



Ohio Administrative Code

Rule 1501:31-37-02 Raptor capture season, propagation, permits, and fees.

Effective: July 1, 2019

(A) No person shall capture or attempt to capture a raptor without having first obtained a raptor capture permit. The capture permit fee shall be fifteen dollars, and shall expire on the date listed on the permit. The permit shall authorize the applicant to take the species of raptor mentioned on the permit and within the time allotted on the permit. If a raptor is captured by the permittee, the permittee shall file a report with the division of wildlife on the capture permit within the time limit indicated in the permit. If no raptor is captured within the time allotted on the permit, the permit and marker issued with the permit shall be returned to the division of wildlife within the time limit indicated on the permit by certified mail or in person. A capture permit shall be valid for one bird. In addition to any other penalties, no permit will be issued to any person who previously failed to file the report required by this rule or failed to return the permit and marker as required by this rule.

(B) The permittee may trap, evaluate, and immediately release any raptor that has been captured if the permittee believes the bird is not suitable for falconry, while at the capture site. All raptors removed from the capture site must be banded with the seamless band issued with the capture permit within twenty-four hours of capture, except that raptors captured with life threatening health condition or injuries may be immediately transported unbanded to a licensed rehabilitator for treatment.

(C) Each person that captures a raptor under authority of a raptor capture permit shall immediately record the date and time of capture in the space provided on the permit prior to removing the raptor from the capture site. The permittee shall submit the completed capture permit and a copy of United States fish and wildlife service form 3-186A to the division of wildlife within five days of capture.

(D) It shall be unlawful to capture a raptor for another person.

(E) It shall be unlawful for an apprentice class permittee to capture a raptor except under the direct supervision of their sponsor.



(F) It shall be unlawful for any person to take a haggard bird at any time, except for the American kestrel (*Falco sparverius*).

(G) Raptors shall be captured only with a Bal-chatri type trap, a bow net type trap, a Swedish goshawk type trap, dho gazza type trap, pigeon harness or any other device approved by the division of wildlife. All traps must be operated in such a manner as to minimize any danger of injury to a raptor. All traps while being used to capture raptors shall have a tag in the English language bearing the name, address, and permit number of the user attached.

(H) It shall be unlawful for any person to trap a raptor except from August first through March first of the following year.

(I) A falconry permittee may recapture escaped raptors held under his permit at any time.

(J) It shall be unlawful to engage in raptor capture activities without first having in possession the capture permit and a valid hunting license. Said license and permits shall be exhibited to any law enforcement officer upon request. It shall be unlawful to falsify the information placed on the capture permit.

(K) Failure to comply with any provision of this rule may result in revocation of the falconry permit and the capture permit. All fees from revoked permits shall be forfeited to the division of wildlife.

(L) The chief shall determine the species of raptors and the numbers of each which may be removed from the wild, based upon the best available biological information derived from professionally accepted practices in wildlife management.

(M) No person may place raptors in a breeding situation, attempt to breed raptors naturally or by artificial insemination, sell, offer for sale, trade, or barter raptors, raptor eggs, or raptor semen without first obtaining a raptor propagation permit from the division of wildlife and United States fish and wildlife service.

(N) The chief, upon receipt of an application and after inspection of facilities may issue a permit authorizing raptor propagation in accordance with federal regulations. all federal regulations in 50



C.F.R. 21.30 are made part of this permit which is further conditioned as follows:

- (1) Raptors held under a propagation permit must be held in an approved facility with a total of at least one hundred twenty square feet of floor space and a minimum height of six feet. Propagation facilities must meet or exceed federal guidelines, unless otherwise approved by the chief of the division of wildlife in writing.
- (2) Raptors used in propagation may be obtained from any legal source. Non-releasable raptors may be obtained from licensed rehabilitation facilities provided prior written authorization has been obtained from the United States fish and wildlife service and the chief of the division of wildlife.
- (3) A commercial raptor propagation permit may be issued for a period not to exceed three years. The fee shall be fifty dollars for each year the permit is issued. A non-commercial raptor propagation permit may be issued for a period not to exceed three years. The fee shall be twenty-five dollars for each year the permit is issued. A commercial raptor propagation permit will authorize the permittee to propagate, sell, offer for sale, trade, and barter raptors, raptor eggs, and raptor semen produced in captivity.

A non-commercial raptor propagation permit will authorize the person to use or transfer, as a gift, raptors produced in captivity. No person shall transfer or receive a raptor unless legally entitled or permitted to hold said raptor. Persons holding a commercial raptor propagation permit or a non-commercial raptor propagation permit shall maintain accurate diurnal records and submit an annual report to the United States fish and wildlife service and the division of wildlife as required by 50 C.F.R. 21.30 and any additional information as the chief of the division of wildlife may require prior to January thirty-first of each year.
- (4) A commercial and non-commercial raptor propagation permit shall expire on the date specified on the permit.
- (5) Each raptor possessed for the purpose of propagation shall be banded with a seamless, numbered band or marker issued by the United States fish and wildlife service and/or the division of wildlife.
- (6) Each permit holder must notify the division of wildlife in writing within five days from the date



the first egg of each clutch is laid by any raptor held under authority of a raptor propagation permit.

(7) All progeny produced under authority of a raptor propagation permit, shall be banded within fourteen days of hatching with a seamless, numbered band or marker issued by the United States fish and wildlife service and/or the division of wildlife.

(8) It shall be unlawful to transfer any wild captured raptor to a propagation permit unless it has been utilized in falconry for a minimum of two years.

(O) It shall be unlawful to place a band or marker on any raptor that was captured or produced unlawfully.

(P) All definitions set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.