

## Regulatory Language

Section 670, Title 14, California Code of Regulations, is hereby amended as follows:

### § 670. Practice of Falconry.

*. . . [No change to subsections (a) through (e)(2)(C)] . . .*

(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~~21.82 and 21.85, 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 subsection 670(j), Title 14, of the 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 the Fish and Game Code, and the regulations promulgated thereto.~~ I certify that 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.

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

(3) Examination Requirement. An 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. An 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. An applicant shall submit the nonrefundable falconry examination fee specified in Section 703 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 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 license.~~

~~2-~~1. The applicant is a nonresident or non-U.S. citizen falconer who has a valid falconry license issued from another state or country.

3-2. The applicant is a member of a federally recognized tribe and has a valid falconry license issued from that member's tribe.

. . . [No change to subsections (e)(3)(B) through (h)(12)]. . .

(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. 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 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 the licensee's falconry raptor for education purposes only under the supervision of a General or Master falconer.

. . . [No change to subsections (h)(13)(B) through (j)]. . .

Note: Authority cited: Sections 200, 203, 265, 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; Section 597, Penal Code; and Title 50, Code of Federal Regulations, Parts ~~21.29 and 21.30~~ 21.82 and 21.85; Stipulated Judgment and Order of the United States District Court (*Stavrianoudakis, et al. v. USFWS, et al.*, Case 1:18-cv-01505-JLT-BAM), dated November 10, 2022; Opinion of the United States Court of Appeals, 9th Circuit (*Stavrianoudakis, et al. v. USFWS, et al.*, (2024) 108 F.4th 1128)).

Section 703, Title 14, California Code of Regulations, is hereby amended as follows:

**§ 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.**

. . . *[No change to subsection (a)]*

(b) Applications, Forms and Fees for July 1 through June 30 (Fiscal Year).

(1) Falconry.

. . . *[No change to subsection (b)(1)(A)]*

(B) Falconry License Renewal Application (~~FG 360 (New 2/13~~ DFW 360 (Rev. 07/2025))) incorporated by reference herein.

1. An applicant for a license renewal that has not lapsed as specified in subsection 670(e) shall submit a License Renewal Application with the appropriate fee(s) listed in ~~paragraph (b)(1)(A)~~ on form DFW 360.

(C) New Falconry License Application (~~FG 360b (New 2/13~~ DFW 360b (Rev. 07/2025))) incorporated by reference herein.

1. An applicant for a new license as specified in subsection 670(e) shall submit a New Falconry License Application with the appropriate fee(s) listed in paragraph (b)(1)(A).
2. An applicant for a lapsed license renewal as specified in subsection 670(e) shall submit a New Falconry License Application with the appropriate fee(s) listed in Paragraph (b)(1)(A).

(D) Apprentice Falconer's Annual Progress Report (FG 360c (New 2/13)) incorporated by reference herein.

1. A licensed Apprentice falconer who is applying for license renewal, or within 10 calendar days after expiration of the license, whichever comes first, shall submit an Apprentice Falconer's Annual Progress Report as required in subsection 670(f).

(E) Raptor Facilities and Falconry Equipment Inspection Report (~~FG 360d (New 2/13~~ DFW 360d (Rev. 07/2025))) incorporated by reference herein.

1. A new applicant, an applicant renewing a lapsed license, or a licensee that moves housing facilities to a new address, shall initiate an inspection by submitting a Raptor Facilities and Falconry Equipment Inspection Report as required in subsection 670(j) with the specified Inspection Fee(s) listed in paragraph (b)(1)(A).

. . . *[No change to subsections (b)(1)(F) through (c)]*

**NOTE :** Authority cited: Sections 713, 1002, 1002.5, 1050, ~~4055~~, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code. Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts ~~21.29 and 21.30~~ 21.82 and 21.85; Opinion of the United States Court of Appeals, 9th Circuit (*Stavrianoudakis, et al. v. USFWS, et al.*, (2024) 108 F.4th 1128)).