



Ohio Administrative Code

Rule 1501:31-37-02 Raptor capture and propagation.

Effective: June 30, 2024

(A) Raptor capture.

It shall be unlawful for an Ohio falconry permit holder to capture or attempt to capture a raptor without first obtaining a raptor capture permit. A raptor capture permit authorizes a falconry permit holder to capture one raptor of the species listed on the permit. The fee for a raptor capture permit is fifteen dollars. Raptor capture permits expire at midnight on the date listed on the permit. Hunting license requirements under section 1533.10 of the Revised Code are not altered by a raptor capture permit.

It shall be unlawful for a raptor capture permit holder to:

- (1) Violate any provision or term of the raptor capture permit;
- (2) Fail to attach a marker to a raptor within twenty-four hours of capture, except that raptors captured with a life-threatening health condition or injuries may be immediately transported unbanded to a rehabilitation permit holder for treatment. Provided further, a raptor capture permit holder may trap, evaluate, and immediately release any raptor while at the capture site if the permit holder believes the bird is not suitable for falconry;
- (3) Band a raptor removed from the wild with a seamless numbered band;
- (4) Capture or attempt to capture a raptor by any means other than 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. Provided further, all capture devices will be operated in such a manner as to minimize any danger of injury to a raptor;
- (5) Set, use, or maintain any device for the purpose of capturing a raptor, unless such device has attached thereto a durable, waterproof tag bearing the name, address, and permit number or the



unique division of wildlife customer identification number of the user in the English language legible at all times;

(6) Trap, take, or capture a raptor except from August first through March first of the following year, except a falconry permit holder may recapture escaped raptors held under their permit at any time;

(7) Fail to record the date and time of capture in the space provided on the capture permit prior to removing a raptor from the capture site;

(8) Fail to submit the completed capture permit along with a completed form 3-186A, a similar form provided by the division of wildlife, or by reporting the information through another method authorized by the division of wildlife within five days of capture;

(9) Remove a raptor from the wild for another person. Provided further, when the permit holder is present at capture site, even if the other person captures the bird, the permit holder is considered the person who removes the bird from the wild;

(10) Hold an apprentice class falconry permit and capture a raptor except under the direct supervision of their qualifying sponsor;

(11) Take a haggard bird (a raptor over one year old in the wild), except for the American kestrel (*Falco sparverius*) or great horned owl (*Bubo virginianus*);

(12) Take or disturb for the purpose of falconry the nest of a wild raptor or any young raptor in the wild that is not yet capable of flight except in such situations, and under the direct supervision of a wildlife officer, where the nest otherwise would be destroyed or the raptor would not survive;

(13) Fail to return the raptor capture permit and corresponding marker within the specified time period either in person or by certified mail if no raptor is captured before the permit's expiration.

(B) Raptor propagation.

It shall be unlawful to 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. The chief of the division of wildlife, upon receipt of an application, applicable fees, and after an inspection of the facilities by authorized division of wildlife personnel, may issue a permit authorizing raptor propagation in accordance with 50 C.F.R. 21.85. Commercial and non-commercial raptor propagation permits expire at midnight on the date specified on the permit.

(1) Commercial raptor propagation permit.

A commercial raptor propagation permit may be issued for a period not to exceed three years. The fee is fifty dollars for each year the permit is issued. A commercial raptor propagation permit will authorize the permit holder to propagate, sell, offer for sale, trade, and barter raptors, raptor eggs, and raptor semen produced in captivity.

(2) Non-commercial raptor propagation permit.

A non-commercial raptor propagation permit may be issued for a period not to exceed three years. The fee is twenty-five dollars for each year the permit is issued. 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 the recipient is authorized to possess raptors.

(3) General provisions for raptor propagation.

It shall be unlawful to violate or fail to follow any term or condition of a raptor capture permit, or any of the following provisions:

(a) Raptors held under a propagation permit will 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. Provided further, raptor propagation facilities will meet or exceed federal guidelines unless otherwise approved by the chief of the division of wildlife in writing;



(b) 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;

(c) Persons holding a raptor propagation permit will maintain accurate diurnal records and submit an annual report to the United States fish and wildlife service and the division of wildlife as specified under 50 C.F.R. 21.85 along with any additional information requested by the chief of the division of wildlife prior to January thirty-first of each year;

(d) Each raptor possessed for the purpose of propagation will be banded with a marker that is a seamless metal band;

(e) Each permit holder will 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 the authority of a raptor propagation permit;

(f) All progeny produced under the authority of a raptor propagation permit will be banded with a marker within fourteen days of hatching;

(g) A wild-captured raptor will not be transferred to a propagation permit unless it has been utilized in falconry for a minimum of two years and the transfer is documented by submitting a completed form 3-186A, a similar form provided by the division of wildlife, or by reporting the information through another method authorized by the division of wildlife;

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

(D) 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 will be forfeited to the division of wildlife. Provided further, in addition to any other penalties, no permit will be issued to any person who previously failed to file a report required by this rule or failed to return the permit and marker as required by this rule.



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