

Appendix E. Current California Falconry Regulations, CCR Title 14, Section 670

(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; 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. 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) Eya Bird Restriction. (Section 21.29 CFR) Eya birds may be taken only by general or master licensees, and only from May 20 through July 15. No more than two eya birds may be taken by the same licensee in any one year. In no case may all eya birds be taken from any one nest. At least one eya 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.

HISTORY

1. Amendment of subsection (d) filed 8-6-82; effective thirtieth day thereafter (Register 82, No. 32). For prior history, see Register 81, No. 45.
2. Editorial correction of subsection (b)(4)(C) filed 7-29-85; effective thirtieth day thereafter (Register 85, No. 31).
3. Amendment of subsections (a), (c), (d), (l) and (o) filed 1-31-86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 5).
4. Amendment of subsection (c) filed 8-12-87; operative 9-11-87 (Register 87, No. 33).
5. Amendment of subsections (e) and (l) filed 7-28-88; operative 8-27-88 (Register 88, No. 32).
6. Amendment of subsection (c) and Note filed 6-30-92; operative 7-30-92 (Register 92, No. 27).
7. Amendment filed 7-7-93; operative 7-7-93 (Register 93, No. 28).
8. Change without regulatory effect amending subsections (c)(1)(A), (G), and (H), (c)(2)(A), (C), (D), and (G), (c)(4)(A) and (C) and Note filed 9-8-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 37).

9. Amendment of subsections (c)(1)(I) and (c)(4)(B), (C), and (D) filed 4-21-94; operative 4-21-94 (Register 94, No. 16).

10. Change without regulatory effect amending subsections (a), (c)(1)(A), (c)(1)(I), (c)(2)(G), (c)(4)(B) and (c)(4)(C) filed 4-4-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).

14 CCR § 670, 14 CA ADC § 670

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