

OHIO ADMINISTRATIVE CODE – FALCONRY REGULATIONS

1501:31-37-01 Falconry permit; fees.

(A) It shall be unlawful for a person to engage in falconry without an Ohio falconry permit except as provided in paragraph (C) of this rule. The falconry permit fee shall be seventy-five dollars for a new applicant and twenty-five dollars for each year the permit is issued. Permits may be issued for up to three years. The falconry permit shall expire on the date specified on the permit. Current holders of a valid falconry permit shall renew each permit prior to the expiration date specified on said permit. Permits may be issued for a three-year period, the fee for which shall be twenty-five dollars per year. All the fees for revoked permits shall be forfeited to the division of wildlife. All permit fees shall be forfeited if the applicant fails to meet the permit qualifications in one year. A permit holder may request in writing to the chief of the division of wildlife that the permit be held inactive for the remainder of the permit period. While on inactive status, facilities are not required. A facilities inspection must take place prior to renewing the permit and possessing any raptors. General or master class permit holders who have allowed their permits to expire and general or master class falconers who have relocated from out-of-state may apply for an Ohio falconry permit when evidence of a previous falconry permit is presented and upon payment of the permit fee.

(B) It shall be unlawful for any person to obtain, possess or maintain a raptor for falconry purposes without first having obtained an Ohio falconry permit, except as otherwise provided in this chapter.

(C) It shall be unlawful for any person who is a nonresident to engage in falconry in Ohio unless he possesses an Ohio nonresident hunting license, has proof that he legally possesses the raptor and is legally authorized to engage in falconry. Nonresidents while participating in falconry field trials approved by the division are exempt from the falconry permit and the nonresident hunting license requirements upon providing proof that they are legally authorized to engage in falconry.

(D) Each first time applicant for a permit to practice falconry shall provide to the division of wildlife a completed application. The application must contain the name, address and Federal falconry permit number of a formally designated sponsor who holds a general or master class falconry permit. Sponsors must be an Ohio resident or a resident of an adjacent state. A falconry permit shall not be issued before the applicant has answered correctly at least eighty percent of the questions on a supervised examination provided by the division of wildlife and approved by the U.S. fish and wildlife service. The examination may relate to basic biology, care and handling of raptors, literature, regulations, and other appropriate subject matter. Any person who fails to pass the exam must wait a minimum of six months from the date of the exam before making another application for a permit.

(E) Each applicant for a permit to practice falconry shall submit to the division of wildlife a completed application form provided by the division which shall include, but is not limited to, the number of raptors the applicant possesses at the time the application is submitted and the species, age (if known), sex (if known), date of acquisition, source of each, and federal marker number.

(F) A permit shall not be issued unless the applicant has adequate facilities and equipment, inspected and approved by a representative of the division of wildlife as meeting federal and state regulations.

(G) The applicant shall have both mews and weathering areas which provide protection from the environment, predators and undue disturbance.

(1) The mews shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, all of which are protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(2) The weathering areas shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(H) Equipment of the following nature must be in the possession of the applicant before a falconry permit will be issued:

(1) Jesses – for each bird, at least one pair of jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(2) Leashes and swivels – for each bird, at least one flexible weather-resistant leash and one strong swivel of acceptable falconry design;

(3) Bath container – at least one suitable container, two to six inches deep and with one dimension at least as great as the length of the raptor, for drinking and bathing for each raptor;

(4) Outdoor perches – at least one weathering area perch of an acceptable design shall be provided for each raptor; and

(5) Weighing device – a reliable scale or balance graduated in increments of not more than one half ounce, or the metric equivalent, suitable for weighing the raptor shall be provided.

(I) All housing, equipment and facilities shall be maintained at or above the preceding standards. Failure to correct any deficiencies within forty-eight hours of written notification or two written notifications within a twelve-month period shall result in revocation of the falconry permit for the period of one year.

(J) A person receiving an apprentice class permit shall devote a minimum of one-half hour per day to the care and training of each raptor, except when the bird is placed in the mew or weathering area during its molt.

(K) A daily log shall be maintained by the apprentice class permittee, recording the times devoted to the care and training of each raptor, and their daily weights, except while the bird is being kept in the mew or weathering area during the molt. The log shall be open for inspection by authorized personnel of the division of wildlife during reasonable hours.

(L) All permittee shall submit a falconry report to the division of wildlife by July thirty-first of each year. The report shall contain the following and any other information required on forms prescribed by the chief:

(1) A listing of all raptors in possession on June thirtieth of the year in which the report is filed, by species, marker number, sex, age, and date and where or from whom acquired.

(2) A listing by species of all raptors possessed or acquired since the previous annual report, but no longer possessed, including marker number, sex, age, date and where or from whom acquired, whether escaped, died or released, and when the event occurred.

(3) A record of each wild animal taken by species.

(4) Any other information requested by the division of wildlife.

(M) Falconry permits shall be of three classes, as follows:

(1) Apprentice class

(a) Permittee shall be at least sixteen years old.

(b) A sponsor who is a holder of a general or master falconry permit is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time.

(c) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any twelve — month period.

(d) Permittee shall possess only an American kestrel, *Falco sparverius*, or a red-tailed hawk, *Buteo jamaicensis*.

(2) General class

(a) Permittee shall be at least twenty years old.

(b) Permittee shall have at least two years experience in the practice of falconry in the apprentice class and upon request shall present evidence that a general accepted standard of proficiency in falconry has been achieved.

(c) Permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any twelve-month period.

(d) Permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in state or federal regulations published pursuant to the Endangered Species Act of 1973.

(3) Master class

(a) Permittee shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

(b) Permittee may not possess more than three raptors and may not obtain more than two raptors for replacement birds during any twelve-month period.

(c) Permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing by the division of wildlife and the U.S. fish and wildlife service, and may not take, transport or possess any species listed as endangered in state or federal regulations published pursuant to the Endangered Species Act of 1973 or unless similarly authorized in writing to do so.

(d) Permittee may not take, transport, or possess more than one raptor listed as threatened in federal regulations published pursuant to the Endangered Species Act of 1973, and then only with written approval by the division of wildlife and the U.S. fish and wildlife service.

(e) Permittee may possess and transport captive-bred raptors listed as threatened or endangered in accordance with federal regulations, only with written approval from the division of wildlife.

(N) No raptors may be acquired for falconry purposes unless the person acquiring the raptor first obtains a numbered, non-reusable marker supplied by the U.S. fish and wildlife service from the division of wildlife. This marker must be attached to the raptor immediately upon acquisition. Unused markers are not transferable. Provided further current holders of a falconry permit shall report any new raptor acquired or transferred within five days of the transaction. The report must be on a form 3-186A or form provided by the division of wildlife and include the federal band number and proof the raptor has been legally acquired. All completed forms must be forwarded to the United States fish and wildlife service and the division of wildlife

(O) Any marker, mutilated, stolen, or lost shall be reported in writing within seventy-two hours to the division of wildlife. Markers no longer legible shall be reported in the same manner. The marker must be replaced by a permanent, non-reusable marker supplied by the United States fish and wildlife service or the division of wildlife. Once received, the replacement marker must be attached to the raptor immediately, and a form 3-186A must be provided to the United States fish and wildlife service and the division of wildlife within five days.

(P) It shall be unlawful for any person to alter or deface a marker except that a permittee may remove the rear tab on the marker and may smooth any imperfect surface provided the integrity of the marker and the numbering are not affected. It shall be unlawful to use or possess a counterfeit marker.

(Q) Markers should remain on raptors which die until final disposition of the carcass. Markers shall be removed from raptors which die or are intentionally released into the wild and shall be forwarded to the division of wildlife within five days along with a form 3-186A or a similar form provided by the division of wildlife and include the probable cause of death or the area of the release. Raptors of a species not indigenous to Ohio shall not be released without written authorization from the chief of the division of wildlife. A standard federal bird band shall be attached to all raptors prior to release, whenever possible.

(R) A person possessing a raptor under a falconry permit shall use the raptor for falconry purposes only, except that general and master class falconry permit holders may promote the sport of falconry, including the use of falconry birds held under their permit for not-for-profit educational presentations. Permit holders may not participate in for

profit activities utilizing falconry birds unless otherwise authorized by the chief of the division of wildlife.

(S) No person shall transfer, buy, sell, or barter, or offer for transfer, sale or barter, or transport for transfer, sale or barter a raptor unless otherwise authorized by the chief of the division of wildlife.

(T) A permittee may transport a raptor under his or her permit to another state for falconry purposes without a permit from the division of wildlife.

(U) A raptor held under authority of a falconry permit may be held in temporary facilities or held temporarily by a person other than the permittee, if that person is authorized to possess raptors. The following shall apply.

(1) The period of care shall not exceed thirty days.

(2) The division of wildlife shall be notified in writing prior to the transfer. Notice shall include the location the raptor will be held, who will be caring for the raptor and the approximate duration the raptor will be held at the temporary facility.

(3) All raptors held in temporary facilities shall be provided with an adequate perch and protected from extreme temperature and excessive disturbance, for a period not to exceed thirty days.

(V) Feathers that are molted or those feathers from raptors held in captivity that die, may be retained and exchanged by permittees for imping purposes only.

(W) Live propagated game birds may be used at any time of the year for training purposes in areas designated by the division of wildlife as a dog training area or designated by the falconer on the falconry permit application.

(X) Any species of prey for which the season is not currently open that is accidentally taken must be released if alive. The dead prey shall not be taken from the field, but the raptor can feed upon it. Provided further; starlings, English sparrows, and pigeons, other than homing pigeons, may be taken and possessed and used for the capturing, training, and feeding of raptors. Starlings, English sparrows, and pigeons shall not be sold, traded, or bartered.

(Y) The division of wildlife shall not be liable for damages caused by raptors possessed or used in falconry.

(Z) All raptors possessed by a permittee who becomes physically incapable of performing the requirements in this rule or by a permittee who dies shall be given to the division of wildlife for disposal, except that a falconer may provide in writing any preferred legal disposition of raptors held in possession. Approved dispositions include transfer to another licensed falconer, release back to the wild if wild captured, transfer to a raptor breeding program, transfer to a licensed educational institution or transfer to member of the immediate family of the permittee is in a master or general falconry class Family members shall have priority to receive the permittee's raptors.

(AA) Failure to comply with any provision of this rule may result in revocation of the falconry permit.

(BB) No person who is permitted under authority of this section shall band any raptor with any band issued by the U.S. fish and wildlife service or the division of wildlife unless that raptor was lawfully captured, transferred or possessed by the permittee.

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

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

(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 presented 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 form and 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 in 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 section or failed to return the permit and marker as required by this section.

(B) (A)The permittee may trap, evaluate and immediately release any raptor that has been captured that the permittee believes 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 eight (8) hours of capture, except that raptors captured with life threatening health condition or injuries may be immediately transported unbanded to a licensed rehabilitator for care.

(C) (A)Each person that captures a raptor under authority of a raptor capture permit shall immediately record the date and time of capture at 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 form 3-186A to the division of wildlife within five (5) 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 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 the name, address, and capture permit number of the user attached.

(H) It shall be unlawful for any person to trap a raptor except from August first through December thirty-first of each 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 having in possession the capture permit and 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 permit from the division of wildlife and United States fish and wildlife service.

The chief may, upon receipt of an application in a form prescribed by the chief and after inspection of facilities issue a permit authorizing raptor propagation in accordance with federal regulations. All federal regulations in 50 CFR 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. Nonreleaseable birds 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 CFR 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 raptor 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 is laid by any raptor from each clutch 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 placecountry-regionUnited States fish and wildlife service and/or the division of wildlife.

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

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

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