

## STAFF SUMMARY FOR OCTOBER 19-20, 2016

**28. FALCONRY****Today's Item****Information** **Action** 

Discussion and any updates regarding notice of intent to amend falconry regulations.

**Summary of Previous/Future Actions**

- |                                     |                                |
|-------------------------------------|--------------------------------|
| • Original Notice hearing           | Jun 22-23, 2016; Bakersfield   |
| • Notice hearing                    | Aug 24-25, 2016; Folsom        |
| • <b>Today's Discussion hearing</b> | <b>Oct 19-20, 2016; Eureka</b> |
| • Adoption hearing                  | Dec 7-8, 2016; San Diego       |

**Background**

At the Jun 2016 meeting in Bakersfield, FGC requested five additional changes be considered by DFW for inclusion in an updated ISOR that was presented at the Aug 2016 meeting for a rescheduled Notice hearing:

- Confining inspections to “facilities” instead of “premises”;
- Requiring a reasonable attempt to contact the permittee when conducting inspections;
- Providing more specificity about what documentation is required while in the field;
- Clarifying how violations relate to the timing of permit revocation; and
- Clarifying unauthorized/incidental take of threatened, endangered, candidate, or fully protected species with more specific language.

FGC voted to go to Notice at the Aug meeting and, in lieu of adding additional changes or holding up this rulemaking based on requests from falconers, referred a discussion of new amendments to the WRC for further review.

Following the Notice Hearing, a public notice was filed with the Office of Administrative Law (OAL) on Tuesday, Aug 30, 2016. Two days prior to publication of the notice in the California Notice Registry on Friday, Sep 9, 2016, OAL's reviewing attorney made some recommendations to provide additional detail in some of the necessity statements found in the ISOR; however the recommendations did not affect any of the proposed regulatory text nor are they considered substantive in nature. It was determined that a clarifying necessity statement will be made in an Amended ISOR, which will be provided to all interested and affected parties via a certified 15 – day re-notice following the Oct 2016 discussion hearing.

**Significant Public Comments**

Two email comments from Mark Perez and Bill Murrin indicate concern over the legality of warrantless searches (exhibits 2 and 3). It is unclear if they are responded to reports from the original proposal brought to the Jun meeting, or the noticed language addressing this concern as amended by FGC at the Aug meeting.

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Two email comments from the Sierra Club Placer Group Conservation Commission, Public Interest Coalition, and Randall Cleveland (PEACE Team) supports a strong, enforceable regulation (exhibits 4 and 5).

**Recommendation**

**FGC Staff:** Staff recommends moving forward with an amended ISOR as it relates to providing additional detail for some necessity statements, but does not recommend any further substantive changes to amend language that would require a full re-notice and delay adoption until at least Feb 2017.

**DFW:** N/A

**Exhibits**

1. [ISOR – Received 08/10/16](#)
2. [Email from Mark Perez](#)
3. [Email from Bill Murrin](#)
4. [Email from Marilyn Jasper](#)
5. [Email from Randall Cleveland](#)

**Motion (NA)**



| Current subsection | New subsection | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion  |
|--------------------|----------------|---|
| 670                | 670            | <p>The following minor editorial changes are proposed for clarity and consistency in Title 14 throughout Section 670 where appropriate:</p> <ul style="list-style-type: none"> <li>• Change all subsection titles from ALL CAPITALS to Upper/lower case.</li> <li>• Delete internal subsection references found within the same subsection; replace with “as described (or specified) herein where appropriate.</li> <li>• Change all Department website references to the current web address: <a href="http://wildlife.ca.gov">wildlife.ca.gov</a>.</li> <li>• Number or renumber subsections to separate different provisions for clarity.</li> <li>• Change all references to “regulatory year” to “license year”.</li> <li>• Change all references to “lapsed” licenses to “expired”.</li> <li>• Change all references to “level” to “class”.</li> <li>• Change all references to “consecutive” days to “calendar days” (e.g., 30 calendar days). This change does not conflict with federal falconry regulations, which read “consecutive calendar days”.</li> <li>• Replace most references to “he/she” with “licensee”, and “his/her” with “the licensee’s” (or similar as needed).</li> <li>• Change all references to federal regulations found in Title 50, CFR, Part 21, to “50 CFR 21” for consistency.</li> <li>• The USFWS amended their falconry regulations to allow California falconers to report directly to the Department. Accordingly, remove all references to the federal form 3-186A and electronic reporting, and replace with the Department’s reporting system.</li> </ul> |
|                    | (a)(2)         | <ul style="list-style-type: none"> <li>• Add clause to recognize exceptions required under Fish and Game Code Section 12300, Application of code to California Indians; Limitations and condition.</li> <li>• Add the words “it shall be unlawful” to clarify that possession of a valid license is required while engaged in falconry activities and lack of a license is a citable offense.</li> </ul>  |
|                    | (a)(4)         | <ul style="list-style-type: none"> <li>• At the Commission’s request, add language that specifies the types of documentation falconers are required (according to the activity involved) to carry which include, but are not limited to; <ul style="list-style-type: none"> <li>○ an original valid hunting license when hunting with a raptor;</li> <li>○ permission to hunt on private property;</li> <li>○ permission to fly or hunt with another falconer’s bird(s);</li> <li>○ permission to fly a raptor for rehabilitation purposes; or</li> <li>○ department approved exemption from banding when transporting or flying an un-banded raptor.</li> </ul> </li> </ul>  |

| Current subsection | New subsection | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion  |
|--------------------|----------------|---|
|                    | (a)(5)         | <ul style="list-style-type: none"> <li>• Change the date of the Code of Federal Regulations to the most recent 07/02/2015.</li> <li>• Delete “The department shall make these and the federal regulations available at <a href="http://www.dfg.ca.gov/licensing/">www.dfg.ca.gov/licensing/</a>” since the public is directed to the new website in subsection (a)(6).</li> </ul>   |
|                    | (a)(6)         | <ul style="list-style-type: none"> <li>• Add a statement directing the public to obtain and submit forms to the License and Revenue Branch, or to the Department’s online reporting system.</li> </ul>  |
| (b)                | (b)(7)         | <ul style="list-style-type: none"> <li>• Amend the definition of Falconry by deleting the reference to “free flight.” The word “training” includes free flight and other activities when not in flight.</li> </ul>  |
|                    | (b)(8)         | <ul style="list-style-type: none"> <li>• Amend the definition of “Hacking” which is a method of having the raptor “gain experience and conditioning”</li> </ul>   |
|                    | (b)(10)        | <ul style="list-style-type: none"> <li>• Amend the definition of “Imp” to “Imping” using “another” feather to repair a damaged feather on a bird.</li> </ul>  |
|                    | (b)(12)        | <ul style="list-style-type: none"> <li>• Add definition of “license year” for consistency with other regulations. This replaces the definition of “Regulatory year” in (b)(15).</li> </ul>  |
| (b)(15)            |                | <ul style="list-style-type: none"> <li>• Delete definition of “Regulatory year” and replace with License year (b)(12).</li> </ul>   |
| (c)                | (c)            | <ul style="list-style-type: none"> <li>• When referring to California hunting laws and regulations, change “related to” to “authorizing” for clarity.</li> </ul>  |
| (c)                | (c)(1)         | <ul style="list-style-type: none"> <li>• Add clarity and improve instructions regarding procedures to follow in the event of inadvertent take of species (other than threatened or endangered species);</li> <li>• Add “let it lay” language, meaning that if inadvertent take of species (other than threatened or endangered species) occurs to let the raptor feed on it.</li> <li>• Add language for animals injured as a result of unauthorized take to be taken to rehabilitation facility.</li> </ul>  |
|                    | (c)(2)         | <ul style="list-style-type: none"> <li>• Add the reporting of band or tag numbers (if any) of wildlife taken unintentionally. Important wildlife information is gained through band returns.</li> </ul>   |
| (d)                | (d)            | <ul style="list-style-type: none"> <li>• Clarify that the unauthorized take of threatened and endangered species, candidate species or fully protected species is not covered by a falconry license.</li> <li>• Add “fully protected” species as listed in California.</li> <li>• Delete provisions requiring licensee to ensure that falconry activities do not result in the take or possession of a threatened or endangered wildlife species taken incidentally by a falconry raptor. Threatened and endangered species may not be taken or possessed at any time.</li> </ul> |

| Current subsection | New subsection         | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion   |
|--------------------|------------------------|--|
|                    | (d)                    | <ul style="list-style-type: none"> <li>• Change reporting the take of listed species to License and Revenue Branch rather than to the Department’s regional offices.</li> </ul>  |
| (e)                | (e)(1)(A)              | <ul style="list-style-type: none"> <li>• Add nonresident, or non-US citizen for clarity.</li> </ul>  |
|                    | (e)(1)(B)              | <ul style="list-style-type: none"> <li>• Delete “resident or nonresident” and replace with “licensee” for clarity.</li> <li>• Add “...that has not been expired for more than 5 years” for clarity</li> </ul>  |
|                    | (e)(1)(C)              | <ul style="list-style-type: none"> <li>• Delete “resident” and replace with “licensee”</li> </ul>  |
|                    | (e)(1)(D)              | <ul style="list-style-type: none"> <li>• Delete “...and intends to establish permanent residency in California prior to becoming a resident,” since residency is not a requirement for licensing in California (for example a non-US citizen unlicensed falconer may apply in order to practice falconry); there is no need for this provision.</li> </ul>                                 |
|                    | (e)(2)(A)              | <ul style="list-style-type: none"> <li>• Delete “lapsed license” since it cannot be renewed and must be a new license.</li> <li>• Add reference to the “nonrefundable fee”.</li> </ul>   |
|                    | (e)(2)(B)              | <ul style="list-style-type: none"> <li>• Add language to clarify that an application is renewable when not expired more than 5 years.</li> <li>• Add reference to the “nonrefundable fee.”</li> </ul>  |
| (e)(2)(A)          | (e)(2)(D)              | <ul style="list-style-type: none"> <li>• Clarify that the certification relates to “pending or previous administrative proceedings” that could disqualify the applicant.</li> </ul>  |
| (e)(2)(B)          | (e)(2)(E)              | <ul style="list-style-type: none"> <li>• Clarify that the Department is “reviewing” the documents submitted by the applicant rather than “evaluating”.</li> </ul>  |
| (e)(2)(C)          |                        | <ul style="list-style-type: none"> <li>• Move the applicable nonresident provisions to subsection (e)(5) Nonresidents of California and Non-US Citizens, keeping these related regulations together for clarity.</li> </ul>  |
| (e)(3)             | (e)(3)                 | <ul style="list-style-type: none"> <li>• Add, “Any applicant not possessing a valid falconry license, or required to apply for a new...” for clarity on who needs to take the exam.</li> <li>• Clarify that the exam fee is charged for each examination in order to recover the Department’s reasonable costs.</li> </ul>   |
|                    | (e)(3)(A)<br>2. and 3. | <ul style="list-style-type: none"> <li>• Add language to clarify that nonresident and non-US citizens who have a valid license are exempt from the examination.</li> <li>• Add language for an exception when the applicant is a member of a federally recognized tribe and has a valid falconry license issued from that member’s tribe, in accordance with FGC Section 12300.</li> </ul> |
|                    | (e)(3)(B)              | <ul style="list-style-type: none"> <li>• Add language to clarify the necessity of an inspection of raptor facilities prior to a license being issued to a new falconer applicant.</li> </ul>   |
| (e)(4)             |                        | <ul style="list-style-type: none"> <li>• Clarify that a falconry license is not valid unless renewed annually with the required application form and payment of fees.</li> </ul>   |

| Current subsection | New subsection     | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion   |
|--------------------|--------------------|--|
|                    | (e)(4)(A)-(C)      | <ul style="list-style-type: none"> <li>• Clarify that the practice of falconry is not allowed under an expired license, and what steps need to be taken if the licensee wishes to continue to practice falconry.</li> <li>• Clarify that an expired license is not valid unless renewed.</li> <li>• Provide for renewal of licenses not expired more than 5 years.</li> <li>• Clarify that a license expired more than 5 years may not be renewed but that an application for a new license is required.</li> </ul>  |
|                    | (e)(5)(A)          | <ul style="list-style-type: none"> <li>• Add, “The applicant is a member of a federally recognized tribe and has a valid falconry license issued from that member’s tribe” in accordance with FGC Section 12300.</li> </ul>  |
| (e)(5)(A)          | (e)(5)(B)<br>1.-3. | <ul style="list-style-type: none"> <li>• Delete “fly raptors” and add “practice falconry” to clarify that practicing falconry covers more than just flying a raptor.</li> <li>• Clarify that the authorization to fly a California licensee’s raptor must be signed and dated and in possession.</li> <li>• Clarify that the facilities of nonresident or non-U.S. citizen falconers are temporary but must still meet the housing standards in California regulations, or nonresident or non-U.S. citizen may house raptors held under their license with a California licensee.</li> </ul> |
|                    | (e)(5)(C)          | <ul style="list-style-type: none"> <li>• Add provisions to clarify that a non-resident, or non-US citizen, or tribally licensed falconer, seeking a California license, must submit proof of valid license and have their raptor facilities inspected to obtain a California license.</li> </ul>   |
|                    | (e)(5)(D)          | <ul style="list-style-type: none"> <li>• Add provisions to clarify that a non-resident or non-US citizen, or tribal member falconer without a valid license must apply as a new applicant, pass the examination, and have their raptor facilities inspected to obtain a California license.</li> </ul>   |
| (e)(6)             | (e)(6)             | <ul style="list-style-type: none"> <li>• Clarify that the Department has ‘sole discretion’ to establish the class for a falconer.</li> </ul>   |
|                    | (e)(6)(A)3.        | <ul style="list-style-type: none"> <li>• Clarify the necessity of maintaining a continuous sponsorship of an apprentice, and what period of time will be counted toward a total of 2 years sponsorship.</li> </ul>   |
|                    | (e)(6)(A)4.        | <ul style="list-style-type: none"> <li>• Add, “The Apprentice may take raptors less than 1 year old, except nestlings.” This language is the same as provided in 50 CFR 21.29(c)(2)(i)(E) limiting what can be permitted in California.</li> <li>• Add that an apprentice must maintain proof of legal acquisition.</li> </ul>   |
|                    | (e)(6)(A)6.        | <ul style="list-style-type: none"> <li>• Clarify that it is the responsibility of the sponsor to certify that the minimum requirements have been met by the apprentice.</li> </ul>   |

| Current subsection | New subsection | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion  |
|--------------------|----------------|---|
|                    | (e)(6)(B)2.    | <ul style="list-style-type: none"> <li>• Specify that the General class falconer must maintain proper documentation of legal acquisition of birds, whether from California or elsewhere.</li> <li>• Delete the portion of the provision regarding “threatened and endangered species, and eagles”. This portion is repetitive of the provisions set forth in subsection (d) which clearly provide that take of threatened and endangered species is unlawful, and is repetitive of the provisions set forth in subsection (e)(6)(C)2. which clearly provide that Master Falconers may possess eagles.</li> </ul>    |
|                    | (e)(6)(C)1.    | <ul style="list-style-type: none"> <li>• Specify that the Master class falconer must maintain proper documentation of legal acquisition of birds, whether from California or elsewhere.</li> <li>• Delete the portion of the provision regarding “threatened and endangered species, and eagles”. This portion is repetitive of the provisions set forth in subsection (d) which clearly provide that take of threatened and endangered species is unlawful, and is repetitive of the provisions set forth in subsection (e)(6)(C)2. which clearly provide that Master Falconers may possess eagles.</li> </ul>     |
|                    | (e)(6)(C)2.    | <ul style="list-style-type: none"> <li>• Add language specifying that proof of legal acquisition of eagles is required.</li> <li>• Clarify that eagles shall not be taken from the wild and may only be obtained from a permitted source. Eagles in the wild are fully protected in California and therefore can only be obtained from a permitted source.</li> <li>• Add language to allow temporary transfer of eagles from a rehabilitation facility to a licensee to assist in rehabilitation.</li> <li>• Add clarification for documentation of the Master Falconer’s prior experience with eagles.</li> </ul> |
| (e)(7)             | (e)(7)(B)      | <ul style="list-style-type: none"> <li>• Clarify that the exam fee must be paid each time the applicant takes the examination.</li> </ul>   |
|                    | (e)(7)(C)2.    | <ul style="list-style-type: none"> <li>• Add language to clarify that a new inspection is not required if the facilities shared by multiple falconers have passed a previous inspection.</li> </ul>   |
|                    | (e)(7)(E)      | <ul style="list-style-type: none"> <li>• Clarify that the administrative processing fee is charged only when the falconer requests that the Department enter the Resident Falconer Raptor Capture, Recapture and Release Report form into the online reporting system.</li> </ul>   |
|                    | (e)(7)(F)-(G)  | <ul style="list-style-type: none"> <li>• Delete subsections concerning the Raptor Capture Drawing, and consolidate in a new subsection (g)(8) for clarity.</li> </ul>   |
|                    | (e)(8)(D)      | <ul style="list-style-type: none"> <li>• Clarify that notification to the Department is required to be in writing.</li> </ul>   |

| Current subsection | New subsection | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion   |
|--------------------|----------------|--|
|                    | (e)(9)         | <ul style="list-style-type: none"> <li>• Add “the Fish and Game Code” to allow for suspension or revocation based on violations of FGC sections pertaining to raptors.</li> <li>• At the request of the Commission, add examples regarding what types of violations would result in immediate revocation including: <ul style="list-style-type: none"> <li>○ if the violations pertain to conduct that threatens native wildlife,</li> <li>○ agricultural interests of this state,</li> <li>○ the welfare of the birds,</li> <li>○ the safety of the public, and</li> <li>○ prior conviction or suspension.</li> </ul> </li> <li>• Change “pursuant to” to “as described herein” for consistency.</li> </ul> |
|                    | (e)(11)        | <ul style="list-style-type: none"> <li>• Add “30 calendar days” to clarify the last day for an appeal.</li> </ul>  |
|                    | (e)(12)        | <ul style="list-style-type: none"> <li>• Delete “after the expiration of the license.” The purpose of record retention was to have a 5-year retention maximum, not until after the license has expired.</li> </ul>   |
|                    | (e)(13)        | <ul style="list-style-type: none"> <li>• Change five “calendar” days to “business” days consistent with state offices being open.</li> </ul>   |
| (f)                | (f)(1)-(3)     | <ul style="list-style-type: none"> <li>• Change the reference from federal reporting forms to the Department’s online reporting system. The requirements for each submittal are the same and the Administrative Processing Fee will be charged in the same way.</li> <li>• Add language to require that the inadvertent take of non-target wildlife be reported on the Hunting Take Report.</li> <li>• Clarify that the inadvertent take of non-target wildlife is required to be reported as set forth in subsections (c) and (d).</li> </ul>   |
| (g)                | (g)(1)         | <ul style="list-style-type: none"> <li>• Revise to lower case “resident”.</li> </ul>   |
|                    | (g)(2)         | <ul style="list-style-type: none"> <li>• Revise to lower case “nonresident”.</li> <li>• Delete text related to the requirements for a license since this has already been described.</li> </ul>  |
|                    | (g)(3)         | <ul style="list-style-type: none"> <li>• Add a provision which specifies that non-U.S. citizens are not eligible to capture any California wild raptor.</li> </ul>   |
| (g)(7)(A)          | (g)(8)(A)      | <ul style="list-style-type: none"> <li>• Clarify that there is no limit on capturing Northern Goshawk outside of the Tahoe Basin.</li> </ul>   |
| (g)(7)(K)          | (g)(9)         | <ul style="list-style-type: none"> <li>• Renumber subsection (g)(7)(K)1.-10. to (g)(9)(A)-(J) to separate the Special Raptor Capture Random Drawing requirements to its own subsection.</li> <li>• Clarify that the random drawing is to distribute permits for those species with quotas as provided in (g)(8).</li> <li>• Revise to lower case “resident” and “nonresident”.</li> </ul>  |
|                    | (g)(9)(C)      | <ul style="list-style-type: none"> <li>• Clarify where licensee is to apply for drawing, and that a fee is required for each application.</li> </ul>   |

| Current subsection | New subsection | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion  |
|--------------------|----------------|---|
|                    | (g)(9)(D)      | <ul style="list-style-type: none"> <li>• Change the “midnight” deadline to “11:59 pm” for clarity</li> <li>• Change the application deadline to May 15, closer to the actual draw date as a convenience to the participants.</li> <li>• Delete “Incomplete, late ... shall not be included in the Drawing,” because the drawing will be held based on the electronic filing of the applicants, which cannot be completed until the information is correctly submitted.</li> </ul>   |
|                    | (g)(9)(E)      | <ul style="list-style-type: none"> <li>• Add a description of the random draw and award method by computer.</li> </ul>  |
|                    | (g)(9)(F)      | <ul style="list-style-type: none"> <li>• Change notification process to exclude mailed notification because both the entry and notice are only available online.</li> <li>• Delete notification to unsuccessful applicants because the entry and notification are only available online.</li> <li>• Change deadline for permit payment to June 30, the last day of the license year.</li> <li>• Delete date associated with permit awards to alternates, if any are available, they will be awarded in the order selected in the random drawing.</li> </ul> |
|                    | (g)(9)(I)      | <ul style="list-style-type: none"> <li>• Clarify that when the permit holder is unsuccessful, the permit is to be returned to the License and Revenue Branch with 10 days of the expiration of the permit.</li> </ul>   |
| (g)(8)             | (g)(10)(A)     | <ul style="list-style-type: none"> <li>• Clarify that any owner (not only a researcher) of a transmitter should be contacted.</li> </ul>  |
| (g)(11)            | (g)(13)        | <ul style="list-style-type: none"> <li>• Clarify that the written permission of the private property owner is to be the original with signature.</li> </ul>   |
| (h)(2)(A)          | (h)(2)(A)      | <ul style="list-style-type: none"> <li>• Clarify that a licensed falconer may temporarily possess and fly a raptor if they possess the appropriate class to do so.</li> </ul>   |
| (h)(3)             |                | <ul style="list-style-type: none"> <li>• Delete subsection (h)(3). The permanent disposition of wildlife, including birds, from a rehabilitation facility is set forth in Section 679, Possession of Wildlife and Wildlife Rehabilitation.</li> </ul>   |
| (h)(4)             | (h)(3)         | <ul style="list-style-type: none"> <li>• Clarify that falconers are permitted to have temporary possession, while caring for an injured raptor.</li> </ul>  |
|                    | (h)(3)(A)      | <ul style="list-style-type: none"> <li>• Clarify that the terms of the transfer are at the discretion of the rehabilitator to ensure necessary care of the raptor</li> <li>• Clarify that licensee must have legible documentation of assisting a rehabilitator while flying the raptor.</li> </ul>   |
|                    | (h)(3)(B)      | <ul style="list-style-type: none"> <li>• Delete provision that a rehabilitator can permanently transfer a raptor to licensee.</li> <li>• Add that the Department can make a determination for extended care of the raptor by a licensee.</li> </ul>   |
| (h)(5)             | (h)(4)         | <ul style="list-style-type: none"> <li>• Clarify that the importation of raptors by nonresidents or non-U.S. citizens may require additional federal permits.</li> </ul>  |

| <b>Current subsection</b> | <b>New subsection</b> | <b>Reason for the Proposed Amendment Revision, Addition, or Deletion</b>  |
|---------------------------|-----------------------|---|
| (h)(6)                    | (h)(5)(B)             | <ul style="list-style-type: none"> <li>• Add “metal” to designate band type.</li> </ul>   |
|                           | (h)(5)(C)             | <ul style="list-style-type: none"> <li>• Delete authorization to allow any release of non-native raptors.</li> </ul>  |
|                           | (h)(5)(D)             | <ul style="list-style-type: none"> <li>• Add language prohibiting the release of barred owl in California (reason is due to conflicts with native spotted owls).</li> <li>• Add LRB as point of contact, with Wildlife Branch as responsible for disposition of barred owls.</li> </ul>   |
| (h)(7)                    | (h)(6)                | <ul style="list-style-type: none"> <li>• Add “or fully protected” according to California designation.</li> </ul>   |
| (h)(9)                    | (h)(8)                | <ul style="list-style-type: none"> <li>• Add “of any other raptor species” to clarify that following provisions regarding carcasses are for raptors other than eagles.</li> </ul>   |
|                           | (h)(8)(A)             | <ul style="list-style-type: none"> <li>• Add LRB as point of contact, with Wildlife Branch as responsible for disposition of any bird carcass to be delivered to the Department.</li> <li>• Revise for clarification the delivery of raptor carcasses to the Department.</li> </ul>   |
|                           | (h)(8)(E)             | <ul style="list-style-type: none"> <li>• Delete (D) and re-write as (E).</li> <li>• Revise provisions regarding taxidermy, that only the licensee may possess the mounted bird.</li> <li>• Upon expiration of the license or the death of the licensee, the mounted bird must be returned to the Department.</li> <li>• Add LRB as point of contact, with Wildlife Branch as responsible for disposition of the mount.</li> </ul>                             |
| (h)(10)(A)2.              | (h)(9)(A)2.           | <ul style="list-style-type: none"> <li>• Add LRB as a point of contact, and clarify that the disposition of a recaptured and unwanted bird will be determined by Wildlife Branch.</li> </ul>  |
| (h)(12)                   | (h)(11)               | <ul style="list-style-type: none"> <li>• Clarify the type of band as seamless “metal” bands.</li> <li>• Delete “licensed falconers” and add “persons or entities” to clarify that there are other types of permittees who can legally possess raptors.</li> </ul>   |
| (h)(14)                   | (h)(13)(B)            | <ul style="list-style-type: none"> <li>• Transfer of raptors to a federal Propagation Permit shall be reported on the falconer’s report to the Department.</li> </ul>   |
| (i)(1)                    | (i)(1)                | <ul style="list-style-type: none"> <li>• Clarify that a goshawk captured in the wild in California be banded with a permanent, nonreusable, numbered USFWS leg band.</li> <li>• Add language to clarify that peregrine, gyrfalcon or Harris’s hawk (not allowed for wild capture in California) that are legally acquired and imported into California also get a permanent, nonreusable, numbered USFWS leg band if they do not already have one.</li> </ul> |
| (i)(1)(A)                 | (i)(1)(A)             | <ul style="list-style-type: none"> <li>• Revise to designate that LRB distribute “new or replacement permanent, nonreusable, numbered USFWS leg” bands which shall report banding data to the USFWS.</li> </ul>   |
| (i)(2)                    |                       | <ul style="list-style-type: none"> <li>• Delete subsection regarding lost or removed bands here, and incorporate into other subsections.</li> </ul>   |

| Current subsection | New subsection | Reason for the Proposed Amendment<br>Revision, Addition, or Deletion   |
|--------------------|----------------|--|
|                    | (i)(2)         | <ul style="list-style-type: none"> <li>• Add provision that captive bred raptors listed under MBTA need a seamless metal band. Added to comply with federal regulations.</li> </ul>  |
| (i)(3)             |                | <ul style="list-style-type: none"> <li>• Delete subsection regarding rebanding here, and incorporate into other subsections.</li> </ul>  |
|                    | (i)(3)-(4)     | <ul style="list-style-type: none"> <li>• Add language to include lost or removed bands and rebanding provisions. Revision was made to mirror the federal regulation that allows the falconer to remove and reband birds under certain circumstances.</li> </ul>  |
| (j)(1)(C)          | (j)(1)(C)      | <ul style="list-style-type: none"> <li>• Revise to allow supervision of raptors by non-licensed falconers (e.g. spouse, family member, etc.) while the raptor is outside.</li> <li>• Specify a minimum age of 12 which is the same minimum age for an apprentice class.</li> </ul>   |
| (j)(1)(E)          | (j)(1)(E)      | <ul style="list-style-type: none"> <li>• Clarify the requirement for an inspection of raptor facilities and associated fees for facilities moved to a new location.</li> </ul>   |
| (j)(3)             | (j)(3)         | <ul style="list-style-type: none"> <li>• Clarify that new applicants and applicants renewing a license that has been expired more than 5 years, are required to have their facilities inspected.</li> </ul>  |
|                    | (j)(3)(A)      | <ul style="list-style-type: none"> <li>• At the Commission’s request, delete the word “premises” and add “facilities” clarifying that inspections are applicable to the raptor “facilities” as described in this subsection.</li> <li>• At the Commission’s request, add language that the Department will make a reasonable attempt to contact licensee prior to conducting the inspection. (Note: it is the responsibility of the licensee to assure that the department’s contact information is current.)</li> </ul> |
| (j)(3)(B)          | (j)(3)(B)      | <ul style="list-style-type: none"> <li>• Clarify that an original signature of the property owner on the permission letter is required if the raptor facilities are located on property not owned by the licensee.</li> </ul>  |

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections: 200, 202, 203, 355, 356, 395, 396, 398, 710.5, 710.7, 713, 1050, 1054, 1530, 1583, 1802, 3007, 3031, 3039, 3503, 3503.5, 3511, 3513, 3800, 3801.6, 3950, 4150, and 10500, Fish and Game Code.

Reference: Sections: 395, 396, 713, 1050, 3007, 3031, 3503, 3503.5, 3511, 3513, and 3801.6 Fish and Game Code. Title 50, Code of Federal Regulations, Parts 21.29 and 21.30, and California Penal Code Section 597.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change: None.

(e) Public Discussions of Proposed Regulations Prior to Notice publication: None.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

##### (a) Alternatives to Regulation Change:

During and since the previous update of the falconry regulations in 2013, the public and licensed falconers provided recommendations for amendments to the regulations. Those recommendations that were accepted are enumerated in the ISOR. Some alternatives were rejected for the following reasons (subsection citations are to the revised numbering of the amended text):

- §670(a)(2): A valid original hunting license and falconry license are the only documents required to practice falconry. If other documents are required, they should be specified by the Department.  
Rejected: Other documentation that may be required is noted throughout the regulation, for example, permission to fly on private land, documentation that falconer is assisting in rehabilitation, permission to fly another falconer's bird, etc.
- §670(b)(12) Establish a three year license to replace the current single year license.  
Rejected: Hunting regulations are set by the license year, which is the 12 month period starting July 1 and ending the following June 30, and is the same as the falconry license term, or federal regulatory year. All licenses, tags, reporting requirements, and permits issued by the Department are established for a period of one year.
- §670(b)(13): Definition for "non-native raptor" should include hybrid raptors.  
Rejected: The Department does not consider hybrids as non-native in all cases.
- §670(d): Falconers cannot "ensure" that their raptors will not "take state or federally listed threatened, endangered, or candidate wildlife, or wildlife designated as fully protected within the State of California." The Department should provide some relief from this no-take provision.  
Rejected: The new California falconry regulations closely follow the requirements of the Federal Regulations with respect to the "no-take" rule. The falconer is instructed in the Federal regulations to identify the location of protected species and avoid flying the raptor in that location. In the event that unintended take occurs, both regulations provide that the falconer immediately report the take to appropriate federal and state authorities.
- §670(e)(1)(D): Include ability for a non-US citizen to use "equivalent experience" in place of a current license when seeking a California license.  
Rejected: All that is required to obtain a California falconry license is passing the falconry examination which demonstrates basic knowledge. Other documentation may be used to demonstrate the class level of the licensee with discretionary approval of the Department.
- §670(e)(4): Include some exemption for practicing falconry with an expired license in case the Department is late processing.  
Rejected: The Department has not been tardy issuing licenses since administering the program.

- §670(e)(4): Add provision for Department to collect back fees if the individual continues to practice falconry without a license.  
Rejected: The penalties for illegally practicing falconry without a license (as with hunting, fishing, etc.) are sufficient.
- §670(e)(5): Change to read, “A nonresident licensed falconer or non-U.S. citizen licensed falconer may ‘transport their legally held raptors to’ temporarily practice falconry in California for up to 120 calendar days without being required to obtain a California falconry license.”  
Rejected: The insertion of “transport their legally held raptors to” will not change or clarify the current provision.
- §670(e)(6): Strike “at its sole discretion”. If a falconer meets the requirements and qualifications for the class described in these regulations the licensee should be granted a license for that class.  
Rejected: The Department now has oversight of the falconry program in California, and has the sole authority to determine if a falconer meets the specified requirements for any falconry class.
- §670(e)(6)(A)2: Consider additional oversight of apprentice program.  
Rejected: The current oversight of the apprentice program mirrors that of the federal regulations. No evidence that additional oversight is needed.
- §670(e)(6)(A)4: Change to read, “An Apprentice falconer may only capture from the wild or possess a passage red-tailed hawk or an American kestrel of any age.”  
Rejected: 50 CFR 21.29(c)(2)(i)(E) states that the apprentice “may take raptors less than 1 year old, except nestlings.” This same language is proposed as an addition to this subsection.
- §670(e)(6)(A)(4),(B)(2) and (C)(1): In each subsection for Apprentice, General and Master class, it says, “Apprentice/General/Master falconer must maintain written proof of legal acquisition.” This is redundant. It is elsewhere stated that all falconers must report disposition of falconry raptors to the Department in a timely manner.  
Rejected. The Department is requiring written documentation of legal acquisition to be on-hand so the origin of all birds may be determined. When asked by law enforcement they must produce a paper record.
- §670(e)(6)(B): The possession limits of raptors should be reduced, an experienced falconer can handle two birds, three at most.  
Rejected. Language in state regulations is consistent with federal regulations. There is no evidence that more raptors in possession equates to reduced care. The Department will retain existing language.
- §670(e)(6)(C)2.i.: Falconers wanted to add “. . . captured from the wild in California pursuant to Fish and Game Code 3511, but . . .”  
Rejected. Section 3511(a)(1) FGC also states “No provision of this code or any other law shall be construed to authorize the issuance of a permit or license to take a fully protected bird.” The insertion of the reference to FGC 3511 in the regulation would be repetitive and is presently cited in Authority and Reference.

- §670(e)(6)(C)2.ii.: Delete the portion of the provision regarding “eagles ... transferred from a rehabilitation facility” thus allowing Master falconer possession of a rehabilitated eagle.  
Rejected: Possession of eagles with specified origins (not caught from the wild in California), from a permitted source, and with proof of legal acquisition, is clearly stated in subsections (e)(6)(C)2. i.-iii. A Master falconer may possess any eagle (except bald eagles) within those qualifications. Section 679 further provides for the permanent disposition from rehabilitation facilities of wildlife including birds.
- §670(e)(8)(B): Delete failure to comply with city and local ordinances as a reason for denial of a new or renewal license.  
Rejected: Allowing denials, revocations or suspensions based on a violation of a city or county ordinance that constitutes a violation of the Fish and Game Code, regulations related to raptors in Title 14, or Penal Code Section 597, protects birds and the public by preventing persons who have not followed such ordinances from holding a Department-issued license.
- §670(e)(9): The falconers disagree with the penalties for violation and propose that they should be more in line with the hunting regulations section that deals with license suspension and revocation.  
Rejected. The Department does not support a change to these provisions, which are uniquely tied to the falconry license and the possession of living raptors.
- §670(g): Proposed that trapping raptors at any time of the year needs to be re-examined; that some species may breed when less than one year old, while still in their juvenile plumage; it is possible that someone might legally trap a juvenile hawk that in fact has a nest with eggs or young, unbeknownst to the trapper. In contrast, another commenter supported year-round take of raptors.  
Rejected. The environmental review did not indicate there was an issue with take of wild raptors for use in falconry. Current regulations restrict age and number of young taken from a nest. Other restrictions are also instituted, such as limitations on the number of goshawks in the Tahoe Basin, limitations on the number of prairie falcons statewide, and seasonal restrictions for merlin. Therefore, the current language will be retained.
- §670(g)(7): Suggested that the Department add ferruginous hawk to the list of allowed species.  
Rejected. Due to species decline as described in the Final Environmental Document (FED) using best available population/trend data, the ferruginous hawk was taken off the list of allowed raptors. There is no new data to indicate a change from the conclusions of the FED.
- §670(g)(7)(A): Suggested removing the limit on Northern Goshawk in the Tahoe Basin.  
Rejected. Analysis in FED was based on best available population/trend data. There is no change in knowledge from when the FED was completed.
- §670(g)(7)(H): Suggested removing statewide limit on prairie falcon.  
Rejected. Analysis in FED was based on best available population/trend data. There is no change in knowledge from when the FED was completed.

- §670(g)(7)(K): Falconers suggested that the dates and terms of the Special Capture Drawing and Permit appear to exclude spring captures and should be changed.  
Rejected. A permit to obtain a raptor with quota is issued in July and will be valid for one year, including the following spring. However, new drawing dates move the drawing closer to the issuance of the special permit in June.
- §670(h)(3): Falconers want to be able to obtain healthy rehabilitated raptors from rehabilitation facilities.  
Rejected. This entire subsection is removed because it is inconsistent with other regulations in Title 14. Subsection 679(f)(4), Title 14, states: “ If any *[rehabilitated]* animal cannot be released, it shall be transferred to a zoological garden, museum, college, university, or other education/research institution or wildlife exhibitor.” The current provision does not include falconers.
- §670(h)(4): Notification of importation of a raptor into California is excessive.  
Rejected: These California provisions mirror those found in the federal regulations 50 CFR 21.29, 14 (ii)(A) through (E).
- §670(h)(9)(D): Falconers want to modify the limitations on possession of birds to say, “Possession of the mounted raptor will not count against the possession limit of the falconer.”  
Rejected. The clarification is unnecessary, the Department has not and will not count dead birds as a part of the possession limit described in regulation “for falconry purposes.” The possession of a carcass, parts, or a mounted bird is permitted by a falconer provided that the license is not expired. After expiration, or upon the death of the falconer, the mounted bird must be returned to the Department for disposition. No other person may possess the mount.
- §670(h)(13)(C): Apprentice falconers should be able to work as sub-permittee for abatement activities.  
Rejected: Although a change to federal abatement regulations is proposed with the USFWS, nothing has been approved.
- §670(i): Consider specialized banding of all falconry raptors.  
Rejected: Though the Department considers this a worthy consideration, this is outside of scope of this regulatory rulemaking.
- Address option of requiring a signed-off validation by agency staff (CDFW, U.S. Fish and Wildlife Service) as part of reporting take in the future, similar to the process for completing deer tags.  
Rejected: Outside of scope of this regulatory rulemaking.
- Address the option for allowing depredating raptors (those captured under federal Migratory Bird Treaty Act depredation permits) to be placed with falconers.
- Rejected: Outside of scope of this regulatory rulemaking.

(b) No Change Alternative:

The falconry regulations were last amended in 2013 to conform to federal guidelines which required states to adopt their own rules governing the sport. At

that time it was understood by the Commission, falconers, and the public that the new California regulations would need updating and amending. The “No Change” alternative would not update the regulations and would not meet this expectation.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment. Therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action have been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations amend the existing rules for the sport of falconry, primarily for recreational purposes.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses; and no benefits to the health and welfare of California residents, or to worker safety or to the state’s environment. The proposed regulations affect a limited number of falconers in California and therefore are unlikely to create or eliminate jobs, or result in the expansion or elimination of existing businesses.

(c) Cost Impacts on a Representative Private Person or Business:

The proposed amendments do not impose any additional fees or costs to private persons involved in the sport of falconry.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None
- (h) Effect on Housing Costs: None

## VII. Economic Impact Assessment

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The cumulative effects of the changes statewide are expected to be neutral with regard to the creation or elimination of jobs within the State.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The cumulative effects of the changes statewide are expected to be neutral with regard to the creation of new businesses or the elimination of existing businesses within the State.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The cumulative effects of the changes statewide are expected to be neutral with regard to expansion of businesses currently doing business within the State.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The cumulative effects of the changes statewide are expected to be neutral with regard to the health and welfare of California residents.

- (e) Benefits of the Regulation to Worker Safety:

The proposed regulations do not address and will not affect worker safety.

- (f) Benefits of the Regulation to the State's Environment:

The cumulative effects of the changes statewide are expected to be neutral with regard to the state's environment.

- (g) Other Benefits of the Regulation:

The Commission anticipates benefits to licensed falconers in the current practice of the sport in California through clarified regulations.



## Informative Digest/Policy Statement Overview

Amend Sections 670, Falconry, Title 14, California Code of Regulations (CCR).

The falconry regulations were last amended in 2013 to conform to federal guidelines which required states to adopt their own rules governing the sport. At that time it was understood by the Commission, falconers, and the public that the new California regulations would require updating and amendment to bring the regulations more in line with the current practice of falconry in California.

Numerous minor edits, renumbering, and clarifying changes are proposed; the more substantive changes include:

- Revising language to be more consistent with regulatory language standards (e.g., using lower-case for all headers, renumbering subsections, appropriate references for websites, replacing “regulatory year” with “license year,” reference to expired licenses, references to federal regulations).
- Allowing falconers to complete reports using the Department’s online reporting system found on the Department website at [wildlife.ca.gov](http://wildlife.ca.gov). Accordingly, no reporting to the USFWS is required and all references to the federal form 3-186A are removed.
- Clarifying what documentation is required to be carried when engaged in falconry activities.
- Amending the definitions (e.g., falconry, hacking, imping) to more accurately represent the activity.
- Improving instructions to falconers for procedures to avoid take of unauthorized wildlife and instructions to follow in the event that inadvertent take does occur, including fully protected species, and adopting “let it lay” language for non-protected species (meaning that if take occurs to let the raptor feed on the prey) and reporting requirements.
- Clarifying that a falconry license does not authorize the take of threatened or endangered species, candidate species or fully protected species.
- Clarifying licensee application procedures for resident, nonresident, tribal, and non-US citizen falconers.
- Adding language specifying that a tribal member with a valid falconry license issued from that member’s tribe will be treated in the same manner as a nonresident licensed falconer.
- Clarifying that a tribal member that does not have a license must apply for a California license to practice falconry outside the jurisdiction of the tribe.
- Clarifying that the exam fee is charged for each multiple examination to recover the Department’s reasonable costs.
- Adding an exam exemption for new resident falconers with a valid out-of-state falconry license.
- Clarifying when inspections are needed.
- Clarifying what is allowed and not allowed under an expired license, and what steps must be taken if a licensee wishes to continue to practice falconry.

- Adding terms for renewal, at the Department's discretion, of a license where the licensee has been unlawfully in active practice without annual renewal and the payment of fees.
- Revising suspension and revocation clause to be more specific to the types of violations that would result in immediate action.
- Regarding written authorization required for certain activities, adding specifications that the authorization must be signed and dated with original signature.
- Identifying License and Revenue Branch as the point of contact for certain determinations, with the actual determination being made by Wildlife Branch in some instances.
- Clarifying the necessity of maintaining a continuous sponsorship of an apprentice; what period of time will be counted toward a total of 2 years sponsorship; and sponsor responsibility to assure that minimum qualifications have been met.
- Clarifying that falconers must maintain proper documentation of legal acquisition of birds and records retention is for 5 years only.
- Clarifying that take of northern goshawk outside of the Tahoe Basin does not have a limit.
- Adding language that identifies no need for a new inspection if the facilities shared by multiple falconers have passed a previous inspection.
- Clarifying when the administrative fee applies.
- Revising specifications for applying for the raptor capture drawing and obtaining a permit, including revision of deadline dates and times.
- Allowing falconers to remove bands or reband raptors under certain circumstances, if needed.
- Adding specific language allowing family members to watch raptors outside, but only if a specific age.
- Deleting the existing provision in 670 that raptors may be permanently transferred to a falconer from rehabilitation facilities. Section 679 provides for the permanent disposition from rehabilitation facilities of wildlife including birds.
- Clarifying that falconers may temporarily possess raptors from rehabilitation facilities for the purpose of conditioning for release back in to the wild.
- Adding text to clarify that non-native raptors or barred owls may not be released into the wild.
- Revising text regarding process and limitations for mounting raptor carcasses.
- Clarifying that unannounced inspections are applicable to falconry facilities.
- Revising language so that the Department will make a reasonable attempt to contact the licensee prior to conducting inspections.

#### BENEFITS OF THE PROPOSED ACTION:

The Commission anticipates benefits to licensed falconers in the current practice of the sport in California through clarified regulations.

#### EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the practice of falconry. No other State agency has the authority to promulgate such regulations. The Commission has searched the CCR for any regulations regarding falconry and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.



## Regulatory Text

Section 670 is hereby amended to read:

### **§ 670. Practice of Falconry.**

(a) ~~GENERAL PROVISIONS~~ General Provisions.

(1) ~~Any person who wants to engage in falconry activities shall first apply for and be issued an annual falconry license from the department. While engaged in falconry, a resident, nonresident or non-U.S. citizen shall carry an original permit, and all additional documentation or legible copies thereof, that authorize him or her to practice falconry in California.~~

(2) Except as provided in Section 12300, Fish and Game Code, it shall be unlawful for any person to engage in falconry in California unless they have in their possession a valid original falconry license.

(3) ~~Falconry activities shall be as provided by the Fish and Game Code and regulations provided herein.~~

(4) While engaged in a falconry activity the licensee shall have in his/her possession the document(s) required for that activity as set forth herein: an original valid hunting license and required stamps, such as an upland game or state duck stamp along with a Federal migratory-bird hunting and conservation stamp, when hunting with a raptor; permission to hunt on private property; permission to fly or hunt with another falconer's bird(s); permission to fly a raptor for rehabilitation purposes; a nuisance bird abatement permit; or, department approved exemption from banding when transporting or flying an un-banded raptor.

(5) Applicable regulations adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act (MBTA) and published in Title 50, Code of Federal Regulations, (CFR), Part 21 (Revised 11/05/2012) (Revised 07/02/2015), hereinafter referred to as 50 CFR 21, are hereby incorporated and made a part of these regulations. The department shall make these and the federal regulations available at [www.dfg.ca.gov/licensing/](http://www.dfg.ca.gov/licensing/).

(6) Falconry applications and records as required by this section shall be kept on forms provided by the department and submitted to the department's License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834; or, submitted to the department's online reporting system website at [wildlife.ca.gov](http://wildlife.ca.gov).

(b) ~~FALCONRY DEFINITIONS~~ Definitions. For purposes of this section, the following definitions apply:

(1) "Abatement" is the use of trained raptors to reduce human/wildlife conflicts.

(2) "Captive-bred raptor" means the progeny of a mating of raptors in captivity, or progeny produced through artificial insemination.

(3) "Capture" means to trap or capture or attempt to trap or capture a raptor from the wild.

(4) "Eagles" includes golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), and Steller's sea-eagle (*Haliaeetus pelagicus*).

(5) "Exotic raptor" is a raptor that has no subspecies occurring naturally in the wild in the United States and is not covered under the MBTA.

(6) "Eyas raptor" or "nestling" is a young raptor not yet capable of flight.

- (7) "Falconry" means the possession, housing, trapping, transport, and use of raptors for the purpose of hunting or ~~free flight~~ training.
- (8) "Hacking" is the temporary or permanent release of a raptor held for falconry to the wild so that it may ~~survive on its own~~ gain experience and conditioning.
- (9) "Hybrid raptor" means offspring of raptors of two or more distinct species listed in Title 50, CFR, Section 10.13.
- (10) ~~"Imp"~~ "Imping" is to cut a broken or damaged feather and replace or repair it with ~~an undamaged another~~ feather.
- (11) "Imprint" means a raptor that is hand-raised in isolation from the sight of other raptors from two weeks of age until it has fledged. An imprinted raptor is considered to be so for its entire lifetime.
- (12) "License year" is the 12-month period starting July 1 and ending the following June 30, and is the same as the term "regulatory year" for determining possession and take of raptors for falconry as defined in 50 CFR 21.
- ~~(12)-(13)~~ "Non-native raptor" is any raptor that does not naturally occur in the state of California.
- ~~(13)-(14)~~ "Passage raptor" is a juvenile raptor less than one year old that is capable of flight.
- ~~(14)-(15)~~ "Raptor" means any bird of the Order Falconiformes, Accipitriformes or Strigiformes, or a hybrid thereof.
- ~~(15) "Regulatory year" is the 12-month period starting July 1 and ending the following June 30, and is the same as the falconry license term.~~
- (16) "Wild raptor" means a raptor removed from the wild for falconry. It is considered a wild captured raptor, no matter its time in captivity or whether it is transferred to other licensees or permit types.
- ~~(c) TAKE OF GAME SPECIES OR NONGAME BIRDS OR MAMMALS~~ Take of Game Species or Nongame Birds or Mammals. Every person using falconry raptors to hunt or take resident small game including upland game species, migratory game birds, or nongame birds or mammals in California shall abide by the laws and regulations ~~related to authorizing~~ hunting of such species, including but not limited to licenses, seasons, bag limits, and hunting hours.
- (1) A licensee shall ensure, to the extent possible, that falconry activities do not result in unauthorized take of wildlife.
- (A) If an animal is injured as a result of unauthorized take, the licensee shall remove the animal from the raptor and transport the injured animal to the nearest wildlife rehabilitation center.
- (B) If an animal is killed as a result of an unauthorized take, the licensee may allow a falconry bird to feed on the kill but the licensee shall not possess the animal and shall leave the kill at the site where taken.
- (2) The take shall be reported to the department, with the band or tag number of the species taken (if any), as set forth in subsection (f).
- ~~(d) TAKE OF STATE OR FEDERAL THREATENED OR ENDANGERED SPECIES.~~ Take of State or Federal Threatened or Endangered Species. A licensee shall ensure that falconry activities do not cause the take of state or federally threatened or endangered wildlife, for example, by avoiding flying a raptor in the vicinity of the listed species. Any threatened or endangered bird, mammal, reptile or amphibian taken by a

~~raptor without intent shall be removed from the raptor as soon as practical, and left at the site where taken if dead, or taken to the nearest wildlife rehabilitation center if injured. The take~~ This license does not authorize take of state or federally listed threatened, endangered, or candidate wildlife, or wildlife designated as fully protected within the State of California. Any take shall be reported by the licensee to the nearest U.S. Fish and Wildlife Service (USFWS) Ecological Services Field Office and the nearest department regional office ([www.dfg.ca.gov/regions/](http://www.dfg.ca.gov/regions/)) department's License and Revenue Branch within 10 calendar days of the kill. The licensee shall report his or her name, falconry permit license number, date, species and sex (if known) of the animal taken, and exact location of the kill pursuant to subsections (19), (19)(i) and (19)(ii), Title 50, Section 21.29, subdivision (f), Code of Federal Regulations as provided in 50 CFR 21.

~~(e) LICENSING~~ Licensing.

~~(1) FALCONRY LICENSES~~ Falconry Licenses: A falconry license is issued in one of three falconry classes listed in subsection (e)(6) and may be issued to a:

~~(A) California resident, nonresident, or non-US citizen, who is applying for his/her first a new license;~~

~~(B) California resident or nonresident licensee who is applying to renew a lapsed license that has not been expired for more than 5 years;~~

~~(C) California resident licensee who is applying to renew a license that has not lapsed expired; and,~~

~~(D) Nonresident or non-U.S. citizen falconer who has a valid falconry license issued from another state or country and intends to establish permanent residency in California prior to becoming a resident.~~

~~(2) APPLICATION FOR LICENSE~~ Application for License.

~~(A) The applicant for a new license, or lapsed license shall submit a completed New Falconry License Application with the nonrefundable fee, as specified in Section 703, to the address listed on the application.~~

~~(B) The applicant for a license renewal of a license that has not been expired for more than 5 years, shall submit a completed Falconry License Renewal Application with the nonrefundable fee, as specified in Section 703, to the address listed on the application.~~

~~(C) The department may issue new licenses and renew existing or lapsed expired licenses with the conditions it determines are necessary to protect native wildlife, agriculture interests, animal welfare, and/or human health and safety.~~

~~(A) SIGNED CERTIFICATION~~ (D) Signed Certification. Each application shall contain a certification worded as follows: "I certify that I have read and am familiar with both the California and U.S. Fish and Wildlife Service falconry regulation, CFR 50, Sections 21.29 through 21.30, and that the information I am submitting is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to cancellation of the application, suspension or revocation of a license, and/or administrative, civil, or criminal penalties. I understand that my facilities, equipment, or raptors are subject to unannounced inspection pursuant to ~~Section subsection~~ 670(j), Title 14, of the ~~CCR~~ California Code of Regulations. I certify that I have read, understand, and agree to abide by, all conditions of this license, the applicable provisions of ~~FGC~~ the Fish and Game Code, and the regulations promulgated thereto. I certify that I am not currently under any Fish and Wildlife license

~~or permit revocation or suspension, and that there are no other legal or administrative proceedings pending that would~~ there are no pending or previous legal or administrative proceedings that could disqualify me from obtaining this license.” The application shall be submitted with the applicant’s original signature.

~~(B) EXPERIENCE~~ (E) Experience. The department shall consider an applicant's falconry experience acquired in California, as well as another state or country when ~~evaluating~~ reviewing an application for any class of license. The department shall determine which ~~level~~ class of falconry license is appropriate, consistent with the class requirements herein and the documentation submitted with the application demonstrating prior falconry experience.

~~(C) NONRESIDENT FALCONER ESTABLISHING PERMANENT RESIDENCY. A nonresident falconer establishing permanent residency in California shall submit documentation of prior experience and any falconry license held from his/her previous state or country of origin along with the completed application. The department shall continue to recognize a new resident’s falconry license issued from another state or country, until the license expires, or the department approves or denies the application, whichever comes first. If a new resident’s license expires shortly before or shortly after he/she moves to California, he/she is allowed to practice falconry for up to 120 days without a California license according to~~ (5)(C) below.

~~(3) EXAMINATION REQUIREMENT~~ Examination Requirement. Any ~~person applying for his/her first~~ Any applicant not possessing a valid falconry license, or required to apply for a new falconry license in California shall pass the falconry examination to demonstrate proficiency in falconry and raptor-related subject areas before being issued a license. An applicant shall correctly answer at least 80 percent of the questions to pass the examination. Any applicant who fails to pass the examination may take another examination no earlier than the next business day following the day of the failed examination. The applicant shall submit a nonrefundable Falconry Examination fee each time the applicant takes an examination.

(A) An applicant who meets one of the following criteria shall be exempt from taking the California falconry examination:

1. An applicant who provides documentation of successfully passing a federally approved examination in a state that has had its falconry regulations certified as specified in ~~Title 50, CFR, Section 21.29~~ 50 CFR 21, will not be required to take the examination in California if the applicant took the examination less than five years prior to submitting an application for a California falconry ~~permit~~ license.

2. The applicant is a nonresident or non-U.S. citizen falconer who has a valid falconry license issued from another state or country.

3. The applicant is a member of a federally recognized tribe and has a valid falconry license issued from that member’s tribe.

(B) After successfully passing the falconry examination, the raptor housing facility, if any, of a new applicant shall pass an inspection and be certified by the department, pursuant to subsection (j), before a license may be issued.

~~(4) LAPSED LICENSES. If a license has lapsed for fewer than five years, the license may be renewed at the level held previously if the applicant provides proof of licensure at that level. If a license has lapsed for five years or more, the applicant shall successfully complete the California examination. Upon passing the examination, a~~

~~license may be renewed at the level previously held if the applicant provides proof of licensure at that level.~~

(4) Expired License. A license for the practice of falconry expires and is not valid unless renewed annually with the required application form and payment of fees as specified in Section 703.

(A) It shall be unlawful for any person to practice falconry, including possession of falconry raptors, without a valid license in their possession.

(B) If a license has not been renewed for a period less than 5 years from the expiration date on the license, the license may be renewed at the class held previously if the applicant provides proof of licensure at that class.

(C) If a license has not been renewed for a period of more than 5 years from the expiration date on the license, it shall not be renewed. The applicant shall apply for a new falconry license and successfully complete the examination as set forth in subsection (e)(3). Upon passing the examination and the payment of the annual license fee a license may be issued at the class previously held if the applicant provides proof of prior licensure at that class.

~~(5) NONRESIDENTS OF CALIFORNIA AND NON-US CITIZENS~~ Nonresidents of California and Non-US Citizens.

(A) A person who is a member of a federally recognized tribe and has a valid falconry license from that member's tribe shall be considered a nonresident licensed falconer for purposes of this subsection (e)(5).

~~(A)-(B)~~ A nonresident licensed falconer or non-U.S. citizen licensed falconer may temporarily practice falconry in California for up to 120 consecutive calendar days without being required to obtain a California falconry license.

~~(B)-1.~~ A nonresident licensed falconer or non-U.S. citizen licensed falconer may fly raptors held for falconry by practice falconry with raptors from a licensed California falconer, provided that signed and dated written permission authorization is given to the nonresident or non-U.S. citizen by the licensee. This The original written authorization must be carried with him/her while flying or transporting the licensee while in possession of the raptor.

~~(C)-2.~~ A nonresident licensed falconer or non-U.S. citizen currently licensed falconer shall provide and thereafter maintain facilities and equipment for raptors in his/her the licensee's possession while temporarily practicing falconry in California. Temporary facilities shall meet the standards in these regulations, including but not limited to provisions described in subsection (j), and pursuant to Title 50, CFR, Section 21.29 50 CFR 21.

3. A nonresident licensed falconer or non-U.S. citizen licensed falconer may house raptors in his/her the licensee's possession at another licensed falconer's facilities while temporarily practicing falconry in California.

(C) A nonresident licensed falconer or non-U.S. citizen licensed falconer applying for a falconry license in California shall submit proof of a valid falconry license held from the licensee's tribe, state or country along with the completed New Falconry Application and Fee and pass a facility inspection pursuant to subsection (j).

(D) A nonresident or non-US citizen applicant applying for a falconry license in California but not possessing a valid original falconry license from the applicant's tribe, state, or country of origin shall submit the completed New Falconry License Application

and Fee, and pass the examination and pass a facility inspection pursuant to (e)(3) herein.

~~(6)-FALCONRY CLASSES~~ Falconry Classes. There are three classes of licensed falconers in California: Apprentice falconer, General falconer, and Master falconer. The department at its sole discretion may issue a falconry license in one of these classes to an applicant who meets the requirements and qualifications for the class as described in these regulations.

~~(A)-APPRENTICE FALCONER~~ Apprentice Falconer.

1. ~~AGE~~ Age. An applicant for an Apprentice falconer license shall be at least 12 years of age at the date of application. If an applicant is less than 18 years of age, a parent or legal guardian shall co-sign the application and shall be legally responsible for activities of the Apprentice falconer.

2. ~~SPONSORSHIP~~ Sponsorship. A sponsor is required for at least the first two years in which an Apprentice falconry license is held, regardless of the age of the Apprentice falconer. A sponsor shall be a Master falconer or a General falconer who has at least two years of experience at the ~~General Falconer-level~~ class. A sponsor shall certify in writing to the department that the sponsor will assist the Apprentice falconer, as necessary, in learning the husbandry and training of raptors held for falconry; learning the relevant wildlife laws and regulations; and determining what species of raptor is appropriate for the Apprentice falconer to possess; and will notify the department's License and Revenue Branch immediately if sponsorship terminates.

3. ~~TERMINATION OF SPONSORSHIP~~ Termination of Sponsorship. If sponsorship is terminated, an Apprentice falconer and ~~his/her~~ the Apprentice's sponsor shall immediately notify the department's License and Revenue Branch in writing. ~~For a license to remain valid,~~ The license shall be valid only if the Apprentice falconer shall ~~acquire~~ acquires a new sponsor within 30 calendar days from the date sponsorship is terminated, and ~~provide~~ provides written notification, along with the new sponsor's certification ~~described in subsection (e)(6)(A)2,~~ to the department once a new sponsor is secured. Failure to comply with sponsorship requirements ~~will~~ shall result in loss of qualifying time from the date sponsorship was terminated to the date of securing a new sponsor, and no subsequent license ~~will~~ shall be issued until the required two years requirements of sponsorship have been fulfilled.

4. ~~POSSESSION OF RAPTORS~~ Possession of Raptors. An Apprentice falconer may possess for falconry purposes no more than one wild or captive-bred red-tailed hawk (*Buteo jamaicensis*) or American kestrel (*Falco sparverius*) at any one time, regardless of the number of state, tribal, or territorial falconry licenses in possession and only as long as the raptor in possession is trained in the pursuit of game and used in hunting. An Apprentice falconer may only capture from the wild or possess a passage red-tailed hawk or an American kestrel. The Apprentice may take raptors less than 1 year old, except nestlings. Apprentice falconers are not required to capture a wild raptor themselves; the raptor can be transferred to ~~him/her~~ the Apprentice by another licensee. An Apprentice falconer may not capture from the wild or possess an eyas raptor or a raptor that is imprinted on humans. An Apprentice falconer must maintain written proof of legal acquisition.

5. ~~INSPECTION OF FACILITIES~~ Inspection of Facilities. After successfully passing the falconry examination, the facility of an Apprentice applicant shall pass an inspection and

be certified by the department, pursuant to subsection (j), before a license may be issued.

~~6. ADVANCEMENT FROM APPRENTICE CLASS~~ Advancement From Apprentice Class. An Apprentice falconer shall submit a completed Apprentice Falconer's Annual Progress Report, as specified in Section 703, to the address listed on the report. The report shall demonstrate that the Apprentice falconer has practiced falconry with a raptor at the Apprentice ~~level class~~ for at least two years, including maintaining, training, flying, and hunting with the raptor for at least four months in each ~~regulatory license~~ year, and a summary of the species the Apprentice possessed, how long each was possessed, how often each was flown, and methods of capture and release. Within the report, the sponsor shall certify in writing to the department that the Apprentice falconer has met the requirements of these regulations. No falconry school program or education shall be substituted for the minimum period of two years of experience as an Apprentice falconer.

(B) ~~GENERAL FALCONER~~ General Falconer.

1. ~~AGE~~ Age. General falconers shall be at least 16 years of age. If an applicant is less than 18 years of age, a parent or legal guardian shall co-sign the application and shall be legally responsible for activities of the General falconer.

2. ~~POSSESSION OF RAPTORS~~ Possession of Raptors. A General falconer may possess for falconry purposes any wild raptor species listed in subsection ~~(g)(5) (g)(6), and any captive-bred or hybrid of any species of Order Falconiformes, Accipitriformes, or Strigiformes, or any legally acquired raptor from another state or country. federally or state-listed threatened or endangered species, and eagles.~~ A General falconer must maintain written proof of legal acquisition. A General falconer shall possess no more than three raptors for use in falconry at any one time, regardless of the number of state, tribal, or territorial falconry licenses in possession; and only two of these raptors may be wild-caught. Only eyas or passage raptors may be wild-caught; except American kestrel (*Falco sparverius*) or great horned owl (*Bubo virginianus*) may be captured at any age.

3. ~~ADVANCEMENT FROM GENERAL CLASS~~ Advancement From General Class. A General falconer shall have practiced falconry with a raptor, including maintaining, training, flying, and hunting with the raptor, at the General ~~level class~~ for at least five years before advancing to Master falconer. No falconry school program or education shall be substituted for the minimum period of five years of experience as a General falconer.

(C) ~~MASTER FALCONER~~ Master Falconer.

1. ~~POSSESSION OF RAPTORS~~ Possession of Raptors. A Master falconer may possess for falconry purposes any wild raptor species listed in subsection ~~(g)(5) (g)(6), and any captive-bred or hybrid of any species of Order Falconiformes, the Order Accipitriformes, or the Order Strigiformes, or any legally acquired raptor from another state or country. federally or state-listed threatened or endangered species, and eagles.~~ A Master falconer must maintain written proof of legal acquisition. A Master falconer may possess any number of raptors ~~except he/she~~ the licensee shall possess no more than five wild-caught raptors for use in falconry at any one time, regardless of the number of state, tribal, or territorial falconry licenses in possession. Only eyas or passage raptors may be wild-caught; except American kestrel (*Falco sparverius*) or great horned owl (*Bubo virginianus*) may be captured at any age.

~~2. POSSESSION OF EAGLES~~ Possession of Eagles. A Master falconer may possess up to three eagles with proof of legal acquisition at any one time, except no bald eagle ~~may shall~~ be possessed.

~~i. Eagles may shall~~ not be captured from the wild in California, ~~but may~~

~~ii. Eagles may only~~ be obtained from ~~captive breeders, imported from another state, or transferred from a rehabilitation facility if the eagle is not releasable~~ a permitted source.

~~iii. Eagles originating in California from a licensed California rehabilitation facility may be temporarily transferred to a Master Falconer for the purpose of rehabilitation in accordance with 50 CFR 21, and with subsection (h)(3) herein.~~

~~iv. The department shall authorize in writing which species of eagles a Master falconer may possess pursuant to Title 50 CFR Section 21.29(c)(iv)~~ 50 CFR 21. The Master falconer shall submit a written request for this authorization and include a resume of ~~his/her~~ the licensee's experience in handling large raptors such as eagles, and two letters of recommendation to the department's License and Revenue Branch. The resume documenting experience shall include information about the type of large raptor species handled, such as eagles or large hawks, the type and duration of the activity in which experience was gained, and contact information for references who can verify the experience. The two letters of recommendation shall be from persons with experience handling and/or flying large raptors. Each letter shall be ~~a signed, original that describes dated, signed in ink with an original signature and shall describe~~ the author's experience with large raptors, and may include but is not limited to including but not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the licensee's ability to care for eagles and fly them in falconry. The department may deny a request for a Master falconer to possess an eagle if the applicant has less than the equivalent of two years of experience handling large raptors or, at the department's discretion, the department determines that based on a letter of recommendation the applicant is not capable of caring for the eagle or flying it in falconry.

~~(7)-FEES~~ Fees. The base fee for a falconry license is specified in Fish and Game Code Section 396. Falconry related fees are specified in Section 703 of these regulations for the following:

~~(A)-APPLICATION~~ Application. An applicant shall submit a nonrefundable Falconry Application Fee when applying for a new license or renewing a license.

~~(B)-EXAMINATION~~ Examination. An applicant shall submit a nonrefundable Falconry Examination Fee ~~each time he or she applies to take~~ the applicant takes an examination.

~~(C)-INSPECTION~~ Inspection. An applicant or licensee shall submit a nonrefundable Inspection Fee prior to the department inspecting ~~his/her~~ the licensee's facilities, raptors, if present, and equipment. The Inspection Fee provides for inspections of up to five enclosures.

1. If a facility has more than five enclosures, an additional inspection fee is required for every additional enclosure over five.

2. If the applicant or licensee is sharing an existing raptor facility with another licensed falconer, and possesses proof of a passed inspection, there is no requirement for an additional inspection.

(D) ~~RE-INSPECTION~~ Re-inspection. An applicant shall submit an additional nonrefundable Inspection Fee when his or her facility has failed to pass a previous inspection.

(E) ~~ADMINISTRATIVE PROCESSING~~ Administrative Processing. An applicant shall submit a nonrefundable Administrative Processing Fee for each ~~Federal Form 3-186A Resident Falconer Raptor Capture, Recapture and Release Report form~~ submitted to the department's License and Revenue Branch when not using the ~~USFWS's electronic department's online reporting system on-line at~~ <https://migbirdapps.fws.gov/Falconry/srv/index.htm>.

(F) ~~SPECIAL RAPTOR CAPTURE DRAWING APPLICATION~~. An applicant shall submit a nonrefundable Special Raptor Capture Drawing Application Fee when applying to capture a species with a capture quota.

(G) ~~SPECIAL RAPTOR CAPTURE PERMIT~~. A successful applicant shall submit the appropriate nonrefundable Special Raptor Capture Permit fee to receive the permit.

(8) ~~DENIAL~~ Denial. The department may deny the issuance of a new license or a renewal of an existing or ~~lapsed~~ expired license if:

(A) The applicant or licensee has failed to comply with regulations adopted pursuant to the Fish and Game Code related to raptors, Fish and Game Code Section 1054, or Penal Code Section 597; or

(B) The applicant or licensee has failed to comply with any provision of any statute, regulation, rule or ordinance existing in any other state or in any city, county, or other local governing entity in any other state, that is related to the care and licensing of raptors, so long as the failure to comply would constitute a violation of the Fish and Game Code, regulations related to raptors in Title 14, or Penal Code Section 597;

(C) The applicant or licensee has failed to comply with any provision of any federal statute, regulation, or rule that is related to the care and licensing of raptors, including but not limited to ~~Title 50, CFR Sections 21.29 and 21.30~~ 50 CFR 21.

(D) The department shall deny the issuance of a license or renewal of an existing license if the applicant or licensee fails to submit all required items or perform any task necessary to obtain a license. Before denying an application for this reason, the department shall notify the applicant in writing that the application is deficient. The applicant may supplement an application by providing the missing required information or materials. If sent by U.S. mail or other carrier, these materials shall be postmarked no later than 30 calendar days after the date of the proof of service accompanying the department's notification. If the 30 calendar day deadline falls on a weekend or holiday the submission of additional information or materials will be accepted until the close of business on the first state business day following the deadline to submit additional information or materials. The department may extend this deadline for good cause. If denied, the applicant or licensee may submit a new application at any time.

(9) ~~SUSPENSION AND REVOCATION~~ Suspension and Revocation. Any license issued pursuant to these regulations may be suspended or revoked at any time by the department for failure to comply with the Fish and Game Code or regulations adopted pursuant to the Fish and Game Code related to raptors, Fish and Game Code Section 1054, or Penal Code Section 597. If the licensee has been convicted in a court of competent jurisdiction of violating one of these provisions, the suspension or revocation shall take effect immediately if the violation pertains to conduct that threatens native

wildlife, agricultural interests of this state, the welfare of the birds, or the safety of the public, or if the licensee has been previously convicted of violating the provisions described above or has had his or her license previously suspended or revoked. If the licensee has not been convicted, the suspension or revocation shall take effect when the time to request an appeal ~~pursuant to subsection (e)(11)~~ as described herein has expired. A timely request for an appeal will stay the department's suspension or revocation if the licensee was not convicted as described above.

~~(10) PROOF OF SERVICE~~ Proof of Service. All notices sent from the department to ~~an a falconry applicant or licensee pursuant to subsections (e)(8) or (e)(9)~~ as described herein shall include a proof of service that consists of a declaration of mailing, under penalty of perjury, indicating the date of mailing the department's notification, denial, or other correspondence.

~~(11) APPEAL~~ Appeal. Any applicant or licensee who is denied a license, an amendment to an existing license or has a license suspended or revoked by the department pursuant to these regulations may appeal that denial, amendment, suspension, or revocation by filing a written request for an appeal with the commission. If sent by U.S. mail or other carrier, a request for an appeal shall be postmarked no later than 30 calendar days after the date of the proof of service accompanying the department's notice of denial, suspension, or revocation. If submitted electronically or by facsimile, it shall be received no later than 30 calendar days after the date of the proof of service. The commission shall not accept a request for an appeal that is submitted after the 30 calendar day deadline to request an appeal. If the 30 calendar day deadline falls on a weekend or holiday the request for appeal will be accepted until the close of business on the first state business day following the 30 calendar day deadline to submit a request for appeal.

~~(12) RECORD KEEPING~~ Record Keeping. A licensee shall retain copies of all falconry-related records (hard copy or electronic) including but not limited to the applicant's falconry license, raptor transfer records, capture and release and disposition records, import or export documentation, sponsorship information, annual reports submitted to the department, and all health records of raptors possessed pursuant to the falconry license (Falconry Records) for at least five years ~~after the expiration of the license.~~

~~(13) NAME OR ADDRESS CHANGE~~ Name or Address Change. The licensee shall notify the department's License and Revenue Branch, in writing, of any change of name or mailing address within 30 calendar days of the change. Facility address changes must be reported within five ~~calendar~~ business days of the change.

~~(f) REPORTING REQUIREMENTS~~ Reporting Requirements.

~~(1) Licensees shall comply with USFWS's electronic reporting requirements on Federal Form 3-186A for all raptors possessed. Federal Form 3-186A can be accessed at the USFWS's electronic reporting system on-line at <https://migbirdapps.fws.gov/Falconry/srv/index.htm>. If a licensee is unable to use the Form 3-186A electronic reporting system, he/she may submit a paper Form 3-186A by mail, fax, or email to the department's License and Revenue Branch, or he/she may report over the telephone to the License and Revenue Branch. The information from the paper form or during a call will be entered into the USFWS's electronic reporting system by department staff, and the department shall charge an Administrative Processing Fee, as specified in Section 703, for each form completed.~~

~~(2) A licensee shall submit to the department's License and Revenue Branch a report using the Resident Falconer Raptor Capture, Recapture and Release Report, as specified in Section 703, within 10 calendar days of capture of a raptor from the wild or the release of a raptor back to the wild. The submission shall include information about the county of capture/release, date of capture/release, a description of the capture/release site, a description of the capture method, species information, and Latitude/Longitude coordinates of capture/release site. Capture, recapture and release in California may also be entered and reported electronically if the department offers an electronic reporting system. Licensee shall also report the capture and release by entering the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of the capture.~~

(1) Licensees are required to report all raptor acquisition and disposition information using the Resident Falconer Raptor Capture, Recapture and Release Report within 10 calendar days to the department's online reporting system.

(A) For raptors acquired from the wild or released back to the wild, submission shall include information about the county of capture/release, date of capture/release, a description of the capture/release site, a description of the capture method, species information, and Latitude/Longitude coordinates of capture/release site.

(B) If a licensee is unable to use the department's online reporting system, the licensee may submit relevant forms by mail, fax, or email to the department's License and Revenue Branch, or the licensee may report over the telephone to the License and Revenue Branch. The information will be entered into the department's online reporting system by department staff, and the department shall charge a nonrefundable Administrative Processing Fee, as specified in Section 703, for each form entered.

~~(3)~~ (2) Upon applying for license renewal or within 10 calendar days after expiration of the license, whichever comes first, a licensee shall submit to the department, an annual report using the Falconry Hunting Take Report, as specified in Section 703, summarizing the number and type of prey species taken while hunting, counties hunted, and birds used in hunting during the most recent license year, as well as any inadvertent take of non-target wildlife.

~~(4)~~ (3) Upon applying for license renewal or within 10 calendar days after expiration of the license, whichever comes first, an Apprentice falconer shall submit to the department's License and Revenue Branch an annual report using the Apprentice Falconer's Annual Progress Report, as specified in Section 703. The report shall be signed and dated by both the Apprentice falconer and sponsor. The report will be used by the department to determine qualifying experience for future licenses.

~~(g) CAPTURING RAPTORS FROM THE WILD~~ Capturing Raptors From the Wild.

~~(1) A Resident-resident licensed falconer may not capture more than two raptors from the wild during the regulatory-license year and only as authorized for each falconry class license.~~

~~(2) A Nonresident-nonresident licensed falconer with a license to practice falconry in a state certified according to Title 50, CFR, Section 21.29(b)(10) may request to capture within California one wild raptor of the species specified in subsection (g)(7), (g)(8), excluding species with capture quotas, and shall submit to the department's License and Revenue Branch a complete Nonresident Falconer Application for Raptor Capture Permit, as specified in Section 703. The permit issued shall be valid beginning on July~~

1 and ending on June 30 of the following year, or if issued after the beginning of the permit year, for the remainder of that permit year. Whether successful or unsuccessful in capturing a raptor, the nonresident licensed falconer shall submit a complete Nonresident Falconer Raptor Capture Permit and Report, as specified in Section 703. Nonresidents shall only capture raptors from the wild in accordance with the conditions of the permit. Nonresidents that request to capture species with capture quotas must submit an application for the random drawing, as specified in subsection ~~(g)(7)(K)~~, (g)(9). (3) Non-U.S. citizens are not eligible to capture any California wild raptor.

~~(3)-(4)~~ Raptors may be captured by trap or net methods that do not injure them. The licensee shall identify all set traps with the name and address of the licensee and shall check such traps at least once every 12 hours, except that all snare type traps shall be attended at all times when they are deployed.

~~(4)-(5)~~ A licensee shall be present during the capture of a raptor from the wild; however another General or Master licensed falconer may capture the raptor for the licensee. A licensee's presence during capture includes attendance of snare traps, or attendance while checking non-snare traps at least once every 12 hours. If a licensee has a long-term or permanent physical impairment that prevents ~~him/her~~ the licensee from attending the capture of a raptor for use in falconry, then another licensee may capture a bird for the licensee without ~~him/her~~ the licensee being present. The licensee is responsible for reporting the capture. The raptor will count as one of the two raptors the licensee is allowed to capture in that ~~regulatory~~ license year.

~~(5)-(6)~~ The following raptor species may be captured from the wild in California: Northern goshawk (*Accipiter gentilis*), Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), merlin (*Falco columbarius*), American kestrel (*Falco sparverius*), prairie falcon (*Falco mexicanus*), barred owl (*Strix varia*), and great horned owl (*Bubo virginianus*).

~~(6)-(7)~~ No more than two nestlings of the species allowed for capture from the wild may be captured by the same General or Master licensee during the ~~regulatory~~ license year. In no case may all nestlings be captured and removed from any nest. At least one nestling shall be left in a nest at all times.

~~(7)-(8)~~ The following restrictions apply to the total, cumulative capture of wild raptors among all licensees. These restrictions are in addition to the limitation of two wild raptors per licensee during the ~~regulatory~~ license year.

~~(A) NORTHERN GOSHAWK~~ Northern Goshawk.

No more than one northern goshawk may be captured within the Lake Tahoe Basin during the ~~regulatory~~ license year. There are no restrictions on the cumulative number or location of Northern goshawk captured in the balance of the state during the license year.

1. The Lake Tahoe Basin area is defined as those portions of Placer, El Dorado, and Alpine counties within a line: beginning at the north end of Lake Tahoe, at the California-Nevada state line approximately four miles north of Stateline Point in the near vicinity of Mt. Baldy; westerly along the Tahoe Divide between the Lake Tahoe and Truckee River drainages to the intersection of the north line of Section 36, T17N, R17E, MDM; west along said north section line to the section corner common to section 25, 26, 35, and 36, T17N, R17E, MDM; south approximately one mile along the common section line; southwesterly to the intersection of the Tahoe Divide and Highway 267 in

the near vicinity of Brockway Summit; southwesterly in the near vicinity of the Tahoe Divide to Mt. Pluto; south to Mt. Watson; westerly approximately two miles to Painted Rock; southerly approximately two miles along the Tahoe Divide to the intersection of Highway 89; southwesterly along the Tahoe Divide to Ward Peak; southerly approximately 30 miles along the Tahoe Divide to a point on the Echo Lakes Road; southeasterly along said road to Old Highway 50; southeasterly along Old Highway 50 to the intersection of the Echo Summit Tract Road; southerly along said road to Highway 50; easterly along Highway 50 to the intersection of the South Echo Summit Tract Road; southerly along said road to the Tahoe Divide; southerly along the Tahoe Divide past the Alpine county line to Red Lake Peak; northerly along the Tahoe Divide past Monument Peak to the California-Nevada state line; north on the state line to the point of beginning. NOTE: the area described above includes the entire basin of Lake Tahoe within California.

(B) ~~COOPER'S HAWK~~ Cooper's Hawk. No restrictions on cumulative number or location of Cooper's hawks captured statewide during the ~~regulatory~~ license year.

(C) ~~SHARP-SHINNED HAWK~~ Sharp-shinned Hawk. No restrictions on cumulative number or location of sharp-shinned hawks captured statewide during the ~~regulatory~~ license year.

(D) ~~RED-TAILED HAWK~~ Red-tailed Hawk. No restrictions on cumulative number or location of red-tailed hawks captured statewide during the ~~regulatory~~ license year.

(E) ~~RED-SHOULDERED HAWK~~ Red-shouldered Hawk. No restrictions on cumulative number or location of red-shouldered hawks captured statewide during the ~~regulatory~~ license year.

(F) ~~MERLIN~~ Merlin. No restrictions on cumulative number or location of merlins captured statewide during the ~~regulatory~~ license year. Merlins may be captured only from August 15 through February 28 every year.

(G) ~~AMERICAN KESTREL~~ American Kestrel. No restrictions on cumulative number or location of American kestrels captured statewide during the ~~regulatory~~ license year.

(H) ~~PRAIRIE FALCON~~ Prairie Falcon. No more than 14 prairie falcons may be captured per ~~regulatory~~ license year.

(I) ~~BARRED OWL~~ Barred Owl. No restrictions on cumulative number or location of barred owls captured statewide during the ~~regulatory~~ license year.

(J) ~~GREAT HORNED OWL~~ Great Horned Owl. No restrictions on cumulative number or location of great horned owls captured statewide during the ~~regulatory~~ license year.

(K) ~~RANDOM DRAWING~~.

(9) Special Raptor Capture Permit Drawing. A random drawing shall be held by the department to ~~determine distribution of~~ distribute Special Raptor Capture Permits to capture species with quotas, which include one Northern goshawk in the Tahoe Basin and prairie falcons from the wild as specified in subsection ~~(g)(7)~~ (g)(8). An applicant may be a resident and/or nonresident and must possess a valid General or Master falconry license at the time of application to enter the drawing. Non-U.S. citizens are not eligible to enter the drawing.

1. ~~(A) A Resident~~ A resident applicant shall not submit more than two drawing applications each ~~regulatory~~ license year.

2. ~~(B) A Nonresident~~ A nonresident applicant shall not submit more than one drawing application each ~~regulatory~~ license year.

~~3. (C) Applicants shall submit to the department's License and Revenue Branch licensees may apply through the department's Automated License Data System at license agents, department license sales offices, or on the department's website, using a Special Raptor Capture Drawing Application, as specified in Section 703. Each application submitted must specify the falconer's name, contact information, GO ID number, the species he/she the applicant is applying for to capture from the wild, and include the The applicant shall submit a nonrefundable Drawing Application Fee, as specified in Section 703 for each drawing application submitted.~~

~~4. (D) Applications must be received by midnight 11:59pm, Pacific Standard Time, on Jan. 31 May 15 each year. through the department's Automated License Data System. Incomplete, late and ineligible applications, and applications submitted without the fee, shall not be included in the drawing.~~

~~5. (E) Permits are awarded according to an applicant's choice and computer-generated random number (lowest to highest) drawing. Successful applicants and a list of alternates for each species and/or area shall be determined by random drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.~~

~~6. (F) Successful and alternate applicants will be mailed notification as soon as practical notified. Unsuccessful applicants shall not be notified by mail. Upon receipt of the notification, the The successful applicant shall submit the Raptor Capture Permit Fee, as specified in Section 703, to the department's License and Revenue Branch by 5:00 p.m. on June 1 June 30 each year to claim the permit. If the deadline to submit the fee falls on a weekend or holiday, payment will be accepted until 5:00 p.m. on the first state business day following the deadline to submit payment. Unclaimed permits shall be awarded to alternates for that species and/or area after June 1 on an individual basis, in the order drawn.~~

~~7. (G) A Special Raptor Capture Permit shall only be issued to a successful applicant who holds a General or Master falconry license that is valid for the same license year that the permit shall be is valid. Only the permit holder is entitled to capture a raptor, and the permit shall be in immediate possession of the permit holder during the capture. Permits are not transferable and are valid only for the species, area and period as specified on the permit.~~

~~8. (H) A permit holder who successfully captures a Northern goshawk or prairie falcon shall immediately complete the capture portion of the permit and shall return the permit to the department's License and Revenue Branch or enter it on the department's online reporting system within 10 calendar days of the capture. The submission shall include information about the county of capture, date of capture, a description of the capture site, a description of the capture method, species information, and Latitude/Longitude coordinates of capture site. The capture may also be entered and reported electronically if the department offers an electronic reporting system. The permit holder shall also report the capture by entering the required information on Form 3-186A in the USFWS's electronic reporting system within five calendar days of the capture.~~

~~9. (I) A permit holder who is unsuccessful in capturing a Northern goshawk or prairie falcon shall indicate "unsuccessful" on the report card portion of the permit and return it~~

shall return the permit to the department's License and Revenue Branch within 10 calendar days of the ~~close of the season~~ expiration of the permit.

~~40-(J)~~ The permit holder shall surrender ~~his/her~~ the permit to an employee of the department for any act by the permit holder that violates any raptor related provision of the Fish and Game Code, or any regulation of the commission adopted pursuant thereto, and any act on the part of the permit holder that endangers the person or property of others. The decision of the department shall be final.

~~(8) BANDED OR MARKED RAPTORS~~ (10) Banded or Marked Raptors. If a licensee captures a raptor that has a band, research marker, or transmitter attached to it, the licensee shall promptly report the band number and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.

(A) If the raptor has a transmitter attached to it, the licensee may possess the raptor for up to 30 calendar days, during which time the licensee shall make a reasonable attempt to contact the ~~researcher~~ owner of the transmitter. If the ~~researcher~~ owner wants to replace the transmitter or its batteries, or have the transmitter removed and the bird released, the ~~researcher~~ or his or her owner or the owner's designee may make such change or allow the licensee to do so before the raptor is released. Temporary possession of the raptor will not count against the licensee's possession limit for falconry raptors. If the ~~researcher~~ owner cannot be contacted or does not want the transmitter to remain on the raptor, the licensee may keep the raptor if it was lawfully captured.

(B) If the raptor belongs to a falconer, subsection ~~(h)(10)~~ (h)(12) shall apply.

~~(9) INJURY DUE TO TRAPPING~~ (11) Injury Due to Trapping. If a raptor is injured due to trapping, the raptor may be put on the licensee's falconry license and it will count as part of the possession limit. If the licensee adds the raptor on the falconry license, ~~he/she~~ the licensee shall report the capture to the department's ~~License and Revenue Branch~~ online reporting system within 10 calendar days after capture, and shall have the raptor immediately treated by a veterinarian or a permitted California wildlife rehabilitator. Alternately, the injured raptor may be immediately given directly to a veterinarian or a permitted California wildlife rehabilitator. In either case, the licensee is responsible for the costs of care and rehabilitation of the raptor.

~~(10) UNINTENTIONAL CAPTURE~~ (12) Unintentional Capture. A licensee shall immediately release any bird unintentionally captured that ~~he/she~~ the licensee is not authorized to possess.

~~(11) PUBLIC AND PRIVATE LANDS~~ (13) Public and Private Lands. A licensee is not authorized to capture raptors or practice falconry on public lands where it is prohibited, on private property without written permission from the landowner or tenant, or on tribal government lands without written permission. The licensee shall carry the original signed written permission while practicing falconry.

~~(h) POSSESSION, TRANSFER, AND DISPOSITION OF RAPTORS~~ Possession, Transfer, and Disposition of Raptors.

~~(1) PERMANENT TRANSFER OF RAPTORS~~ Permanent Transfer of Raptor. A licensee may acquire a raptor through a transfer and shall report the transfer by entering the required information on ~~Form 3-186A in the USFWS's electronic~~ the department's online reporting system within 10 calendar days of the transfer. The number of raptors acquired through a transfer is not restricted, as long as the licensee abides by the

requirements of ~~his/her~~ the licensee's class, and does not exceed ~~his/her~~ the licensee's possession limit.

(A) If a licensee transfers a raptor removed from the wild to another licensee in the same year in which it is captured, the raptor will count as one of the raptors the licensee is allowed to capture from the wild that year. It will not count as a capture by the recipient.

(B) A surviving spouse, executor, administrator, or other legal representative of a deceased licensee may transfer any bird held by the licensee to another authorized licensee within 90 calendar days of the death of the licensee. After 90 calendar days, disposition of a raptor held under the license ~~is~~ shall be at the discretion of the department.

~~(2) TEMPORARY TRANSFER OR CARE OF RAPTOR~~ Temporary Transfer or Care of Raptor. Any licensee who temporarily transfers possession of ~~his/her~~ the licensee's raptor to another licensee, or allows an unlicensed person to temporarily care for a raptor, shall provide written notification of such transfer to the department's License and Revenue Branch within 10 calendar days after the bird is transferred. The notification shall include contact information including name, address, phone number, and email address of the temporary caregiver.

(A) Temporary possession of a raptor by a licensee shall not exceed 120 ~~consecutive~~ calendar days. Temporary possession may exceed 120 calendar days only if a request is made to the department's License and Revenue Branch and written authorization is given. Temporary care of a raptor by an unlicensed person shall not exceed ~~a 45 consecutive calendar day period~~ 45 calendar days. A raptor cared for by an unlicensed person shall remain housed at the licensee's facility. The unlicensed person is not authorized to fly the raptor. ~~The licensed person~~ A licensed falconer in temporary possession of a raptor may fly the raptor if ~~he /she~~ the falconer possesses the appropriate ~~level class~~ license.

~~(3) POSSESSION OF RAPTORS FROM REHABILITATION FACILITIES~~. A licensee may possess a raptor of any age that he/she is allowed to possess ~~acquired from a permitted wildlife rehabilitation facility~~. Transfer of a nonreleasable wild raptor from a permitted California wildlife rehabilitation facility is at the discretion of the rehabilitator and will count as one of the raptors a licensee is allowed to capture from the wild during the regulatory year. A licensee acquiring a raptor from a permitted California wildlife rehabilitation facility shall report the transfer by entering the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of the transfer.

~~(4) ASSISTING IN RAPTOR REHABILITATION~~ (3) Assisting In Raptor Rehabilitation. A General or Master falconer may assist a permitted California wildlife rehabilitator to condition a raptor for its release back into the wild. A rehabilitation raptor ~~possessed in~~ the care of the licensee for this purpose shall not be added to the licensee's falconry license, but shall remain under the permit of the rehabilitator.

(A) The rehabilitator shall provide the licensee with a letter of temporary transfer that identifies the raptor and explains that the falconer is assisting in its rehabilitation. The terms of the temporary transfer are at the discretion of the rehabilitator to assure the necessary care of the raptor. The licensee shall have in possession the letter or legible

~~copies possession while flying the raptor for rehabilitation. while assisting in the rehabilitation of the raptor.~~

(B) The licensee shall return any such raptor that cannot be released to the wild to the rehabilitator within 180 calendar days unless ~~the rehabilitator transfers the raptor to the licensee~~ otherwise authorized by the department's License and Revenue Branch. The department's Wildlife Branch will make the possession determination.

~~(5) IMPORTATION OF RAPTORS BY NONRESIDENTS OR NON-U.S. CITIZEN~~

~~(4) Importation of Raptors by Nonresidents or Non-U.S. Citizen.~~ A nonresident or non-U.S. citizen may temporarily import lawfully possessed raptors into California for up to 120 calendar days. The department's License and Revenue Branch shall be notified within 10 calendar days prior to importing the raptor. A nonresident or non-U.S. citizen shall submit to the department's License and Revenue Branch official written authority to export raptors from the originating state or country, along with a health certificate for the raptor, prior to importing a raptor. A non-U.S. citizen may import ~~his/her a~~ a falconry raptor that ~~he/she the licensee~~ the licensee possesses legally, provided that importation of that species into the United States is not prohibited, and ~~he/she the licensee~~ the licensee has met all permitting requirements of ~~his/her the licensee's~~ the licensee's country of residence. Import of raptors, including exotic raptors, may be subject to other state and federal laws and may require additional federal permits.

~~(6) RELEASE OF RAPTORS~~ (5) Release of Raptors. A licensee may release a native, wild caught raptor to the wild in California only to a location near the site that raptor was originally captured, and in appropriate habitat for that species of raptor. If the licensee cannot access the site of original capture, then licensee shall release ~~in it~~ it in appropriate habitat for that species of raptor.

(A) Prior to release, the licensee shall ensure the immediate area around the release site is free from other raptors.

(B) The licensee shall remove any falconry band on the raptor being released; however seamless metal bands shall remain attached.

(C) A licensee may not intentionally and permanently, release a non-native raptor, hybrid, or native captive-bred raptor to the wild in California, ~~unless authorized by the department.~~

(D) A licensee shall not release any barred owl to the wild in California. A licensee shall contact the department's License and Revenue Branch to determine disposition of a barred owl in possession. The department's Wildlife Branch will determine disposition.

~~(7) HACKING~~ (6) Hacking. A wild raptor may be hacked for conditioning or as a method for release back into the wild. Any hybrid, captive-bred, or exotic raptor a licensee has in possession may be hacked for conditioning, and shall have two attached functioning radio transmitters during hacking except native captive bred raptors shall have a minimum of one functioning transmitter. A licensee may not hack any raptor near a known nesting area of a state or federally threatened or endangered, or fully protected animal species or in any other location where a raptor may take or harm a state or federally listed threatened or endangered, or fully protected animal species. Only a General or Master falconer may hack falconry raptors.

~~(8) DEATH, ESCAPE OR THEFT~~ (7) Death, Escape or Theft. A licensee whose raptor dies, escapes, or is stolen, shall report the loss of the raptor by entering the required information on ~~Form 3-186A in the USFWS's electronic~~ the department's online

reporting system within 10 calendar days of the loss. A licensee may attempt to recover a raptor lost to the wild for up to 30 calendar days before reporting the loss. The licensee shall also report a theft of a raptor to an appropriate local law enforcement agency within 10 calendar days of the loss.

~~(9) DISPOSITION OF RAPTOR CARCASS~~ (8) Disposition of Raptor Carcass. If a raptor dies and was banded or had an implanted microchip, the band or microchip shall be left in place. If a licensee keeps the carcass or parts thereof, ~~he/she~~ the licensee shall retain all records of the raptor. A licensee must send the entire body of a golden eagle carcass held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository. Within 10 calendar days the carcass of any other raptor species shall be either:

~~(A) Delivered to the department. A carcass may only be delivered to the department if the carcass is frozen and if the licensee obtains permission from the department prior to delivery; or if the licensee obtains authorization from the department's License and Revenue Branch prior to delivery. The department's Wildlife Branch will make the determination where the carcass will go. A carcass may only be delivered to the department if the carcass is frozen; or~~

(B) Donated to any person authorized to possess the raptor or parts thereof; or

(C) Kept by the licensee for use in imping; or

~~(D) Delivered to a taxidermist for mounting and possession by the falconer; or~~

~~(E) (D) Burned, buried, or otherwise destroyed; or~~

(E) Delivered to a taxidermist for mounting and possession by the licensed falconer only.

1. Within 30 days of the expiration of a license, the licensee shall return the mounted raptor to the department.

2. Within 30 days of the death of the licensee, the estate shall return the mounted raptor to the department.

3. In either event, the licensee or the estate shall contact the department's License and Revenue Branch. The department's Wildlife Branch will determine the disposition of the mounted raptor.

~~(10) RECAPTURE~~ (9) Recapture. A licensee may recapture a raptor wearing falconry equipment or a captive-bred or exotic raptor at any time whether or not the licensee is authorized to possess the species. A recaptured raptor will not count against the possession limit of the licensee, nor will its capture from the wild count against the licensee's limit on number of raptors captured from the wild. The licensee shall report recaptured raptors to the department's License and Revenue Branch by submitting a complete Resident Falconer Raptor Capture, Recapture and Release Report ~~and by entering the required information on Form 3-186A in the USFWS's electronic~~ to the department's online reporting system within five calendar days.

(A) A recaptured falconry raptor shall be returned to the person who lawfully possessed it. If that person cannot possess the raptor or does not wish to possess it, the licensee who recaptured the raptor may keep it if that species is allowed under ~~his/her~~ the licensee's existing license. If kept, the raptor will count towards the licensee's possession limit.

1. A licensee who retains a recaptured raptor shall report the acquisition to the department's License and Revenue Branch by submitting a complete Resident Falconer

~~Raptor Capture, Recapture and Release Report and by entering the required information on Form 3-186A in the USFWS's electronic online reporting system within five calendar days.~~

2. If neither party wishes to keep the raptor, disposition of the raptor will be at the discretion of the department. The licensee in possession shall contact the department's License and Revenue Branch. The department's Wildlife Branch will determine the disposition of the recaptured raptor.

~~(11) USE OF FEATHERS (10) Use of Feathers.~~ A licensee may possess feathers of each species of raptor authorized to be possessed for as long as the licensee has a valid falconry license. For eagle feathers, a licensee must follow federal standards as noted in ~~Title 50, CFR, Section 21.29~~ 50 CFR 21. A licensee may receive raptor feathers from another person in the United States as long as that person is authorized to possess the feathers. Feathers from a falconry raptor may be donated to any person with a valid permit to possess them, or to anyone exempt from a permit requirement for feather possession. Any feathers of falconry raptors possessed by a falconer whose license has expired or been suspended or revoked shall be donated to any person exempt from the permit requirement or authorized by permit to acquire and possess the feathers within 30 calendar days of the license expiration, suspension or revocation. If the feathers are not donated, they shall be burned, buried, or otherwise destroyed.

~~(12) PURCHASE, BUY, SELL, TRADE, OR BARTER (11) Purchase, Buy, Sell, Trade, or Barter.~~ No person ~~may~~ shall purchase, buy, sell, trade or barter wild raptors or any parts thereof including but not limited to feathers. A licensee may purchase, buy, sell, trade or barter captive-bred, hybrid or exotic raptors marked with seamless metal bands to other ~~licensed falconers~~ persons or entities who are authorized to possess them.

~~(13) USE OF HYBRID, NON-NATIVE, AND EXOTIC RAPTORS (12) Use of Hybrid, Non-native, and Exotic Raptors.~~ When flown free, hybrid, non-native, or exotic raptors shall have attached at least two functioning radio transmitters to allow the raptor to be located.

~~(14) OTHER USES OF FALCONRY RAPTORS (13) Other Uses of Falconry Raptors.~~ A licensee may use falconry raptors for education, exhibiting, propagation, or abatement. A licensee may transfer a wild-caught raptor to a raptor propagation permit, but the raptor shall have been used in falconry for at least two years, or at least one year for a sharp-shinned hawk, merlin, Cooper's hawk or American kestrel. A wild caught raptor may be transferred to another permit type other than falconry only if it has been injured and can no longer be used in falconry. In this case, the licensee shall provide a copy of a certification from a veterinarian to the department's License and Revenue Branch stating that the raptor is not useable in falconry.

~~(A) EDUCATION AND EXHIBITING~~ Education and Exhibiting. A licensee may use raptors in his or her possession for training purposes, education, field meets, and media (filming, photography, advertisements, etc.), as noted in ~~Title 50, CFR, Section 21.29~~ 50 CFR 21, if the licensee possesses the appropriate valid federal permits, as long as the raptor is primarily used for falconry and the activity is related to the practice of falconry or biology, ecology or conservation of raptors and other migratory birds. Any fees charged, compensation, or pay received during the use of falconry raptors for these purposes may not exceed the amount required to recover costs. An Apprentice falconer

may use ~~his/her~~ the licensee's falconry raptor for education purposes only under the supervision of a General or Master falconer.

~~(B) PROPAGATION~~ Propagation. A licensee may conduct propagation activities with raptors possessed under a falconry permit if the licensee possesses a valid federal Raptor Propagation Permit and the person overseeing propagation has any other necessary state and federal authorization or permits. The raptor shall be transferred from a falconry license to a federal Raptor Propagation Permit if it is used in captive propagation for eight months or more in a ~~regulatory license~~ year. The transfer shall be reported by ~~entering the required information on Form 3-186A in the USFWS's~~ and by ~~entering the required information on Form 3-186A in the USFWS's electronic~~ submitting a complete Resident Falconer Raptor Capture, Recapture and Release Report to the department's online reporting system. Transfer of a raptor from a falconry license to a federal Raptor Propagation Permit is not required if the raptor is used for propagation purposes fewer than eight months in a ~~regulatory license~~ year.

~~(C) ABATEMENT~~ Abatement. A Master falconer may conduct abatement activities with raptors possessed under a falconry license and receive payment if the licensee possesses a valid federal Special Purpose Abatement Permit. A General falconer may conduct abatement activities only as a sub-permittee of the holder of a valid federal Special Purpose Abatement Permit.

~~(i) BANDING AND TAGGING~~ Banding and Tagging.

~~(1) A goshawk, peregrine, gyrfalcon or Harris's hawk captured from the wild or acquired from another licensee or a permitted California wildlife rehabilitator shall be banded with a permanent, nonreusable, numbered USFWS leg band if the raptor is not already banded. Captive bred raptors that are listed under the MBTA shall be banded with seamless metal bands.~~ A peregrine, gyrfalcon or Harris's hawk legally acquired from another state, or from another licensee, shall be banded with a permanent, nonreusable, numbered USFWS leg band if the raptor is not already banded.

~~(A) A licensee shall obtain a permanent, nonreusable, numbered USFWS leg band from the department's License and Revenue Branch or regional office prior to capturing a raptor from the wild. The License and Revenue Branch shall report banding data to the USFWS.~~

~~(B) A licensee may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in addition to the band. The licensee shall report the band number and or the microchip information on Form 3-186A in the USFWS's electronic reporting system.~~ to the department's online reporting system when reporting acquisition of the bird.

~~(2) Lost or Removed Bands. A band may be intentionally removed from a raptor only by a department employee or a person authorized by the department's License and Revenue Branch or regional office. A licensee shall report the loss or removal of any band to the department's License and Revenue Branch and enter the required information on Form 3-186A in the USFWS's electronic reporting system within five calendar days of the loss or removal.~~

(2) Captive bred raptors that are listed under the MBTA shall be banded with seamless metal bands.

~~(3) Rebanding. A licensee shall reband a raptor if the original band is lost or removed. The licensee shall enter the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of rebanding.~~

(3) If a band is lost or must be removed from a raptor in a licensee's possession, the licensee shall report the loss of the band to the department's online reporting system within five (5) days, and the licensee shall request a replacement permanent, nonreusable, numbered USFWS leg band from the department's License and Revenue Branch.

(4) After receiving a replacement band from the department's License and Revenue Branch, the licensee shall reband a raptor if the original band is lost or removed. The License and Revenue Branch shall report rebanding data to the USFWS.

~~(4) Prohibition on Defacing Band. (5) The alteration, counterfeiting or defacing of a band is prohibited except that licensees may remove the rear tab or may smooth any imperfect surface provided the integrity of the band and numbering are not affected.~~

~~(5) Health Considerations. (6) The department may approve an exemption from the banding requirement if a licensee provides documentation that health or injury problems to a raptor are caused by a band. If an exemption is approved, the licensee shall keep the written exemption and shall carry a copy when transporting or flying the raptor. If a wild Northern goshawk is exempted from the banding requirement, an ISO-compliant microchip supplied by the USFWS shall be used instead.~~

~~(j) FACILITIES, EQUIPMENT, AND INSPECTIONS~~ Facilities, Equipment, and Inspections.

~~(1) HOUSING STANDARDS AND SPECIFICATIONS~~ Housing Standards and Specifications. Raptor housing facilities shall meet the standards in ~~Title 50, CFR, Section 21.29(d)~~ 50 CFR 21 at all times. Raptor housing facilities shall be inspected and certified by the department prior to issuance of a falconry license. Thereafter, a licensee shall maintain approved permanent facilities for housing raptors.

(A) Raptor housing facilities shall protect raptors housed in them from predators, the environment, domestic animals, and escape, and shall provide a healthy, clean, and safe environment.

(B) Indoor ("mews") or outdoor ("weathering area") raptor facilities may be used to house raptors.

(C) Falconry raptors may be kept outside in the open at any location, ~~only if they are in the immediate~~ when in the presence of a licensed falconer and may be temporarily under watch by a person 12 years or older designated by the licensee.

(D) Permanent falconry facilities may be either on property owned by a licensee, on property owned by another person where a licensee resides, or elsewhere with property owner approval.

(E) A licensee shall report to the department's License and Revenue Branch, in writing within five calendar days if the licensee moves ~~his/her~~ the licensee's permanent falconry facilities to another location ~~by submitting a completed Raptor Facilities and Falconry Equipment Inspection Report, as specified in Section 703, and the inspection fee. The department will conduct a facility inspection, as specified in Section 703, and the licensee shall pay the inspection fees.~~

(2) ~~EQUIPMENT~~ Equipment. A licensee shall have jesses or other materials and equipment to make them, leash, swivel, bath container, and appropriate scales or balances for weighing raptors ~~he/she the licensee~~ possess.

(3) ~~INSPECTIONS~~ Inspections. Inspections of indoor or outdoor facilities, equipment, and raptors shall be conducted by the department. Inspections are required for a new license applicant, applicants renewing a lapsed license which has been expired more than 5 years, and licensees that move facility housing to a new address, and these persons. Applicants and licensees shall initiate the inspection by submitting a complete Raptor Facilities and Falconry Equipment Inspection Report and fees, as specified in Section 703. Equipment and facilities that meet the federal standards shall be certified by the department using the Raptor Facilities and Falconry Equipment Inspection Report. Equipment and facilities that do not meet the minimum standards and specifications shall not be certified by the department.

(A) The department may conduct unannounced visits to inspect facilities, equipment, or raptors possessed by the licensee, and may enter the ~~premises~~ facilities of any licensed falconer during a reasonable time of the day and on any day of the week. The department will make a reasonable attempt to contact the licensee prior to conducting the inspection. The department may also inspect, audit, or copy any permit, license, book, or record required to be kept by the licensee under these regulations at any time.

(B) If a licensee's facilities are not on property owned by the licensee, ~~he/she the licensee~~ shall submit to the department's License and Revenue Branch a signed and dated statement with original signature from the property owner indicating the property owner agrees that the falconry facilities and raptors may be inspected by the department without advance notice.

Note: Authority: Fish and Game Code Sections: 200, 202, 203, 355, 356, 395, 396, 398, 710.5, 710.7, 713, 1050, 1054, 1530, 1583, 1802, 3007, 3031, 3039, 3503, 3503.5, 3511, 3513, 3800, 3801.6, 3950, 4150, 10500. Reference: Fish and Game Code Sections: 395, 396, 713, 1050, 3007, 3031, 3503, 3503.5, 3511, 3513, 3801.6. Title 50, Code of Federal Regulations, Parts 21.29 and 21.30, and California Penal Code Section 597.

**From:** perez.markp@[REDACTED]

**To:** FGC

**Subject:** Search Policy

**Date:** Monday, October 03, 2016 6:20:32 PM

To whom it may concern,

I am deeply troubled by what I am hearing from fellow sportsmen in regards to your commissions proposed policy of searching peoples homes. This policy that you are considering is in direct violation of our Nation's 4th amendment! The simple purchase of a hunting/fishing license as required by State law to do such activities in no way relieves the purchaser of their Constitutional rights. Your consideration of this policy will only result in thousands and thousands of taxpayer money for legal fees to try to defend a flawed policy that in the end will not prevail.

Please take the search policy off the table as it is in direct violation the United States Constitution and serves no purpose other than creating a more intrusive government.

Respectfully yours,

Mark Perez

**From:** Bill Murrin

**To:** FGC

**Subject:** Warrantless Searches of Sportsmen and Falconers

**Date:** Saturday, October 01, 2016 7:14:15 AM

I observed the video made available to the public by American Falconry Conservancy (<https://www.youtube.com/watch?v=3QgWHKEMQc>) and listened to the advice of CA Fish & Wildlife attorney, Ann Malcolm, and was appalled by her statements regarding law enforcement's supposed authority to conduct inspections/searches of falconers' curtilage. She attempted to provide justification based on it being a "highly regulated activity." She compared it to "industries" that are highly regulated.

First, highly regulated activities require health, safety and/or security issues to be at stake to justify draconian type of regulations. Liquor, explosives, mining, etc. regulations are good examples. Where there are no health, safety, or security issues at stake, regulations may be appropriate, but not draconian type.

Second, falconry is not an industry and does not fall within the framework of an "industry." It is a private activity - falconers consider it an art and sport - that has no public safety, security, or health issues at stake. The justification for regulation of falconry is based on the take of wild raptors: Any take of wildlife must be regulated and monitored so that wild populations may be protected from over-harvest. Once legally taken into possession, case law in the U.S. (as well as going back through England and classical Rome) proves such wildlife then becomes private property with all the protections associated with private property - the U.S. Supreme Court has made this quite clear and the U.S. Fish & Wildlife Service has admitted falconry wild taken raptors are private property. This does not exclude falconry from sensible regulation however. Think of the regulation of automobiles and drivers licenses; however, the Supreme Court has made it clear that law enforcement may not stop individuals just to "inspect" their vehicles without probable cause - which one may assert does fall within a public safety issue.

If you would like a better understanding of statutory and case law regarding wildlife in general and falconry in particular, I can send you a copy of my book, *Wildlife Law, Regulation and Falconry*: <http://wildlifelawbook.com>

Thank you,  
Bill Murrin



**PLACER GROUP**  
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PUBLIC INTEREST COALITION  
P.O. Box 671, Loomis, CA 95650



[Sent via email]

October 5, 2016

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Ladies and Gentlemen:

RE: Proposed Falconry Regulation Changes (Section 670, Title 14, CCR)

Falconry is a hunting activity that enjoys both a use and take of the state's wildlife resources that is unique. Falconers enjoy a type of hunting where the wildlife does the hunting. Regardless of the species (falcon, raptor, etc.), once released it may be uncontrollable, and/or an unintended target (species) may be taken. Generally, it is prohibited for a citizen to possess captive wildlife, yet falconers, when properly permitted and licensed, may possess wildlife, including those that are protected under federal migratory regulations.

Because falconers are allowed and enjoy such unique privileges, in exchange there must be strong, unequivocal and enforceable regulations to protect California's natural resources. We urge the CA Fish and Game Commission to either keep the existing regulations just as they are or make them more restrictive.

We wish to address proposed language revisions regarding falconry regulations.

Unannounced Inspections. In order to obtain a falconry license, included in the requirements, the application process is clear as to the "SIGNED CERTIFICATION" AGREEMENT. "...I understand that my facilities, equipment, or raptors are subject to unannounced inspection pursuant to Section 670(j), Title 14, of the CCR. I certify that I have read, understand, and agree to abide by, all conditions of this license, the applicable provisions of the FGC, and the regulations promulgated thereto...."

Thus, when the agreement is signed, none of a falconer's rights are being denied or stripped from him/her with unannounced inspections. He/she has accepted the stipulation of potential unannounced inspections. Falconers are given special privileges to take eggs or "nestlings" from falcon or raptor nests—wildlife offspring that are held in the public trust. This is allowed as long as very clearly described conditions in the current regulations are met. When the regulations are violated (taking over the limit of eggs or nestlings, for example), quite possibly an unannounced inspection would be the best, if not the only, way to uncover such noncompliance and allow for enforcement citations and consequences. To have to make an appointment for an inspection renders the entire compliance purpose of wildlife inspection useless. It would be akin to having to make an appointment to execute a Search Warrant. We urge the FGC to keep the unannounced inspection regulations as currently written.

In a related matter, we urge the FGC to not require that the licensee be present during an unannounced inspection. This proposed revision clearly opens the door for noncompliance and avoidance of the wildlife officer's right to conduct an inspection. If a falconer is not going to be present, he/she should be required to always have on call designees, e.g., the owner of the property or facility, spouse, adult child, backup bird/facility caretaker, handler, etc., who would be immediately available.

If the "on call" designated person(s) is(are) not available, then the wildlife officer should be allowed to inspect records, compare photos, take inventory, and attempt to capture with camera the information needed for a return visit. If the licensee or any designee is not present for a second or third inspection attempt, then suspension of his/her license must be considered.

Required Documentation. Many activities require that a license or a permit must be produced upon demand when conducting or pursuing that activity (automobile driving, hunting, fishing, etc.). Falconers must be required to carry or produce via cell phone their licenses, permits, stamps, and any of the other specific types of permissions or exemptions added in "new section (a) (4)" that prove they are in compliance. Game officers should not have to waste any time searching or waiting for the requested documents to be produced, and carrying the required documents should not be a hardship for anyone. In case a cell phone is out of range, the licensee could scan the documents before going into the field and save them in the phone's memory to show to a wildlife officer upon demand. There should be no excuses for not having the required licenses, permits, etc., documentation in the field.

Suspension/Revocation. We support the strongest penalties for noncompliance with any Fish and Game regulations. As long as the revised language that includes immediate revocation is clear and enforced universally (as opposed to "selectively enforced," we support the revisions.

Thank you for considering our views,



Marilyn Jasper, Chair

Sierra Club Placer Group Conservation Comm  
Public Interest Coalition

**From:** Pea Ce  
**To:** FGC  
**Cc:** Pea Ce  
**Subject:** Falconry Regulation Revision Comments  
**Date:** Thursday, October 06, 2016 4:52:14 PM

October 6, 2016, 4:51 pm  
Fish and Game Commission  
1416 Ninth St., Ste 1320  
Sacramento, CA 95814

Subject: Proposed Falconry changes—"Section 670, Title 14, CCR"

We urge the Fish and Game Commission (FGC) to keep the Falconry regulations as strict as possible and to not approve any revisions that will make regulations more lenient. At the August 25, 2016, FGC meeting in Folsom, falconers claimed that because there are only 700 of them in the state, that therefore their impact is negligible when compared to other methods of take, so their regulations should not be as restrictive. This non sequitur logic is akin to saying that since there are so few poachers in the state when compared to non-poachers, that therefore we don't need strict hunting regulations. It wouldn't matter if there was only one falconer or poacher in the state: The regulations have to be as restrictive as possible. They must be clear, easily enforced, and serve as a deterrent with consequences that, in addition to license suspensions, should include lifetime revocations and potential for incarceration.

"Unannounced inspections" are some of the very best ways to verify compliance and to make certain illegal possessions or activities are halted. Contrary to what one falconer stated, no one is being denied their 4th amendment rights. The agreement that a falconer signs indeed consents to having the unannounced inspections. To have to make an appointment for an inspection defeats the whole purpose of a game warden inspection. Another falconer claimed that falconers were responsible for recovery of the Peregrine Falcon. This is simply not true. If anything, the practice of falconry may have contributed to the precipitous decline to near extinction of Peregrine populations. It's well established by the US FWS that the primary cause of the decline was the use of DDT as a pesticide. Their recovery in August of 1999 was attributed to (1) being listed as threatened and endangered which protected them, including from capture by falconers, and (2) the banning of DDT. There was much ado about nothing with regard to a game warden entering the premises and needing to check a raptor's bands. Let's give game wardens credit for having the intelligence and experience to know better than to reach into any cage with unfamiliar wildlife. In the falconry facility, game wardens can observe, take photos, compare records, and gather evidence as needed. They may have to return to the site, but they must be allowed to enter the premises with/without the licensee being present.

Thank you,  
/S/  
Randall Cleveland  
For the PEACE Team  
Protecting the Earth and Animals with Compassion and Education  
P.O. Box 846 Newcastle, CA 95658