

STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-Publication of Notice Statement)

Amend Section 703  
Title 14, California Code of Regulations (CCR)  
Re: Falconry Fees and Forms

I. Date of Initial Statement of Reasons: May 21, 2013

II. Dates and Locations of Scheduled Hearings:

(a) Public Hearing: Date: July 30, 2013  
Location: Sacramento

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. The purpose of the proposed amendment to Section 703 is to implement the fees and forms provisions of new regulations in Section 670, Title 14, CCR, for the practice of falconry in California. In order to comply with federal requirements, CFR 50 21.29 and 21.30, the Fish and Game Commission (Commission) adopted new regulations for the practice of falconry in the state on March 6, 2013. The provisions of Section 670 are scheduled to go into effect on January 1, 2014. While the Commission has authority to regulate the practice of falconry in California, the Department of Fish and Wildlife (Department) retains the authority to set fees for licenses, permits, permit applications and facility inspections related to falconry activities in the state.
2. Section 670 requires increased oversight by the Department for license applications, permitting, monitoring and inspection of falconry facilities. The Department is currently proposing fees to recover the costs associated with these activities. Specifically, the Department proposes to amend Section 703, Title 14, CCR, by adding a new subsection 703(b) Applications, Forms and Fees for July 1 through June 30 (Fiscal Year); adding a new subsection 703(b)(1) Falconry; and adding a new subsection 703(b)(1)(A) 2013-2014 Falconry Fees, which enumerates the fees as indicated below. New subsections 703(b)(1)(B-J) are proposed to be added for falconry forms. The proposed regulations within subsection 703(b) will take effect January 1, 2014, simultaneously with the provisions of Section 670.

(b) Proposed Regulations

1. A new subsection for Fiscal Year fees is proposed to be added entitled: 703(b) Applications, Forms and Fees for July 1 through June 30 (Fiscal Year).
  - a. Subsection 703(a) is unchanged by this action; it is for Calendar Year fees.
2. The subsection previously numbered 703(b) will now be renumbered as 703(c). Subsection 703(c) provides that the fees established in Section 703 shall be adjusted annually, using the Implicit Price Deflator index, in accordance with the provisions of sections 699 and 1050, Title 14, CCR, and Section 713 of the Fish and Game Code.
3. A new subsection 703(b)(1) Falconry is added. (Note: In the future, additions of other Fiscal Year fees can be added sequentially, e.g., 703(b)(2), (3), etc.)
4. Fees will be included in a new subsection 703(b)(1)(A) Falconry Fees. The new fees for falconry are shown below and are proposed to become effective January 1, 2014.

**Examination:** The examination given to applicants wishing to obtain a falconry license will require oversight and administration by Department staff. Examinations are given at various Department offices throughout the state. The employee assigned to administer the examination will vary from administrative staff to managerial depending on availability. The employee will have to verify the identity of each applicant through photo identification; verify that the applicant has not taken this examination within the previous business day; verify the applicant provides all required information on the exam; verify applicant is 12 years of age or older; and must supervise the applicant during the examination. It is estimated that to address these needs, Department staff will spend approximately 90 minutes per exam.

In determining the Department's cost to administer an exam, the Budget Analyst used the top step of the Office Technician classification (plus other related benefits and overhead) which is representative of an average hourly cost for all administrative personnel who might be assigned to oversee an exam in any Department office.

This cost is \$33.36 per hour, applied to a 90-minute period for administering the examination, which equates to a fee of \$50.00. (Refer to the Fee Calculation Tables)

**Facility Inspections:** Department law enforcement personnel will perform all required inspections of falconry facilities. The employee assigned to conduct the inspection will vary in rank depending on availability. The Department has assessed the anticipated costs to implement this inspection program and estimated the annual costs for inspection of facilities and associated administrative work. Currently, the Department has licensed approximately 575

active falconers throughout the state. Drive time to and from housing facilities throughout the state is estimated to be 1-3 hours, with an average of 2 hours. Typically inspections are for new Apprentice facilities, relocation of facilities for California licensed falconers, or inspections for individuals whose falconry license has lapsed. On average there are 20 raptor facility inspections each year.

Falconry housing facilities typically have 1 to 5 enclosures to house falconry raptors, but some have more. Falconry facilities can vary from simple indoor facilities to large outdoor areas. It is estimated that one Officer can inspect facilities with between 1 and 5 enclosures, plus equipment and any associated falconry records, in approximately 60 minutes. Additional enclosures can be inspected in approximately 12 minutes each (based on 5 enclosures in 60 min, which equates to 12 min per enclosure).

In determining the Department's inspection costs, the Budget Analyst used the top step of the Fish and Wildlife Warden classification (plus other related benefits and overhead) which is representative of an average hourly cost for all personnel which might be assigned to inspect falconry enclosures and facilities and dispatched from any Department office.

This cost is \$64.05 per hour, applied to an average 3 hours for 1-5 enclosures, which equates to a \$259.00 fee. For each enclosure over 5, an additional fee of \$12.75/enclosure is proposed. (Refer to the Fee Calculation Tables)

**Re-inspection Fee:** Re-inspections occur for facilities that do not pass initial inspections, or for violations or non-compliant issues. The estimated number of re-inspections per year is five. Since inspection of failed facilities is somewhat more complex, the average time spent in re-inspections is estimated at 20 minutes. Drive time to and from housing facilities throughout the state is estimated to be 1-3 hours, with an average of 2 hours.

This cost is \$64.05 per hour, applied to an average 2.58 hours for 1-5 enclosures, equates to a fee of \$216.00 (Refer to the Fee Calculation Tables).

**Data Entry for Federal Form 3-186A:** The federal falconry regulations (Title 50, CFR, Part 21.29) require that falconers report activities to the 3-186A electronic database. This will be a requirement for California falconers as well. For falconers that are unable to enter activities into the electronic database, Department staff will enter it for them. Falconers wishing to have Department staff enter falconry activity data for them may mail a completed hardcopy or email a completed electronic copy of federal form 3-186A, or falconers may call the Department to give them data directly. Under each option, it is estimated that it will take Department staff approximately 20 minutes to enter the data for an individual falconer.

In determining the Department's data entry cost, the Budget Analyst used the top step of the Program Technician II classification (plus other related benefits and overhead) which is representative of an average hourly cost for all personnel which might be assigned to enter the required information in any Department office.

This cost is \$38.41 per hour, applied to a 20 minute processing time, which equates to a \$12.75 fee. (Refer to the Fee Calculation Tables)

**Special Raptor Capture Drawing Application:** Applicants for the drawing will be required to submit a Drawing Application fee to be entered into the random drawing for Northern goshawk and prairie falcon capture. The application fees for other Department drawings are established in current regulations in Section 702, Title 14, CCR, at a price of \$7.50. This figure is also proposed as the base fee for the Special Raptor Capture Drawing Application.

**Special Raptor Capture Permit Fee:** It is estimated that approximately 50 licensed falconers may apply to participate in the Special Raptor Capture Permit drawing. Staff time to process fees, administer the drawing, notify all applicants and issue permits was estimated to be 16 hours (approximately 20 minutes each).

In determining the Department's processing costs, the Budget Analyst used the top step of the Program Technician II classification (plus other related benefits and overhead) which is representative of an average hourly cost for all personnel which might be assigned to process drawing applications in any Department office.

This cost is \$38.41 per hour, applied to a 20 minute processing time, which equates to a \$12.75 fee. (Refer to the Fee Calculation Tables)

Fees for falconry activities to be established in Section 703:

<b>703(b)(1)(A) 2013-2014 Falconry Fees</b>	<b>New Fee<sup>(3)</sup> (Eff. 1/1/14)</b>
1. License Application	<sup>(1)</sup> \$ 13.75
2. Examination	\$ 50.00
3. Inspection Fee for 1 to 5 enclosures	\$ 259.00
Each enclosure over 5	\$ 12.75
4. Re-inspection	\$ 216.00
5. Data Entry for Federal Form 3-186A	\$ 12.75
6. Special Raptor Capture Drawing Application	\$ 7.50
7. Special Raptor Capture Permit	\$ 12.75
8. Nonresident Falconer Raptor Capture Permit	<sup>(2)</sup> \$ 319.00

<sup>(1)</sup> The application fee for new licenses or renewals is in current regulations (formerly subsection 670(c)(1)(D)) and has been set at \$13.75 for the 2013/2014

license year. The Department is not proposing to change this fee. (Refer to the Fee Calculation Tables)

<sup>(2)</sup> The fee for a Nonresident Falconer Raptor Capture Permit is in current regulations (formerly subsection 670(c)(4)(B)) and has been set at \$319.00 for the 2013/2014 license year. The Department is not proposing to change this fee. (Refer to the Fee Calculation Tables)

<sup>(3)</sup> Nonrefundable Application Fee. Additionally, in accordance with Section 700.4, Title 14, CCR, all licenses, tags, permits, reservations or other entitlements purchased via Automated License Data System (ALDS) shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing that license, tag, permit, reservation or other entitlement. The total fee, including the nonrefundable application fee, will appear on the relevant form. (Refer to the Fee Calculation Tables)

5. The current year (2013-2014) fee for a falconry license is \$77.25, as established in Fish and Game Code (FGC) Section 396(b). The fee is adjusted annually pursuant to FGC Section 713. Legislative action to modify the Fish and Game Code would be required to change the base fee for the license; therefore, the proposed amendments to Section 703 will not affect the falconry license fee.
6. New falconry forms will be included in the new subsections 703(b)(1)(B) - (J). The falconry forms shown in the following table are proposed by this action to be incorporated by reference in order to fulfill the provisions of the new Section 670 regulations adopted by the Commission. Falconers seeking licenses, inspections, or permits beginning January 1, 2014 will use the new forms; new licenses issued by the Department after January 1<sup>st</sup> will be in effect through June 30, 2014. (Note: All licenses will need to be renewed utilizing the new forms and paying the fees for the 2014-2015 season).

<b>703(b)(1)(B-J) Forms</b>	<b>New Form</b>
(B) Falconry License Renewal Application	FG 360 (New 02/13)
(C) New Falconry License Application	FG 360b (New 02/13)
(D) Apprentice Falconer's Annual Progress Report	FG 360c (New 2/13)
(E) Raptor Facilities and Falconry Equipment Inspection Report	FG 360d (New 02/13)
(F) Resident Falconer Raptor Capture Recapture and Release Report	FG 360f (New 02/13)
(G) Falconry Hunting Take Report	FG 360h (New 02/13)
(H) Special Raptor Capture Drawing Application	FG 360i (New 02/13)
(I) Nonresident Falconer Application for Raptor Capture Permit	FG 361 (New 02/13)
(J) Nonresident Falconer Raptor Capture Permit and Report	FG 361a (New 02/13)

Falconry License Renewal Application, FG 360 (New 02/13): All current licensees must submit the Renewal Application with the fee annually as provided in Section 670(e)(2). The new form is needed to allow existing falconers to comply with the annual license renewal requirement.

New Falconry License Application, FG 360b (New 02/13): All new applicants (and licensed non-residents, or non-U.S. citizens, seeking permanent residency) must submit the New Falconry Application with the fee as provided in Section 670(e)(2). Any licensed falconer who has allowed the license to lapse for 5 or more years must also submit this application. The new form is necessary to license new falconers.

Apprentice Falconer's Annual Progress Report, FG 360c (New 2/13): An Apprentice falconer shall submit a completed Apprentice Falconer's Annual Progress Report, as specified in Section 670 (e)(6)(A)(6.), demonstrating that the Apprentice falconer has practiced falconry with a raptor at the Apprentice level for at least two years. This form documents compliance with requirements for Apprentice falconers and is needed to replace Form FG362 which was deleted when the Commission adopted new regulations under Section 670.

Raptor Facilities and Falconry Equipment Inspection Report, FG 360d (New 02/13): A new license applicant, as specified in Section 670(e)(6)(A)(6.), or a licensee that moves his/her permanent falconry facilities to another location, as specified in Section 670(j)(1)(E), must have their facilities inspected and approved by the Department. The Raptor Facilities and Falconry Equipment Inspection Report is needed to document the results of that inspection.

Resident Falconer Raptor Capture Recapture and Release Report, FG 360f (New 02/13): 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 670 (f)(2), within 10 calendar days of capture of a raptor from the wild or the release of a raptor back to the wild. This form is used by the Department to monitor the capture and/or release of wild raptors for falconry in California, and is needed to replace Form FG363 which was deleted when the Commission adopted new regulations under Section 670.

Falconry Hunting Take Report, FG 360h (New 02/13): 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 670(f)(3). The form is necessary to allow the Department to track the extent of impacts of falconry on prey species of game and nongame taken by the sport of falconry, as it does for other hunting methods. The Department documents and monitors the incidental take of protected species so that adjustments may be made to avoid such take in the future.

Special Raptor Capture Drawing Application, FG 360i New 02/13): Applicants to capture Northern goshawk within the Tahoe Basin and prairie falcon from the wild statewide, as specified in subsection 670(g)(7), shall submit to the Department's License and Revenue Branch a Special Raptor Capture Drawing Application, as specified in Section 670(g)(7)(K)(3.), and include the nonrefundable Drawing Application Fee. This form is needed to facilitate competitive drawings for capture of these species.

Nonresident Falconer Application for Raptor Capture Permit, FG 361 (New 02/13): A Nonresident licensed falconer may request to capture within California one wild raptor of the species as specified in subsection 670(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 670 (g)(2). This form allows nonresident falconers to apply for a permit to capture a wild raptor in California and is needed to replace Form FG364 which was deleted when the Commission adopted new regulations under Section 670.

Nonresident Falconer Raptor Capture Permit and Report, FG 361a (New 02/13): A Nonresident licensed falconer, whether successful or unsuccessful in capturing a raptor, shall submit a complete Nonresident Falconer Raptor Capture Permit and Report as specified in Section 670 (g)(2). This form documents the results of raptor capture attempts by nonresident falconers and is needed to replace Form FG364a which was deleted when the Commission adopted new regulations under Section 670. The Nonresident Falconer is required to report information about the capture including: 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 the capture site. The information on FG 361a is needed by the Department to monitor the capture of wild raptors for falconry in California in the same way as information obtained from a Resident Falconer on Form 360f.

(c) Authority and Reference:

Authority cited: Sections 395, 396, 713, 1002, 1050, 1053, 2118, 2120, 2122, 2150, 2150.2 and 2157, Fish and Game Code.

Reference: Sections 355, 356, 395, 396, 398, 713, 1050, 1053, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3031, 3503, 3503.5, 3511, 3513, 3950, 10500, 12000 and 12002, Fish and Game Code.

Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

(d) Specific Technology or Equipment Required by Regulatory Change:

None.

(e) Identification of Reports or Documents Supporting Regulation Change:

Economic Impact Analysis

Budget Table Calculations of Personnel Costs

License and Revenue Branch:

- Table of Falconry License Fee (annually adjusted per Section 713)
- Table of Non Resident Raptor Capture Permit Fee (annually adjusted per Section 713)

Automated License Data System Table of fee calculations

(f) Public Discussions of Proposed Regulations at the time of the Notice of Intent to Publish:

No public meetings are scheduled prior to the notice publication. The 45-day comment period provides adequate time for public review of the proposed amendments to Section 703 which provide for forms and fees in accordance with Section 670 as adopted. The new forms, without the proposed fees, were published with the Commission's Section 670 public notice on November 27, 2012.

IV. Description of Reasonable Alternatives to Regulatory Action:  
Alternatives to Proposed Regulation Changes

(a) Alternatives to Proposed Regulation Changes:

No alternatives were identified. The intent of the regulation proposal is to adopt new Department forms and fees in accordance with the Commission's newly adopted falconry regulations in Section 670.

(b) No Change Alternative:

The no change alternative would result in the Department being unable to recover its costs for licensing, permitting and inspection activities related to the practice of falconry in California under the newly adopted Commission regulations in Section 670.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

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

VI. Impact of the Regulation Changes

Regulations adopted by the Commission under Section 670 will increase the workload and costs to the Department; however these costs will be borne by the license holders whose fees will fully cover the cost of the program as required by state law. Pursuant to sections 1050 and 2150.2 of the Fish and Game Code, the Department shall establish fees for permits, permit applications and facility inspection in amounts sufficient to cover the costs of administering, implementing, and enforcing these regulations.

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

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

The proposed action will affect a relatively small number of individuals engaged in the practice of falconry in California, primarily for recreation. The Department anticipates that the proposed regulations will affect very few, if any, businesses that rely on raptors. Therefore the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of permits issued over the entire state, this proposal is economically neutral to business.

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

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety.

Cost Impact to Small Business. The Department has determined that the amendments are unlikely to affect small businesses. The proposed action will affect individuals who choose to engage in the practice of falconry in California, primarily for recreation.

### Benefits to the Environment:

The Department anticipates benefits to the environment and to the health and welfare of California residents. It is the policy of this state to encourage the conservation, maintenance, and utilization of the raptor populations for their ecological values and their use and enjoyment by the public. The new provisions of Section 703 enable the Department to recover its costs for licensing, permitting and inspection activities related to the practice of falconry in California in accordance with regulations adopted by the Commission in Section 670, Falconry. Adoption of a self-supporting falconry program in California, including raptor species harvest quotas and inspection of raptor housing facilities, supports preservation of sustainable raptor populations for the citizens of the state.

#### (c) Cost Impacts on Representative Private Person or Business

There will be costs to private persons (e.g. falconers) who are among the 575 current licensees, and new applicants, who must comply with this proposed regulation. Generally, the new fees are not charged annually but are charged one-time dependent on the service extended by the state. Those one time fees, listed as 1-3, are: initial License Application, \$13.75; Examination, \$50.00; and initial Inspection, \$259.00 (and \$12.75 for addition enclosures); totaling \$322.75. The re-inspection fee, 4, is only charged when there is a failed inspection. The other fees, listed as 5-8, are charged based on the falconer's request for the service.

Fish and Game Code Section 1050 states "fees established by the Department shall be in an amount sufficient to recover all reasonable administrative and implementation costs of the Department relating to the program with regard to which the fee is paid."

There is a significant amount of Department staff time needed for reviewing/approving applications, determining advancement into higher falconry classes, administering falconry examinations and drawings, maintaining the state falconer database and ensuring proper data entry, complying with federal data reporting mandates, inspecting raptor housing and care facilities, and authorizing a variety of other falconry activities required in Section 670.

#### (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

The fees established by the Department are in an amount sufficient to recover all reasonable administrative and implementation costs relating to the falconry program. There are no related costs or savings in Federal Funding to the State.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies. None
- (f) Programs Mandated on Local Agencies or School Districts. None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.  
  
None.
- (h) Effect on Housing Costs. None.

**INFORMATIVE DIGEST  
(Policy Statement Overview)**

**BACKGROUND:**

The Department of Fish and Wildlife (Department) is in the process of setting new license, permitting and inspection fees for the practice of falconry in California. In order to comply with federal regulations, the Fish and Game Commission adopted new state regulations for the practice of falconry in the state on March 6, 2013, in Section 670, Title 14, CCR. The new regulations provide for increased oversight by the Department and require the establishment of fees, forms, and permits. The effective date for the new regulations in Section 670 is January 1, 2014.

**PROPOSED AMENDMENTS TO SECTION 703:**

The Department is currently proposing to amend Section 703, Title 14, CCR, by adding a new subsection 703(b)(1) to provide falconry fees, forms and permits in accordance with Section 670 which establishes a state falconry permitting program. The effective date for the new regulations in Section 703 is January 1, 2014, simultaneous with Section 670. The proposed regulatory changes will assist the Department in responsibly implementing a falconry program in California. The following is a summary of the fees and forms proposed for Section 703, Title 14, CCR:

<b>703(b)(1)(A) 2013-2014 Falconry Fees</b>	<b>New Fee (Eff. 1/1/14)</b>
1. License Application	\$ 13.75
2. Examination	\$ 50.00
3. Inspection Fee for 1 to 5 enclosures	\$ 259.00
Each enclosure over 5	\$ 12.75
4. Re-inspection	\$ 216.00
5. Administrative Processing	\$ 12.75
6. Special Raptor Capture Drawing Application	\$ 7.50
7. Special Raptor Capture Permit	\$ 12.75
8. Nonresident Falconer Raptor Capture Permit	\$ 319.00

<b>703(b)(1) Forms</b>	<b>New Form (date)</b>
(B) Falconry License Renewal Application	FG 360 (New 2/13)
(C) New Falconry License Application	FG 360b (New 2/13)
(D) Apprentice Falconer's Annual Progress Report	FG 360c (New 2/13)
(E) Raptor Facilities and Falconry Equipment Inspection Report	FG 360d (New 2/13)
(F) Resident Falconer Raptor Capture Recapture and Release Report	FG 360f (New 2/13)
(G) Falconry Hunting Take Report	FG 360h (New 2/13)
(H) Special Raptor Capture Drawing Application	FG 360i (New 2/13)
(I) Nonresident Falconer Application for Raptor Capture Permit	FG 361 (New 2/13)
(J) Nonresident Falconer Raptor Capture Permit and Report	FG 361a (New 2/13)

## JUSTIFICATION OF FEES TO RECOVER DEPARTMENT COSTS:

The actions proposed will allow the Department to recover its costs for licensing, permitting and inspection activities associated with the practice of falconry in California. The action will increase the workload and costs to the Department; however these costs will be borne by the permit holders. Pursuant to sections 1050 and 2150.2 of the Fish and Game Code, the Department has set forth in Section 703 fees for permits, permit applications and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing the falconry regulations in Section 670.

Additionally, in accordance with Section 700.4, Title 14, CCR, all licenses, tags, permits, reservations or other entitlements purchased via the Automated License Data System (ALDS) shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing that license, tag, permit, reservation or other entitlement. The total cost including ALDS will appear on the relevant form.

Subsection 703(c) provides that the fees established in Section 703 shall be adjusted annually, using the Implicit Price Deflator index, in accordance with the provisions of sections 699 and 1050, Title 14, CCR, and Section 713 of the Fish and Game Code.

## BENEFITS OF THE PROPOSED ACTION:

The Department expects that the proposed regulations concerning falconry fees and permits will provide non-monetary benefits to the environment and to the health and welfare of California residents by improving the monitoring and reporting of raptor captures and the take of wildlife under a falconry permit. It is the policy of this state to encourage the conservation, maintenance, and utilization of existing raptor populations for their ecological values and for their use and enjoyment by the public. Adoption of a self-supporting falconry program in California, including raptor species harvest quotas and inspection of raptor housing facilities, supports preservation of sustainable raptor populations for the citizens of the state.

The Department does not anticipate benefits to the protection of worker safety, the prevention of discrimination, the promotion of fairness and social equity, or to the increase in openness and transparency in business and government.

## EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

The Fish and Game Commission adopted new regulations for falconry on March 6, 2013, in Section 670, Title 14, CCR. The new regulations were developed to meet federal requirements of the U.S. Fish and Wildlife Service as outlined in 50 CFR 21.29 and 21.30. The new provisions of Section 703 will enable the Department to issue permits and monitor falconry activities in accordance with Section 670 with fees sufficient to recover costs. The Department conducted a search of the CCR and the proposed regulations are neither inconsistent nor incompatible with existing State

regulations related to the practice of falconry. The proposed regulations are compatible with existing federal falconry regulations.

**Section 703, Title 14, CCR, is amended to read:**

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

. . . (No changes to subsection 703(a))

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

(1) Falconry.

(A) 2013-2014 Falconry Fees

<u>1. License Application</u>	<u>\$ 13.75</u>
<u>2. Examination</u>	<u>\$ 50.00</u>
<u>3. Inspection Fee: 1-5 Enclosures</u>	<u>\$259.00</u>
<u>    Each enclosure over 5</u>	<u>\$ 12.75</u>
<u>4. Re-inspection</u>	<u>\$216.00</u>
<u>5. Administrative Processing Fee</u>	<u>\$ 12.75</u>
<u>6. Special Raptor Capture Drawing Application</u>	<u>\$ 7.50</u>
<u>7. Special Raptor Capture Permit</u>	<u>\$ 12.75</u>
<u>8. Nonresident Falconer Raptor Capture Permit</u>	<u>\$319.00</u>

(B) Falconry License Renewal Application (FG 360 (New 2/13)) 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).

(C) New Falconry License Application (FG 360b (New 2/13)) 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)) 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).

(F) Resident Falconer Raptor Capture Recapture and Release Report (FG 360f (New 2/13)) incorporated by reference herein.

1. A licensee shall submit a Resident Falconer Raptor Capture Recapture and Release Report to report a capture, recapture or release of a raptor as required in subsection 670(f).

(G) Falconry Hunting Take Report (FG 360h (New 2/13)) incorporated by reference herein.

1. An applicant for license renewal or within 10 calendar days after expiration of the license, whichever comes first, shall submit a Falconry Hunting Take Report as required in subsection 670(f).

(H) Special Raptor Capture Drawing Application (FG 360i (New 2/13)) incorporated by reference herein.

1. Any resident or nonresident possessing a valid General or Master falconry license may submit a Special Raptor Capture Drawing Application with the appropriate fee(s) listed in paragraph (b)(1)(A) to be entered into a drawing for a Special Raptor Capture Permit as required in subsection 670(g) for the Northern goshawk or prairie falcon.

(I) Nonresident Falconer Application for Raptor Capture Permit (FG 361 (New-2/13)) incorporated by reference herein.

1. A nonresident licensed falconer applying to capture a raptor, excluding species with capture quotas, as specified in subsection 670(g) shall submit a Nonresident Falconer Application for Raptor Capture Permit with the appropriate fee(s) listed in paragraph (b)(1)(A).

(J) Nonresident Falconer Raptor Capture Permit and Report (FG 361a (New -2/13)) incorporated by reference herein.

1. A nonresident licensed falconer shall submit a Nonresident Falconer Raptor Capture Permit and Report, whether successful or unsuccessful in capturing a raptor, as required in subsection 670(g).

(b)-(c) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlements required by regulations set forth in this section.

Note: Authority cited: Sections 395, 396, 713, 1002, 1050, 1053, 2118, 2120, 2122, 2150, 2150.2 and 2157, Fish and Game Code.

Reference: Sections 355, 356, 395, 396, 398, 713, 1050, 1053, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3031, 3503, 3503.5, 3511, 3513, 3950, 10500, 12000 and 12002, Fish and Game Code. Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.