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February 15, 2013

TO ALL INTERESTED AND AFFECTED PARTIES

This is to provide you with a copy of the notice of proposed regulatory actions relative to "Practice of Falconry," in the sections identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice Register on December 14, 2012. Proposed changes to text as set forth in Notice Register 2012, No. 50-Z, remain the same, except nonsubstantial and substantial modifications sufficiently related to the text of the regulations as originally proposed are now shown in double-underline and ~~strikeout-underline~~. All documents as well as supporting documents are made available on the Commission's website at www.fgc.ca.gov/regulations/2012/index.aspx#670.

The proposed language for Section 670 is updated to reflect stakeholder requests made via written comments as well as oral testimony made at the Commission's February 6, 2013 meeting.

NOTE: Since the Commission is required to meet the transition schedule of the Falconry program from Federal to State regulations by September 1, 2013 it is exercising its powers under Section 202 of the Fish and Game Code "Regulations adopted pursuant to this article shall not be subject to the time periods for the adoption, amendment, or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of the Government Code."

Please note the dates of the public hearing related to this matter and associated deadlines for receipt of written and oral comments.

Dr. Eric Loft, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations; and inquiries concerning the regulatory process may be directed to me, at (916) 653-4899.

Sincerely,

Jon D. Snellstrom
Associate Government Program Analyst

Attachment

Section 670, Title 14, CCR, is amended to read:

§ 670. Practice of Falconry.

~~(a) General Provisions. No person shall engage in any falconry activity except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act and published in Title 50, Code of Federal Regulations (CFR), Part 21 (Revised 9/14/89) are hereby incorporated and made a part of these regulations. Federal regulations shall be made available upon request from the Department of Fish and Game License and Revenue Branch, 3211 S. Street, Sacramento, Ca 95816.~~
~~(b) Take of Game or Nongame Birds or Mammals.~~
~~Any person using raptors to take game or nongame birds or mammals shall abide by all laws and regulations related to hunting, including but not limited to licenses, seasons, bag limits, and hunting hours. Any protected bird or mammal inadvertently taken by a raptor must be removed from the raptor, as soon as practical, and left at the site.~~
~~(c) Additional State Regulations. State regulations included herein complement current federal regulations and are cross-referenced by use of the respective federal Title 50 CFR section numbers boldfaced and placed in parentheses.~~
~~(1) LICENSING.~~
~~(A) Application for License. The department shall provide information on application procedures. This information may be obtained by contacting the department (address given in subsection (a) above).~~
~~(B) Co-sign Requirement. (Section 21.28 CFR)~~
~~Persons under the age of 18 shall have a parent or guardian co-sign their license application.~~
~~(C) Substitution of Experience. (Section 21.29 CFR) The department shall consider an applicant's experience acquired in another state or country when evaluating an application for any class of license.~~
~~(D) Application Fee. In addition to the fee required by Fish and Game Code Section 396, the department shall charge an application fee. The base fee for this application is $7.50 as of January 1, 1993 (Note: This fee shall be charged effective July 7, 1993) and shall be adjusted annually per Fish and Game Code Section 713.~~
~~(E) Examination Requirement. (Section 21.29 CFR)~~
~~1. Minimum Score. Persons applying for their first license or for renewal of a license that expired prior to January 1, 1978, must correctly answer at least 80% of the questions on an examination provided and administered by the department.~~
~~2. Reexamination for Failing Score. (Section 21.29 CFR) Any applicant who fails to pass the examination may take another examination no earlier than three months from the date of the prior examination.~~
~~3. Substitutions of Passing Score from Another State. (Section 21.29 CFR) Applicants who provide documentation of having successfully passed a federally approved examination in a state listed in Section 21.29(k), CFR, will not be required to take the test.~~
~~(F) Classes of Licenses. (Section 21.29 CFR) Licenses will be issued in three classes, apprentice, general, and master, only to persons who meet all requirements and~~

~~qualifications described in these regulations. The department may issue the class of license equal to that of the most recent license issued to a person from a state listed in Section 21.29(k), CFR.~~

~~(G) Suspension, Revocation or Denial of License. (Section 21.29 CFR) The department may suspend, revoke, or deny issuance or renewal of any falconry license if the applicant or licensee either fails to comply with any requirement of these regulations or has been convicted of a violation of any falconry regulations, including such regulations of a state listed in Section 21.29(k), CFR. For the purpose of this subsection, violation of a general hunting regulation is not a violation of a falconry regulation. An applicant or licensee whose license has been suspended, revoked, or denied may appeal to the Commission.~~

~~(H) Notification of Termination of Sponsorship. (Section 21.29 CFR) A sponsor shall immediately notify the department in writing (address given in subsection (a) above) in the event of termination of sponsorship for a licensee. The person requiring the sponsor shall acquire a new sponsor within 60 days of the receipt of the notification by the department. Failure to comply with this subsection will result in loss of qualifying time from the date sponsorship was terminated and no subsequent license will be issued until all requirements have been fulfilled.~~

~~(I) Report Requirement for Apprentices. (Section 21.29 CFR) Apprentice licensees must complete and submit a report of progress on a form approved by the department (FG 362 (9/95), which is incorporated by reference herein). This report must be signed and dated by both the licensee and sponsor. The report will be used to determine qualifying experience for future licenses.~~

~~(J) Department Inspection and Approval of Equipment and Housing. (Section 21.29 CFR) The equipment and housing required by these regulations shall be inspected and approved by the department prior to the issuance of a license, except the department may authorize a sponsor to inspect and certify that the equipment and housing of apprentice applicants meets or exceeds the minimum standards required by these regulations. Equipment or housing that does not meet the minimum standards required by these regulations shall not be certified by a sponsor. The department may enter the premises of any licensee at any reasonable hour to inspect all housing, equipment, or raptors possessed by the licensee, or to inspect, audit, or copy any permit, book, or record required to be kept by these regulations.~~

~~(2) AUTHORIZATION.~~

~~(A) Authorization of Licensed Nonresidents. (Section 21.29 CFR) Nonresidents licensed to practice falconry in a state listed in Section 21.29(k), CFR, are authorized to practice falconry in California. Citizens from another country are authorized to practice falconry in California only in accordance with a permit issued by the U.S. Fish and Wildlife Service. (See subsection (c)(2)(F) below for importation).~~

~~(B) Nonresident License Not Valid for Resident. (Section 21.29 CFR) Residents are not authorized to possess raptors or practice falconry by a license issued by another state or country.~~

~~(C) Temporary Transfer of Raptor. (Section 21.29 CFR) Any licensee who allows another person to temporarily possess any raptor as authorized by sections 21.28(d)(6) and 21.29(j)(4), CFR, shall mail a copy of completed federal Form 3-186A and a copy of~~

~~the statement authorizing temporary possession to the department (address given in subsection (a) above) on the day the bird is transferred.~~
~~(D) Apprentice Restriction. (Section 21.29 CFR) Except as provided in subsection (c)(2)(E) below, apprentice licensees may only take or possess American kestrels (*Falco sparverius*) or red-tailed hawks (*Buteo jamaicensis*).~~
~~(E) Possession of Captive Bred Raptors from Rehabilitation Facilities. (Section 21.29 CFR) All licensees may possess and use birds acquired from department approved rehabilitation facilities or legally acquired captive bred birds.~~
~~(F) Importation of Raptors. (Section 21.29 CFR) Licensees may import raptors for falconry only if they submit written authority to export raptors from the originating state or country with the department's copy of federal Form 3-186A. Nonresident licensees from a state listed in Section 21.29(k), CFR, and resident licensees who take their birds out of state and are returning to California, are exempt from this requirement. Citizens from another country may import raptors under the authority of a permit issued by the federal government, (see Section 21.29 CFR).~~
~~(G) Possession of Infertile Eggs. (Section 21.29 CFR) Infertile eggs laid by a licensee's bird may be possessed if the licensee notifies the department (address given in subsection (a) above), in writing within 48 hours after the egg is laid.~~
~~(3) BANDING.~~
~~(A) Prohibition of Removal of Bands. (Section 21.29 CFR) Raptor bands may not be removed from raptors except by a department employee or a person authorized by the department. The loss or removal of any band must be reported to the issuing office on federal Form 3-186A within five (5) working days of the loss or removal of the band.~~
~~(B) Prohibition on Defacing Band. (Section 21.29 CFR) 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.~~
~~(4) TAKING.~~
~~(A) Possession of Valid Falconry License Required For Take. (Section 21.29 CFR) Only persons with a valid falconry license in possession may take a raptor from the wild. Raptors may not be taken in any state or national park. (Nonresidents see subsection (c)(4)(B) below for additional requirements)~~
~~(B) Nonresident Provisions. (Section 21.29 CFR) Nonresidents licensed to practice falconry in a state listed in Section 21.29(k), CFR, shall apply to the department (address given in subsection (a) above) for a permit to take raptors in California. Application shall be made on form FG 364 (1/96), (Request for Capture), which is incorporated by reference herein, and which shall be provided by the department upon request. If unsuccessful, the permit (form FG 364a (1/96), which is incorporated by reference herein) shall be returned to the department within five days after the expiration date (address given in subsection (a) above). The fee for the permit is $182.00 per bird as adjusted annually pursuant to Section 713 of the Fish and Game Code. Nonresidents shall only take raptors from the wild in accordance with the conditions of the permit.~~
~~Reporting Take Location. Permittee shall notify the department within 5 days of take of a bird from the wild, on form FG 364a (1/96), provided by the department. Such notification shall include the county of take and a description of the site in Township,~~

~~Range, and Section format. A copy of a topographic map, with the capture site clearly indicated, shall be mailed to the department at the address indicated on the form (address given in subsection (a) above) within 14 days of take. The location reporting requirement is for all species listed in subsection (c)(4)(C) below, except red-tailed hawk, American kestrel, and great horned owl.~~

~~(C) Raptors Approved for Take From the Wild. (Section 21.29 CFR) Only the following raptors may be taken from the wild: Northern goshawk (*Accipiter gentilis*) (also see subsection (c)(4)(D) below), Cooper's hawk (*A. cooperii*), sharp-shinned hawk (*A. striatus*), red-tailed hawk (*Buteo jamaicensis*), ferruginous hawk (*B. regalis*), merlin (*Falco columbarius*), American kestrel (*F. sparverius*), prairie falcon (*F. mexicanus*) and great horned owl (*Bubo virginianus*).~~

~~Reporting Take Location. Permittee shall notify the department within 5 days of take of a bird from the wild, on form FG 363 (9/95), which is incorporated by reference herein, provided by the department. Such notification shall include the county of take and a description of the site in Township, Range, and Section format. A copy of a topographic map, with the capture site clearly indicated, shall be mailed to the department at the address indicated on the form (address given in subsection (a) above) within 14 days of take. The location reporting requirement is for all species listed in subsection (c)(4)(C) below, except red-tailed hawk, American kestrel, and great horned owl.~~

~~(D) Prohibition on Take of Northern Goshawks. (Section 21.29 CFR) Northern goshawks may not be taken from the wild at any time in the Lake Tahoe Basin as described below:~~

~~Those portions of Placer, El Dorado, and Alpine counties lying 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; southwesternly 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. The geographic boundary of the Lake Tahoe basin is also an area encompassed by the Lake Tahoe Basin Management Unit which is administered by the U.S. Forest Service. The Forest Service office is located in South Lake Tahoe, and maps depicting the boundary may be purchased there or obtained by mail. For ordering information call (916) 573-2600.~~

~~(E) Approved Methods of Take. (Section 21.29 CFR) Raptors may be taken by trap or net which do not injure the birds. All snare type traps must be attended at all times. All other traps must be identified with the name and address of the licensee and checked at least once every 12 hours.~~
~~(F) Eyas Bird Restriction. (Section 21.29 CFR) Eyas birds may be taken only by general or master licensees, and only from May 20 through July 15. No more than two eyas birds may be taken by the same licensee in any one year. In no case may all eyas birds be taken from any one nest. At least one eyas shall be left in a nest at all times.~~
~~(G) Passage Bird Restriction. (Section 21.29 CFR). Passage birds may only be taken from October 1 through January 31, except that a legally marked raptor which was lost or escaped may be taken at any time.~~
~~(H) Definition of Replacement Period. (Section 21.29 CFR) The 12 month period for replacing birds begins on March 1, of each year.~~
~~Note: Authority cited: Sections 200, 395, 1050 and 2120, Fish and Game Code. Reference: Sections 395, 713, 1050 and 1054.5, Fish and Game Code.~~
(a) **GENERAL PROVISIONS.** Any person who wants to engage in falconry activities shall first apply for and be issued an annual falconry license (licensee) from the department. While engaged in falconry, residents, nonresidents and non-U.S. citizens shall carry an original permit, and all additional documentation or legible copies that authorizes them to practice falconry in California. Falconry activities shall be as provided by the Fish and Game Code and regulations provided herein. 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 10/08/2008) 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/.
(b) **FALCONRY 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 having no subspecies occurring in the wild in the United States or Mexico 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.
(9) "Hybrid raptor" means offspring of raptors of ~~one~~two or more distinct species listed in Title 50, CFR, Section 10.13.

(10) "Imp" is to cut a broken or damaged feather and replace or repair it with an undamaged 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) “Non-native raptor” is any raptor that does not naturally occur in the state of California
(13) “Passage raptor” is a juvenile raptor less than one year old that is capable of flight.
(14) "Raptor" means any bird of the Order *Falconiformes*, *Accipitriformes* or *Strigiformes*, or hybrids 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 in the United States or Mexico. 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.** 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 hunting of such species, including but not limited to licenses, seasons, bag limits, and hunting hours.
(d) **TAKE OF STATE OR FEDERAL ~~LISTED~~THREATENED OR ENDANGERED SPECIES.** A licensee shall ensure that falconry activities do not cause the take of state or federally ~~listed~~threatened or engangered wildlife, for example, by avoiding flying a raptor in the vicinity of the listed species. Any ~~listed~~threatened or engangered bird or mammal 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 shall be reported by the licensee to the nearest U.S. Fish and Wildlife Service (USFWS) Ecological Services Field Office or the nearest department regional office (www.dfg.ca.gov/regions/) within 10 calendar days of the kill. The licensee shall report their name, falconry permit 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, CFR.
(e) **LICENSING.**
(1) 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 who is applying for his/her first license;
(B) California resident or nonresident who is applying to renew a lapsed license;
(C) California resident who is applying to renew a license that has not lapsed; 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. The applicant for a new license or lapsed license shall submit a completed New Falconry License Application, as specified in Section 703, to the address listed on the application. The applicant for a license renewal shall submit a completed Falconry License Renewal Application, as specified in Section 703, to the address listed on the application. The department may issue new licenses and

renew existing or lapsed 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. 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 the Wildlife Service falconry regulations, and CFR 50, SECTIONS 21.29 THROUGH 21.30 and the federal Migratory Bird Treaty Act, 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 the license, and/or administrative, civil, or criminal penalties." The application shall be submitted with the applicant's original signature.

(B) EXPERIENCE. The department shall consider an applicant's falconry experience acquired in California, as well as another state or country when evaluating an application for any class of license. The department shall determine which class level 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. Any person applying for his/her first 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 day following three months fromthe date of the priorfailed examination. 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, will not be required to take the examination in California if the applicant took the examination within five years from the date the application was submitted.

(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.

(5) NONRESIDENTS OF CALIFORNIA AND NON-US CITIZENS.

(A) 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) A nonresident licensed falconer or non-U.S. citizen licensed falconer may fly raptors held for falconry by a licensed California falconer, provided that written permission is given to the nonresident or non-U.S. citizen by the licensee. This written authorization must be carried with him/her while flying or transporting the raptor.
(C) 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 possession while practicing falconry in California. Temporary facilities shall meet the standards in these regulations, including but not limited to provisions described in subsection (j), and ~~as specified in~~pursuant to Title 50, CFR, Section 21.29. A nonresident or non-U.S. citizen may house raptors in his/her possession at another licensed falconer's facilities while temporarily practicing falconry.
(6) FALCONRY CLASSES. There are three classes of licensed falconers in California: Apprentice falconer, General falconer, and Master falconer. The department 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.
1. 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. 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. 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. If sponsorship is terminated, an Apprentice falconer and his/her sponsor shall immediately notify the department's License and Revenue Branch in writing. For a license to remain valid, the Apprentice falconer shall acquire a new sponsor within 30 calendar days from the date sponsorship is terminated, and provide written notification, along with the certification described in subsection (e)(6)(A)2, to the department once a new sponsor is secured. Failure to comply with sponsorship requirements will result in loss of qualifying time from the date sponsorship was terminated and no subsequent license will be issued until the two year requirements of sponsorship have been fulfilled.
4. 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. Apprentice falconers are not required to capture a wild raptor themselves; the

raptor can be transferred to him/her 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.

5. 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)~~(2)~~, before a license may be issued.

6. 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 for at least two years, including maintaining, training, flying, and hunting with the raptor for at least four months in each regulatory 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. 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.

1. 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. A General falconer may possess for falconry purposes any wild raptor species listed in subsection (g)~~(7)~~(5), and any captive-bred or hybrid any species of Order Falconiformes, Accipitriformes, or Strigiformes, except federally or state listed threatened or endangered species, and eagles. 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. A General falconer shall have practiced falconry with a raptor, including maintaining, training, flying, and hunting with the raptor, at the General level 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.

1. POSSESSION OF RAPTORS. A Master falconer may possess for falconry purposes any wild raptor species listed in subsection ~~(f)(7)~~(g)(5), and any captive-bred or hybrid of any species of Order Falconiformes, the Order Accipitriformes, or the Order Strigiformes, except federally or state listed threatened or endangered species. A Master falconer may possess any number of raptors except he/she 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. A Master falconer may possess up to three eagles at any one time, except no bald eagle may be possessed. Eagles may not be captured from the wild in California, but may be obtained from captive breeders, imported from

another state, or transferred from a rehabilitation facility if the eagle is non-releasable. The department shall authorize in writing which species of eagles a Master falconer may possess. The Master falconer shall submit a request for this authorization and include a resume of his/her 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 the author's experience with large raptors, and may include, but is 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. The base fee for a falconry license is specified in Fish and Game Code Section 396. Falconry related fees are specified in Section 703 for the following:

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

(B) EXAMINATION. An applicant shall submit a nonrefundable Falconry Examination Fee each time an applicant applies to take an examination.

(C) INSPECTION. An applicant or licensee shall submit a nonrefundable Inspection Fee prior to the department inspecting his/her 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.

(D) RE-INSPECTION. An applicant shall submit a nonrefundable Re-Inspection Fee when a facility fails to pass a previous inspection.

(E) ADMINISTRATIVE PROCESSING. An applicant shall submit a nonrefundable Administrative Processing Fee for each Federal Form 3-186A submitted to the department's License and Revenue Branch when not using the USFWS's electronic 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 species with capture quotas.

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

(8) DENIAL. The department may deny the issuance of a new license or a renewal of an existing or lapsed 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~~terms and conditions of a license or any provision of the Fish and Game Code or regulations adopted pursuant thereto 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 or regulations herein 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.
(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 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. At its discretion, 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. Any license issued pursuant to these regulations may be suspended or revoked at any time by the department for failure 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~~the terms and conditions of the license, or for failure to comply with any provision of the Fish and Game Code, regulations adopted pursuant to the Fish and Game Code 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 licensee has not been convicted, the suspension or revocation shall take effect when the time to request an appeal pursuant to subsection (e)(11) 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. All notices sent from the department to an applicant or licensee pursuant to subsections (e)(8) or (e)(9) 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. 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 deadline to submit a request for appeal.
(12) RECORD KEEPING. A licensee shall retain copies 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. 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 days of the change.
(f) **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.
(3) 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.
(4) 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.**

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

(2) A 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 as specified in subsection (g)(7), 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 permit year or if issued after the beginning of the 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 application for the random drawing, as specified in subsection (g)(7)(K).

(3) 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) 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 from attending the capture of a raptor for use in falconry, then another licensee may capture a bird for the licensee without him/her 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 year.

(5) 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) 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 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) 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 year.

(A) NORTHERN GOSHAWK.

No more than one northern goshawk may be captured within the Lake Tahoe Basin during the regulatory 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. No restrictions on cumulative number or location of Cooper's hawks captured statewide during the regulatory year.

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

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

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

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

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

(H) PRAIRIE FALCON. No more than 14 prairie falcons may be captured per regulatory year, cumulative, statewide

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

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

(K) RANDOM DRAWING. A random drawing shall be held by the department to determine distribution of Special Raptor Capture Permits to capture Northern goshawk and prairie falcon from the wild, as specified in subsection 670(g)(7). Applicants 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 Resident applicant shall not submit more than two drawing applications each regulatory year.

2. A Nonresident applicant shall not submit more than one drawing application per each regulatory year.
3. Applicants shall submit to the department's License and Revenue Branch 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 is applying for to capture from the wild, and include the nonrefundable Drawing Application Fee, as specified in Section 703.
4. Applications must be received by midnight, Pacific Standard Time, on ~~May 1~~Jan. 31 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. 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. Successful and alternate applicants will be mailed notification as soon as practical. Unsuccessful applicants shall be notified by mail. Upon receipt of the notification, 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 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. ~~permit~~ 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 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. 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 within 10 calendar days of the. 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. 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 within 10 days of the close of the season.
10. The permit holder shall surrender his/her 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 made 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. 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. 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. If the researcher wants to replace the transmitter or its batteries, or have the transmitter removed and the bird released, the researcher or his or her designee may make such change or allow the licensee to do so before the raptor is released. Temporary possession of such a raptor will not count against a licensee's possession limit for falconry raptors. If the researcher cannot be contacted or does not want the transmitter to remain on the raptor, the licensee may keep the raptor if it was otherwise lawfully captured. If the raptor belongs to a falconer, subsection (h)(11) shall apply.

(9) 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 shall report the capture to the department's License and Revenue Branch 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. A licensee shall immediately release any bird unintentionally captured that he/she is not authorized to possess.

(11) 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 written permission while practicing falconry.

(h) **POSSESSION, TRANSFER, AND DISPOSITION OF RAPTORS**

(1) 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 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 class, and does not exceed his/her 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 at the discretion of the department.

(2) TEMPORARY TRANSFER OR CARE OF RAPTOR. Any licensee who temporarily transfers possession of his/her 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 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 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. 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 may fly the raptor if he /she possesses the appropriate level 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. 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 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 that identifies the raptor and explains that the falconer is assisting in its rehabilitation. The licensee shall have the letter or legible copies in his/her possession while flying the raptor for rehabilitation.

(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.

(5) 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 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 falconry raptor that he/she possesses legally, provided that importation of that species into the United States is not prohibited, and he/she has met all permitting requirements of his/her country of residence. Import of raptors, including exotic raptors, may be subject to other state and federal laws.

(6) 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 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 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.
(7) 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 animal species or in any other location where a raptor may take or harm a state or federally listed threatened or endangered animal species. Only a General or Master falconer may hack falconry raptors.
(8) 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 30186A in the USFWS's electronic 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 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. 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 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 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
(B) ~~Sent to a qualified pathologist or veterinarian to perform a necropsy. If a necropsy was performed; or~~
~~(C)~~ Donated to any person authorized to possess the raptor or parts thereof; or
(C)~~(D)~~ Kept by the licensee for use in imping; or
(D)~~(E)~~ Delivered to a taxidermist for mounting and possession by the falconer; or
(E)~~(F)~~ Burned, buried, or otherwise destroyed.
(10) 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 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 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 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.

(11) 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. 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. No person may 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 bands to other licensed falconers who are authorized to possess them.

(13) 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. A licensee may use falconry raptors for education, exhibiting, propagation, or abatement. A licensee may ~~use~~transfer a wild-caught raptor to a raptor propagation permit ~~for lawful purposes other than falconry~~, 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, Coopers hawk and American kestrel~~. prior to engaging in another use~~. A wild caught raptor may be ~~used for lawful purposes~~transfered to another permit type other than falconry ~~in less than two years~~ 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. A licensee may use raptors in their possession for training purposes, education, field meets, and media (filming, photography, advertisements, etc.), as noted in Title 50, CFR, Section 21.29, 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 falconry raptor for education purposes only under the supervision of a General or Master falconer.

(B) 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 permanently transferred from a falconry license to a federal Raptor Propagation Permit if it is used for propagation eight months or more in a regulatory year in captive propagation and shall be reported by entering the required information on Form 3-186A in the USFWS's electronic 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 year.

(C) 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. ~~Payment for providing abatement services may only be received by holders of a valid federal Special Purpose Abatement Permit.~~

(i) **BANDING AND TAGGING.**

(1) A goshawk, peregrine, gyrfalcon or Harris hawk~~wild raptor~~ captured from the wild ~~in California~~ 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 bands.

(A) A licensee shall obtain a band from the department's License and Revenue Branch or regional office prior to capturing a raptor from the wild.

(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 the microchip information on Form 3-186A in the USFWS's electronic reporting system.

(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.

(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.

(4) Prohibition on Defacing Band. 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. 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.**
(1) HOUSING STANDARDS AND SPECIFICATIONS. Raptor housing facilities shall meet the standards in Title 50, CFR, Section 21.29(d) 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 ~~(such as in a weathering yard)~~ at any location, only if they are in the immediate presence of a licensed falconer.
(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 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.
(2) 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 possess.
(3) INSPECTIONS. Inspections of indoor or outdoor facilities, equipment, and raptors shall be conducted by the department. Inspections are required for a new applicant, applicants renewing a lapsed license, and licensees that move facility housing to a new address, and these persons 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 minimum 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 of any licensed falconer during a reasonable time of the day and on any day of the week. 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 shall submit to the department's License and Revenue Branch a signed and dated statement 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.

Section 678, Title 14, CCR, repealed:

~~**678. Captive Raptor Breeding.**~~

~~(a) General Provisions. No person shall engage in any activity related to the propagation of raptors except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act and published in Title 50, Code of Federal Regulations (CFR), Part 21 (Revised 9/14/89) are hereby incorporated and made available upon request from the Department of Fish and Game, Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090.~~

~~(b) Department Inspections. The department may enter the premises of any permittee at any reasonable hour to inspect all housing, equipment, or raptors possessed by the permittee, or to inspect, audit, or copy any permit, book, or record required to be kept by these regulations.~~

~~Note: Authority cited: Sections 200 and 395, Fish and Game Code. Reference: Sections 200 and 395, Fish and Game Code.~~