transfer a wild-caught bird to another permit type in less than 2 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel) if the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry.

(A) Within 10 days of transferring the bird, you must provide a copy of the 3-186A form documenting acquisition of the bird to the Federal migratory bird permit office that administers the other permit type.

(B) When you transfer the bird, you must provide a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in falconry to the Federal migratory bird permits office that administers the other permit type.

(6) *Transfer of captive-bred falconry raptors to another type of permit.* You may transfer captive-bred falconry raptors if the holder of the other permit type is authorized to possess the bird(s). Within 10 days, you must report the transfer by submitting the required information using one of the methods listed in paragraph (b)(2)(ii) of this section.

(7) *Use of raptors held under a falconry permit in captive propagation.* You may use raptors you possess for falconry in captive propagation if you or the person overseeing the propagation has the necessary permit(s) (see §21.30). You do not need to transfer a bird from your falconry permit if you use it for fewer than 8 months in a year in captive propagation, but you must do so if you permanently transfer the bird for propagation. The bird must then be banded as required in §21.30.

(8) *Use of falconry raptors in conservation education programs.* If you are a General or Master Falconer, you may use a bird you possess in conservation education programs presented in public venues.

(i) You do not need a Federal education permit to conduct conservation education activities using a falconry raptor held under a State, tribal, or territorial falconry permit.

(ii) You may present conservation programs as an Apprentice Falconer if you are under the supervision of a General or Master Falconer when you do so.

(iii) You must use the bird primarily for falconry.

(iv) You may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup your costs.

(v) In conservation education programs, you must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. You may not give presentations that do not address falconry and conservation education.

(vi) You are responsible for all liability associated with conservation education activities you undertake (see 50 CFR 13.50).

(9) *Other educational uses of falconry raptors.* You may allow photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though you may not be paid for doing so.

(i) You may not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry.

(ii) You may not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions:

(A) You may use a falconry raptor to promote or endorse a nonprofit falconry organization or association.

(B) You may use a falconry raptor to promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education materials, and scientific research and publication.

(10) *Assisting in rehabilitation of raptors to prepare them for release.* If your State, tribe, or territory allows you to do so, and if you are a General or Master Falconer, you may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. You may keep a bird you are helping to rehabilitate in your facilities.

(i) The rehabilitator must provide you with a letter or form that identifies the bird and explains that you are assisting in its rehabilitation.

(ii) You do not need to meet the rehabilitator facility standards. You need only meet the facility standards in this section; your facilities are not subject to inspection for compliance with the standards in §21.31.

(iii) You do not have to add any raptor you possess for this purpose to your falconry permit; it will remain under the permit of the rehabilitator.

(iv) You must return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day timeframe in which the rehabilitator is authorized to possess the bird, unless the issuing office authorizes you to retain the bird for longer than 180 days.

(v) Upon coordination with the rehabilitator, you must release all releaseable raptors to the wild or return them to the rehabilitator for release within the 180-day timeframe in which the rehabilitator is authorized to possess the birds, unless the issuing office authorizes you to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to you to hold under your falconry permit.

(11) *Using a falconry bird in abatement activities.* (i) If you are a Master Falconer, you may conduct abatement activities with a bird or birds you possess for falconry. If you are a General Falconer, you may conduct abatement activities only as a subpermittee of the holder of the abatement permit.

(ii) You may receive payment for providing abatement services if you have a Special Purpose Abatement permit.

(12) *Feathers that a falconry bird or birds molts.* (i) For imping (replacing a damaged feather with a molted feather), you may possess tail feathers and primary and secondary wing feathers for each species of raptor you possess or previously held for as long as you have a valid falconry permit. You may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and you may give feathers to them. You may not buy, sell, or barter such feathers.

(ii) You may donate feathers from a falconry bird, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from the permit requirement under §21.12.

(iii) Except for primary or secondary flight feathers or retrices from a golden eagle, you are not required to gather feathers that are molted or otherwise lost by a falconry bird. You may leave the feathers where they fall, store them for imping, or destroy them. However, you must collect molted flight feathers and retrices from a golden eagle. If you choose not to keep them for imping, you must send them to the National Eagle Repository.

(iv) We request that you send all feathers (including body feathers) that you collect from any falconry golden eagle and that you do not need for imping, to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the Repository is 303-287-2110.

(v) If your permit expires or is revoked, you must donate the feathers of any species of falconry raptor except a golden eagle to any person or any institution exempt from the permit requirement under §21.12 or authorized by permit to acquire and possess the feathers. If you do not donate the feathers, you must burn, bury, or otherwise destroy them.

(13) *Disposition of carcasses of falconry birds that die.* (i) You must send the entire body of a golden eagle you held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository.

(ii) You may donate the body or feathers of any other species of falconry raptor to any person or institution exempt under §21.12 or authorized by permit to acquire and possess such parts or feathers.

(iii) If the bird was banded or microchipped prior to its death, you may keep the body of any falconry raptor except that of a golden eagle. You may keep the body so that the feathers are available for imping, or you may have the body mounted by a taxidermist. You may use the mount in giving conservation education programs. If the bird was banded, you must leave the band on the body. If the bird has an implanted microchip, you must leave the microchip in place.

(iv) If you do not wish to donate the bird body or feathers or keep it yourself, you must burn, bury, or otherwise destroy it or them within 10 days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. You must take appropriate precautions to avoid such poisonings.

(v) If you do not donate the bird body or feathers or have the body mounted by a taxidermist, you may possess the flight feathers for as long as you have a valid falconry permit. However, you may not buy, sell, or barter the feathers. You must keep the paperwork documenting your acquisition of the bird.

(14) *Visitors practicing falconry in the United States.* (i) A visitor to the United States may qualify for a temporary falconry permit appropriate for his or her experience.

(A) The permit may be valid for any period specified by the State, tribe, or territory.

(B) To demonstrate knowledge of U.S. falconry laws and regulations, the visitor must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the tribe, State, or territory from which he or she wishes to obtain a temporary falconry permit. If the visitor passes the test, the tribe, State, or territory will decide for what level of temporary permit the person is qualified. The decision should be based on the individual's documentation of his or her experience.

(C) If you hold a temporary falconry permit, you may possess raptors for falconry if you have approved falconry facilities.

(D) A holder of a temporary falconry permit may fly raptors held for falconry by a permitted falconer.

(E) A holder of a temporary falconry permit may not take a bird from the wild to use in falconry.

(ii) For the duration of a permit from a State, tribe, or territory, a visitor may use any bird for falconry that he or she possess legally in his or her country of residence for that purpose, provided that import of that species to the United States is not prohibited, and provided that he or she has met all permitting requirements of his or her country of residence.

(A) A visitor must comply with the provisions in this section, those of the State, tribe or territory where he or she wishes to conduct falconry, and all States through which he or she will travel with the bird.

(B) The visitor may transport registered raptors. He or she may need one or more additional permits to bring a raptor into the United States or to return home with it (see 50 CFR part 14 (importation, exportation, and transportation of wildlife), part 15 (Wild Bird Conservation Act), part 17 (endangered and threatened species), part 21 (migratory bird import and export permits), and part 23 (endangered species convention)).

(C) Unless the visitor has the necessary permit(s) to bring a raptor into the United States and leave it here, he or she must take raptors brought into the country for falconry out of the country when he or she leaves. If a raptor brought into the United States dies or is lost while in this country, the visitor must document the loss before leaving the United States by reporting the loss to the State, tribal, or territorial agency that governs falconry where the bird was lost.

(D) When flown free, any bird brought to this country temporarily must have two attached radio transmitters that will allow the falconer to locate it.

(E) There also may be tribal or State restrictions on nonresidents practicing falconry or importing a raptor or raptors held for falconry.

(15) *Taking falconry raptors to another country to use in falconry activities.* A permit issued under this section authorizes you to export and then import raptors you legally possess for falconry to another country to use in falconry without an additional migratory bird import/export permit issued under §21.21.

(i) You must meet any requirements in 50 CFR 14 subpart B.

(ii) You may need one or more additional permits to take a bird from the United States or to return home with it (see 50 CFR part 15 (Wild Bird Conservation Act), part 17 (endangered and threatened species), and part 23 (endangered species convention)).

(iii) Unless you have the necessary permit(s) to permanently export a raptor from the United States, you must bring any raptor you take out of the country for falconry back to the United States when you return. Each raptor must be covered by a CITES certificate of ownership issued under part 23 of this chapter. You must have full documentation of the lawful origin of each raptor (a copy of a propagation report with band number or a 3-186A report), and each must be identifiable with a seamless band or a permanent, nonreusable, numbered Fish and Wildlife Service leg band issued by the Service or an implanted microchip for identification.

(iv) If the raptor dies or is lost, you are not required to bring it back but must report the loss immediately upon your return to the United States in the manner required by the falconry regulations of your State, and any conditions on your CITES certificate.

(16) *Permission to capture, fly, or release a falconry bird at any location.* You do not need special or written permission for any of these activities on public lands if it is authorized. However, you must comply with all applicable Federal, State, tribal, or territorial laws regarding falconry activities, including hunting. Your falconry permit does not authorize you to capture or release raptors or practice falconry on public lands if it is prohibited on those lands, or on private property, without permission from the landowner or custodian.

(17) *Practicing falconry in the vicinity of a Federally listed threatened or endangered animal species.* In practicing falconry you must ensure that your activities do not cause the take of Federally listed threatened or endangered wildlife. "Take" under the Endangered Species Act means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (Endangered Species Act §3(18)). Within this definition, "harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm" means an act that actually kills or injures wildlife (50 CFR 17.3). To obtain information about threatened or endangered species that may occur in your State or on tribal lands where you wish to practice falconry, contact your State, tribal, or territorial agency that regulates falconry. You can contact your State Fish and Wildlife Service office for information on Federally-listed species.

(18) *Trapping a bird for use in falconry in areas used by the northern aplomado falcon.* Capture of a northern aplomado falcon (*Falco femoralis septentrionalis*) is not authorized because it is a violation of the Endangered Species Act. To avoid trapping northern aplomado falcons, you must comply with the following conditions when trapping a bird for use in falconry in the following counties.

If you trap in	You may trap a bird for falconry in the following counties if you comply with the conditions below.
(i) Arizona,	Cochise, Graham, Pima, Pinal, or Santa Cruz.
(ii) New Mexico,	Doa Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, or Socorro.
(iii) Texas,	Aransas, Brewster, Brooks, Calhoun, Cameron, Culberson, Duval, Ector, El Paso, Hidalgo, Hudspeth, Jackson, Jeff Davis, Kenedy, Kinney, Kleberg, Matagorda, Maverick, Midland, Nueces, Pecos, Presidio, Reeves, Refugio, San Patricio, Starr, Terrell, Val Verde, Victoria, Webb, Willacy, or Zapata.

(iv) If you are an Apprentice Falconer, you must be accompanied by a General or Master Falconer when trapping in one of these counties.

(v) You may not begin trapping if you observe a northern aplomado falcon in the vicinity of your intended trapping effort.

(vi) You must suspend trapping if a northern aplomado falcon arrives in the vicinity of your trapping effort.

(19) *Prey item killed by a falconry bird without your intent, including an animal taken outside of a regular hunting season.* (i) You may allow your falconry bird to feed on the animal, but you may not take the animal into your possession.

(ii) You must report take of any federally listed threatened or endangered species to our Ecological Services Field Office for the location in which the take occurred.

(20) *Take of bird species for which a depredation order is in place.* With a falconry bird, you may take any species listed in parts 21.43, 44, 45, or 46 of this subchapter at any time in accordance with the conditions of the applicable

depredation order, as long as you are not paid for doing so.

(21) *Transfer of falconry raptors if a permittee dies.* A surviving spouse, executor, administrator, or other legal representative of a deceased falconry permittee may transfer any bird held by the permittee to another authorized permittee within 90 days of the death of the falconry permittee. After 90 days, disposition of a bird held under the permit is at the discretion of the authority that issued it.

(g) *Applying for a falconry permit.* If you apply for a falconry permit, you must include the following information plus any other information required by your State, tribe, or territory.

(1) The completed application form from your State, tribal, or territorial agency that regulates falconry permits.

(2) Proof that you have passed the falconry test administered by the State, tribe, or territory where you maintain your legal residence, or proof that you have previously held a falconry permit at the level you seek.

(3) For an Apprentice permit, you must provide the following:

(i) A letter from a General or Master Falconer stating that he or she has agreed to assist you in learning about the husbandry and training of raptors held for falconry and about relevant wildlife laws and regulations, and in deciding what species of raptor is appropriate for you to possess while an Apprentice.

(ii) An original, signed certification that you are particularly familiar with §10.13 of this subchapter, the list of migratory bird species to which the Migratory Bird Treaty Act applies; part 13 of this subchapter, general permit regulations; part 21 of this subchapter, migratory bird permits; and part 22 of this subchapter, eagle permits. The certification can be incorporated into tribal and State application forms, and must be worded as follows:

I certify that I have read and am familiar with the regulations in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

(4) For an Apprentice or General Falconry permit, a parent or legal guardian must co-sign your application if you are under 18.

(5) For a General Falconer permit:

(i) Information documenting your experience maintaining falconry raptors, including a summary of what species you held as an Apprentice Falconer and how long you possessed each bird, and

(ii) A letter from a General Falconer or Master Falconer (preferably your sponsor) attesting that you have practiced falconry with raptor(s) at the Apprentice Falconer level for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year.

(6) For a Master Falconer permit, you must attest that you have practiced falconry at the General Falconer level for at least 5 years.

(h) *Updating a falconry permit after a move.* If you move to a new State or outside the jurisdiction of your tribe or territory and take falconry birds with you, within 30 days you must inform both your former State, tribe, or territory and the permitting authority for your new place of residence of your address change. To obtain a new falconry permit, you must follow the permit application procedures of the authority under which you wish to acquire a new permit. You may keep falconry birds you hold while you apply for a new falconry permit. However, the State, tribe, or territory into which you move may place restrictions on your possession of falconry birds until you meet the residency requirements there.

(i) *Restoration of revoked permits.* Upon request of the person whose permit has been revoked, the State, tribe, or territory may restore the person's falconry permit at the end of the revocation period.

(j) *Information collection requirements.* The information collection required for falconry applications and for falconry bird disposition on FWS Form 3-186A is approved by the Office of Management and Budget under control number 1018-0022. The information is necessary to determine take of raptors from the wild for falconry.

(k) *Database required of States, tribes, and territories.* Each State, tribe, or territory that permits falconry must maintain information in a database. The information will enable enforcement of this section.

(1) The State, tribal, or territorial database must be compatible with the database that we maintain. The State, tribal, or territorial database must contain the following information:

(i) The current address of each person with a falconry permit.

(ii) The classification of each person with a falconry permit - Apprentice Falconer, General Falconer, or Master Falconer.

(iii) The address of the falconry facilities of each person with a falconry permit.

(iv) The Federal falconry identifier number assigned via the 3-186A system to each person with a falconry permit.

(v) Whether each permittee is authorized to possess eagles.

(vi) Information on the status of each person's permit: whether it is active, suspended, or revoked.

(2) Information on each permit granted, including changes in status from Apprentice Falconer to General Falconer or General Falconer to Master Falconer, and moves of falconers or their facilities must be entered into the State's, tribe's, or territory's database within 30 days of the granting of the permit or a falconer's change in status. New additions to the State, tribal, or territorial database must be forwarded to us monthly.

[73 FR 59465, Oct. 8, 2008, as amended at 74 FR 64640, Dec. 8, 2009; 75 FR 931, Jan. 7, 2010; 75 FR 3395, Jan. 21, 2010; 75 FR 81141, Dec. 27, 2010; 76 FR 71912, Nov. 21, 2011; 77 FR 66408, Nov. 5, 2012; 78 FR 35152, June 12, 2013; 78 FR 72832, Dec. 4, 2013; 80 FR 38015, July 2, 2015]

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Title 50: Wildlife and Fisheries
[PART 21—MIGRATORY BIRD PERMITS](#)
[Subpart C—Specific Permit Provisions](#)

§21.30 Raptor propagation permits.

(a) *Legal basis for regulating raptor propagation.* (1) Among other actions, the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*) prohibits any person from capturing from the wild, possessing, purchasing, bartering, selling, or offering to purchase, barter, or sell raptors (vultures, kites, eagles, hawks, caracaras, falcons, and owls) listed in §10.13 of this chapter unless the activities are allowed by Federal permit issued pursuant to this part and part 13 of this chapter, or as permitted by regulations in this part.

(i) This section covers all “native” raptors (accipitriformes, falconiformes, and strigiformes listed in §10.13 of this chapter), and applies to any person who possesses one or more wild-caught, captive-bred, or hybrid raptors protected under the MBTA to use in raptor propagation, except that neither bald eagles (*Haliaeetus leucocephalus*) nor golden eagles (*Aquila chrysaetos*) may be propagated under these regulations or any other permit regulation listed in part 21 of this chapter.

(ii) You must have a Federal raptor propagation permit before you may capture from the wild, possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes. Your State may require that you also have a State permit.

(2) Other regulations, such as those for the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Wild Bird Conservation Act, and State regulations, may affect propagation-related activities. In cases in which more than one set of regulations affect raptor propagation, the most restrictive requirements affecting the activity will apply.

(b) *Species available for raptor propagation.* If you have a raptor propagation permit, you may attempt to propagate any species of raptor listed in §10.13 of this chapter, with the following exceptions:

(1) You may not propagate bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) under a raptor propagation permit or any other permit regulation listed in part 21 of this chapter.

(2) If you are authorized by your Regional Migratory Bird Permit office to do so, you may possess and attempt to propagate threatened or endangered raptor species. See paragraphs (f) and (u) of this section.

(c) *Facilities used for raptor propagation.* In addition to the general conditions found in part 13 of this chapter, raptor propagation permits are subject to the following additional conditions:

(1) You must maintain any tethered raptor you possess under this permit in accordance with the facilities and standards requirements in §21.29, unless you obtain a written exception to this requirement from your Regional Migratory Bird Permit Office.

(2) For untethered raptors, your breeding facilities must be soundly constructed and entirely enclosed with wood, wire netting, or other suitable material that provides a safe, healthy environment.

(i) Your facilities must minimize the risk of injury by providing protection from predators, pets, and extreme weather conditions.

(ii) Your facilities must minimize the risk of raptor injuries due to collision with interior or perimeter construction materials and equipment, such as support poles, windows, wire netting, perches, or lights.

(iii) Your facilities must have suitable perches and nesting sites, fresh air ventilation, a source of light, a well-drained floor, and ready access for cleaning. Each bird must have access to a pan of clean water unless weather conditions, the

perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(iv) You do not need to house your propagation raptors separately from other raptors you hold. However, you must keep raptors that you are not authorized to propagate separated from those you use in propagation.

(d) *Inspection.* In the presence of the permittee, Federal or State officials may inspect propagation raptors, facilities, equipment, and records during business hours on any day of the week.

(e) *Banding of raptors used for propagation.* —(1) *Certain species.* You must band a goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) that you take from the wild to use in captive propagation.

(i) You must use a nonreusable band that we provide.

(ii) You may purchase and implant an ISO (International Organization for Standardization)-compliant 134.2 kHz microchip in the raptor in addition to banding it.

(iii) You must report the information on the raptor (including information identifying the microchip, if you implant one, and where it is located) at <http://permits.fws.gov/186A> or by submitting a paper FWS Form 3-186A form to your State or tribal agency that governs propagation, if applicable, and to us.

(2) *Banding nestlings.* Unless a particular nestling is specifically exempted, you must band every captive-bred raptor within 2 weeks of hatching.

(i) You must use a numbered, seamless band that we will provide.

(ii) You must use a band with an inside diameter that is small enough to prevent loss or removal of the band when the raptor is grown without causing serious injury to the raptor or damaging the band's integrity or one-piece construction.

(iii) You may band a nestling with more than one band of different sizes if you cannot determine the proper size when you band the nestling. You must then remove and destroy all but the correctly sized band before the nestling is 5 weeks old.

(iv) You may submit a letter requesting an exemption from the banding requirement for any nestling or fledgling for which the band causes a problem. If you demonstrate that the band itself or the behavior of the raptor in response to the band poses a hazard to the raptor, we may exempt that raptor from the banding requirement. You must destroy the band after you remove it.

(3) You may purchase and implant an ISO-compliant 134.2 kHz microchip in the raptor in addition to a band. You must report information to identify the microchip and where on the raptor the chip is implanted when you report your acquisition of the raptor.

(4) If a captive-bred raptor is not banded with a seamless band, or if you must remove the seamless band from a captive-bred raptor, you must band the bird with a nonreusable band that we provide.

(f) *Taking and transferring raptors or raptor eggs from the wild to use in propagation.* You may take no more than two raptors or raptor eggs from the wild each year to use in propagation.

(1) The State must authorize you to take the raptor(s) or egg(s) from the wild.

(2) You must comply with all State laws in taking raptor(s) or egg(s) from the wild.

(3) You may take a raptor listed in §17.11(h) of this chapter as "endangered" or "threatened" from the wild only if you have a permit under part 17 of this chapter (See paragraph (u) of this section.).

(4) You may transfer a raptor taken from the wild for propagation to any other person authorized to possess it, except that you must comply with the prohibitions in §21.29 on a transfer to a falconer.

(g) *Transfer, purchase, sale, or barter of captive-bred raptors, eggs, or semen.* (1) You may transfer, sell, or barter a lawfully possessed captive-bred raptor to another person authorized to possess captive-bred raptors if the raptor is marked on the metatarsus by a seamless, numbered band that we provide.

(2) You may transfer, sell, or barter a lawfully possessed raptor egg or raptor semen produced by a raptor held under your captive propagation permit (including a raptor taken from the wild) to another raptor propagation permittee.

(3) You may not purchase, sell, or barter any raptor eggs or any raptors taken from the wild in the United States or its territories or possessions, any semen collected from a raptor in the wild in the United States or its territories or

possessions, or any raptor hatched from eggs taken from the wild in the United States or its territories or possessions.

(h) *Required paperwork.* You must have a copy of a properly completed FWS Form 3-186A (Migratory Bird Acquisition and Disposition Report) for each raptor you acquire or that is transferred to you.

(1) You do not have to submit or have a copy of an FWS Form 3-186A for raptors you produce by captive propagation if you keep the raptors in your possession under your propagation permit.

(2) If you sell, trade, barter, or transfer a raptor held under your captive propagation permit, even if the transfer is to a falconry permit you hold, you must complete an FWS Form 3-186A and send it to us within 5 calendar days of the transfer.

(i) *Care of a propagation raptor by another person—*

(1) *Care of a propagation raptor by another permittee.* The regulations in this paragraph pertain to care of propagation raptors by persons other than the permittee. Another person who can legally possess raptors may care for a propagation raptor for you for up to 120 calendar days.

(i) The person must have a letter from you authorizing him or her to care for the birds, beginning on the date of your letter.

(ii) The raptor will remain on your raptor propagation permit. If the person who temporarily holds it for you is a falconer or a captive propagator, the raptor will not be counted against his or her possession limit on raptors held for falconry or propagation. However, the other person may not use the raptor in falconry or in propagation.

(iii) If you wish to have someone else care for a propagation raptor for more than 120 days, or if you wish to let another person use the raptor in falconry or captive propagation, you must transfer the raptor to that person and report the transfer by submitting a completed FWS Form 3-186A.

(2) *Care of a propagation raptor by an individual who does not have a propagation or falconry permit.* Another person may care for propagation raptors you possess for up to 120 consecutive calendar days.

(i) The raptor(s) will remain on your propagation permit.

(ii) The raptors must remain in your facilities.

(iii) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The person(s) caring for your raptors may not fly them for any reason.

(j) *Care of nestlings by an individual who does not hold a migratory bird permit.* Another person may temporarily care for and band nestlings you hold from the time they are hatched until they are fully feathered. You may allow the other person to keep the nestlings at another location. You must give the individual a letter authorizing him or her to care for the nestlings, beginning on the date of your letter. The care might be part of each day during the nestling period so that the nestlings can be fed, or it might be a series of full days if transport to and from the breeding facility is not practical or needed.

(k) *Disposition of molted feathers from a live raptor or carcasses of raptors held under your permit.* (1) You may donate the body or feathers of any species you possess under your propagation permit to any person or institution exempt under §21.12 or authorized by permit to acquire and possess such parts or feathers.

(2) For any raptor you hold under your propagation permit, if the bird was banded or microchipped prior to its death, you may keep the body to have the feathers available for imping or to have the body mounted by a taxidermist. You may use the mount in propagation activities or in giving conservation education programs. If the bird was banded, you must leave the band on the body. If the bird has an implanted microchip, the microchip must be placed inside the mounted bird.

(3) If you do not wish to donate the bird body or feathers or keep it or them yourself, you must burn, bury, or otherwise destroy it or them within 10 days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. You must take appropriate precautions to avoid such poisonings.

(4) If you do not donate the bird body or feathers or have the body mounted by a taxidermist, you may possess the flight feathers for as long as you have a valid raptor propagation or falconry permit. However, you may not buy, sell, or barter the feathers. You must keep the paperwork documenting your acquisition of the bird.

(l) *Raptor products.* You may possess addled or blown eggs, nests, and feathers from raptors held under permit, and may transfer any of these items to any other person authorized to possess them.

(m) *Release to the wild.* You may release a captive-bred raptor to the wild if it is allowed by the State or territory in

which you wish to release the raptor, except that you may not release a hybrid raptor to the wild. You must leave the captive-bred band on any raptor you release to the wild.

(n) *Conservation education programs.* You may use a raptor you possess for raptor propagation in conservation education programs presented in public venues.

(1) You do not need a Federal education permit to conduct conservation education activities using a propagation raptor.

(2) You must use the raptor primarily for propagation.

(3) You may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup your costs.

(4) In conservation education programs, you must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. You may not give presentations that do not address falconry and conservation education.

(5) You are responsible for all liability associated with conservation education activities you undertake (see §13.50 of this chapter).

(o) *Permit restrictions.* With limited exceptions, you may use raptors held under your captive propagation permit only for propagation or keep them to transfer or sell. You must transfer a raptor used in captive propagation to a falconry permit before you or another person may use it in falconry. If you transfer a raptor used in captive propagation to another permit, you and the recipient of the raptor (which might be you) must complete an FWS Form 3-186A and report the transfer. You do not need to transfer a bird from your falconry permit (if you hold one) if you use the bird for fewer than 8 months in a year in captive propagation, but you must do so if you permanently transfer the bird for propagation. The bird must then be banded as required in paragraph (e).

(p) *Training propagation raptors.* You may use falconry training or conditioning practices such as, but not limited to, creance (tethered) flying, lures, balloons, or kites in training or conditioning captive-bred progeny of raptors you hold under your permit.

(1) Until the raptors are 1 year old, you may use captive-bred offspring in actual hunting as a means of training them. To do so, you will not need to transfer them to another permit type. You may not use them in hunting after their first year if they are held under your captive propagation permit.

(2) Any hybrid raptor that you fly free must have at least two attached radio transmitters to help you to locate the bird.

(3) You may not hunt at any time with raptors you use in propagation.

(q) *Hacking of propagation raptors.* "Hacking" (temporary release to the wild) is an approved method to condition raptors. You may hack a raptor that you produce under your propagation permit.

(1) You may need permission from your State or tribal wildlife agency to hack a raptor you possess under your propagation permit. Check with your State or tribal agency that regulates falconry to determine if hacking is allowed.

(2) Any hybrid you hack must have two attached functioning radio transmitters during hacking.

(3) You may not hack a raptor near a nesting area of a federally threatened or endangered bird species or in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by your falconry raptor. You should contact your State or territorial wildlife agency before hacking a falconry raptor to ensure that this does not occur. Contact the Fish and Wildlife Service office in your State or territory for information on federally listed species.

(r) *Transfer of propagation raptors and offspring if a permittee dies.* A surviving spouse, executor, administrator, or other legal representative of a deceased raptor propagation permittee may transfer any bird, eggs, or semen held by the deceased permittee to another authorized permittee within 90 days of the death of the falconry permittee. After 90 days, disposition of a bird held under the permit is at our discretion.

(s) *Records of captive propagation efforts.* You must maintain complete and accurate records of all operations, including the following, for at least 5 years after the expiration of your permit. However, you may want to retain your records for a longer time if you want to get another migratory bird permit, a Convention on International Trade in Endangered Species of Wild Fauna and Flora permit, or a Wild Bird Conservation Act permit.

(1) The acquisition of raptors, eggs, or semen you acquired from the wild or that were transferred to you.

(i) What you acquired, and the species, sex, age, and band number of each bird you acquired.

(ii) Whether you acquired the raptor, egg, or semen from the wild or you purchased it or it was transferred to you.

(2) The disposition of raptors, eggs, or semen you sell or transfer to another permittee. The information should include the band number of raptors you sell or transfer.

(t) *Annual report.* You must submit a completed FWS Form 3-202-8 to your Regional Migratory Bird Permit office by January 31 each year for January 1 through December 31 of the preceding year.

(u) *Endangered or threatened species.* If you wish to propagate endangered or threatened species, you must have at least 2 years of experience handling raptors in a propagation program or programs. You may also need an endangered species permit to propagate threatened or endangered raptors. See §§17.21 and 17.22 of this chapter for permit requirements to propagate threatened or endangered raptors.

(v) *Applying for a Federal raptor propagation permit.* Using FWS Form 3-200-12, you must submit your application for a raptor propagation permit to the appropriate Regional Director, to the attention of the Migratory Bird Permit Office. You can find addresses for the Regional Directors in 50 CFR 2.2. Your application must contain the general information and the certification required in §13.12(a) of this chapter, a copy of your State permit authorizing raptor propagation, if your State requires one, and a description (including dimensions), drawings, and photographs of the facilities and equipment you will use.

(w) *Criteria for issuing a permit.* When we receive a completed application, we will decide whether we should issue a permit to you. We will consider the general criteria in part 13 of this chapter and the following factors:

(1) You must be at least 18 years old and have at least 2 full years of experience handling raptors.

(2) You must have a propagation permit or other authorization for raptor propagation from your State or Tribe, if your State or Tribe requires it.

(3) Your raptor propagation facilities must be adequate for the number and species of raptors to be held under your permit.

(x) *Updating a raptor propagation permit after a move.* If you move within your State or get a new mailing address, you must notify us within 30 days (see §13.23(c) of this chapter). If you move to a new State, within 30 days you must inform both your former and your new (if applicable) Migratory Bird Permit Offices of your address change. If you have new propagation facilities, you must provide information, pictures, and diagrams of them, and they may be inspected in accordance with Federal or State requirements. Thereafter, no mandatory inspections of the facilities will continue.

(y) *Permit expiration.* Your Federal permit may be valid for up to 5 years from when it is issued or renewed. It will expire on the same day as your State permit, unless your State permit is for a period longer than 5 years, or unless we amend, suspend, or revoke it.

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