



California Department of Fish and Wildlife

Falconry Regulation Change 2013

Facts and Additional Information

What is the process for States to adopt the new falconry regulations?

States must certify to the US Fish and Wildlife Service (Service) that their regulations comply with the Federal requirements and the Service must approve the certification. After the Service approves the certification, the Federal permit requirement will be eliminated for falconers residing in those States beginning January 1 of the following year. Upon approval of a State certification, we will publish a notice in the Federal Register. In addition, the Service or the State will notify current falconers.

How long do the States have to adopt the Federal standards?

State laws and regulations governing falconry must meet the standards in the Federal regulations by January 1, 2014, at which time the Federal permit program will be discontinued.

Can State regulations differ from the Federal standards?

Yes. State regulations cannot be less restrictive than the Federal standards, but they may be more restrictive.

Are there expected legal or economic impacts of the new state regulations?

Expected legal and economic impacts will be addressed in more detail in the Environmental Document. However, we do not expect there to be major impacts here.

Are falconry permit costs expected to increase?

The current permit fee is used offset the cost of processing your application and administering your reports and other records. Under the new Federal regulations, the responsibility of the State will increase. For instance inspection of falconry records, facilities and birds will be the responsibility of the States. To offset these additional costs, the State's permit fee is likely to increase. At this time we do not know what the fee will be.

When will the state's electronic reporting system be running?

After the new falconry regulations are adopted, CDFW will work with the Service to ensure that an electronic reporting system for reporting take, transfers, and loss of falconry birds is fully operational for residents of the State. The Service will still be administering a national falconry database for State use. States will be able to access the database to see where a falconer has moved or to check on the falconer's permit prior to moving to the State.

What data will be used to analyze the effects of falconry on raptor populations?

CDFW will compile data that has been submitted by falconers from 2006 through 2010. Available population data for falconry species will be compiled as well.

To speed up the rulemaking process, why can't the Commission just cut out the federal regulations and paste them into the state regulations?

There are several state laws in addition to federal laws that the Commission must comply with before adopting new falconry regulations. First and foremost are the California Environmental Quality Act (CEQA, Public Resources Code, § 21000 et seq.) and the Administrative Procedure Act (APA, Government Code, § 11340 et

seq.). Both of these acts require the Commission to provide notice of the proposed rulemaking to interested parties and consider public comments it receives during formal public comment periods. CEQA may also require the Commission to prepare one or more environmental documents, which can take many months, that evaluate various potential environmental impacts. In addition, after it is adopted, the APA requires another government agency, the Office of Administrative Law, to review the falconry regulations and all other newly adopted rules to determine each rule's necessity, authority, clarity, consistency, reference, and nonduplication. If OAL finds that the new falconry regulations do not meet one or more of these standards, the Commission might have to start the rulemaking process over. While both of these acts can lengthen the rulemaking process considerably, they also allow members of the public and the Commission to become better informed and help the Commission to adopt rules that carefully consider known impacts.

Will fully protected raptors, such as the peregrine falcon and golden eagle, be allowed for wild take in falconry?

CDFW does not have authority to allow take of fully protected species from the wild for the purposes of falconry. The Fish and Wildlife Code Section 3511(a)(1) states, "Except as provided in Section 2081.7 or 2855, fully protected birds or parts thereof may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, CDFW may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species, and may authorize the live capture and relocation of those species pursuant to a permit for the protection of livestock."

What fees will we be charged for licensing once California's new falconry regulations take affect January 2014?

The Department issues licenses on a fiscal year (e.g. July 2013 - June 2014). California's new regulations and associated fees are expected to take affect January 2014, upon federal approval. You can view the proposed fees by following the link above for CCR, Title 14, Section 703. Falconers that have already paid fees for the fiscal year 2013/2014 will not have to pay the new fees and their licenses are still good through June 2014. New fees and licensing will be implemented starting July 2014. However, new reporting forms are to be used by falconers starting January 2014, as well as the online reporting system for the federal falconry form. There will no longer be a federal permit fee once state regulations are approved by USFWS.