



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



THURSDAY, April 25, 2013
Meeting Time: 4:00 P.M.

AGENDA

Call Meeting to Order:

The Stanislaus County *Fish & Wildlife Committee (F&WC)* encourages public participation and welcomes the public's interest.

Members of the public may be heard on any item of the Fish and Wildlife Committee's agenda. A person addressing the Committee will be limited to five (5) minutes, unless the Chairperson of the Committee grants a longer period of time. The Committee will allow comments by members of the public on an agenda item only during consideration of the item.

Requests for Funds:

1. Request for approval of mileage reimbursement not to exceed \$898.00 for the 2013 California State University, Stanislaus, Wood Duck Zoology Class. Current mileage reimbursement rate is 0.565 mi. Blue Claim forms will be submitted for actual reimbursement at the end of the class term.

Correspondence:

1. Don Pedro Project Newsletter. *HDR Engineering, Inc./MID/TID 1/29/2013*
2. Public Comment Period Reopened for a Proposal to Remove the Valley Elderberry Longhorn Beetle from the Endangered Species List. *US Fish and Wildlife Service 1/29/2013*
3. Notice of Proposed Regulatory Action Relative to Sport Fishing Report Cards. *Fish and Game Commission 1/29/2013*
4. Notice of Proposed Regulatory Action Relative to Klamath-Trinity Rivers Salmon Sport Fishing. *Fish and Game Commission 2/26/2013*
5. Notice of Proposed Regulatory Actions Relative to "Practice of Falconry." *Fish and Game Commission 2/26/2013*

Agenda Items:

1. Public Comment(s)
2. Approval of January 24th, 2013, Meeting Minutes
3. Wildlife Report
4. Fishery Report
5. Fine Money Status
 - a. Limited Fund Restrictions
6. Wood Duck Report
7. Great Valley Museum
8. Review and Approval of Draft Bylaws
9. Review and Approval of Draft Fund Procedures
10. Old Business
11. Committee Comments

FW Members
Cristen Langner, DFG
Steve Tsao, DFG
Phil McKay, DFG
Ed Ayers
Ed Ayers
Sandra Vanwey

Adjourn: Next meeting – Thursday, July 25th, 2013, at 4:00 p.m.

Please notify the Department of Parks and Recreation at 525-6723 to let us know if you **will** be attending this meeting and/or require special accommodation for access or transportation to the meeting.

Agendas can also be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



PARKS AND RECREATION

Jami Aggers, Director
Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



MINUTES

JANUARY 24, 2013 AT 4:00 P.M.

3800 CORNUCOPIA WAY, 2ND FLOOR, CONFERENCE ROOM

(Agendas can be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm>)

FISH & WILDLIFE MEMBERS PRESENT:

Ed Ayers
Red Bartley
Don Vanwey (alt: Ken Meidl)
Sandra Vanwey
Jim Atherstone
Cody Johnsen
Jason Guignard
Ed Channing (ALT)
Ken Meidl (ALT)

FISH & GAME REPRESENTATIVE:

Phil Mckay

PARKS & RECREATION STAFF PRESENT:

Mae Song
Cathy Gomez

MEMBERS ABSENT:

Dave Doubleddee
Anthony Maxwell

GUESTS PRESENT:

James Peterson

A. CALL TO ORDER & INTRODUCTIONS

1. Ed Ayers called the meeting to order and those in attendance introduced themselves.

B. REQUESTS FOR FUND

1. The request for funds from the U.S. Army Corp of Engineers in the amount not to exceed \$1,700 to purchase fish for their *Kids Fishing Fun Day* on Saturday, May 4th, 2013, was approved upon motion and second if the \$300 delivery fee is waived. Since Golden State Bait is the vendor in the fund request, Red Bartley will look into whether the fish company can waive the \$300 delivery fee for multiple orders. Golden State Bait is the main fish provider in the area. Red Bartley shared that the kids have a blast every year at this annual event. The fish plant is usually contained so that the kids can have a better chance at catching a fish. The kids participating are near 8 to 10 years of age. Poles are generally provided to the kids on the program.
2. The request for funds from Stanislaus County Parks and Recreation in the amount not to exceed \$7,300 to purchase fish to restock Modesto and Woodward Reservoir was approved upon motion and second. Since Golden State Bait is also the vendor in this request, Red Bartley and Cathy Gomez will look into whether the fish company can waive the \$300 delivery fee. Parks and Recreation will be purchasing Large Mouth Bass, Blue Gill, Crappie, and Channel Cat Fish to restock Modesto and Woodward Reservoir. The reservoirs do have regular trout plants from October through March. As of date, approximately 2,050 pounds of trout has been planted.

REPORTER & ACTIONS

Bartley, Vanwey, S.,
unanimous approval

Cathy Gomez
Guignard, Bartley,
unanimous approval

C. CORRESPONDENCES	ACTIONS
<p>The Committee acknowledged the correspondences received, and suggested further action or comment be directed to the corresponding agency:</p> <ol style="list-style-type: none"> 1. Notice of Findings regarding the Gray Wolf. <i>Fish and Game Commission, 11/6/2012.</i> 2. Proposed Expansion of San Joaquin River National Wildlife Refuge. <i>U.S. Fish and Wildlife Service, 11/13/2012.</i> 3. Notice of Preparation of a Draft Environmental Impact Report for the San Joaquin River Restoration Program –Salmon Conservation and Research Facility (SCARF) and Related Management Actions Project. <i>Department of Fish and Game, 12/4/2012.</i> 4. Notice of Receipt of Petition to list the Townsend's Big-Eared Bat as threatened or endangered under the California Endangered Species Act. <i>Fish and Game Commission, 12/4/2012.</i> 5. Notice of Availability of a Recirculated Draft Program Environmental Impact Report for the Delta Plan, and Delta Stewardship Council Notice of Proposed Rulemaking. <i>Delta Stewardship Council 12/12/2012.</i> 6. Notice of the Draft Environmental Document Regarding Falconry Regulations prepared by the California Department of Fish and Game in compliance with CEQA is to be posted beginning December 14, 2012. <i>Department of Fish and Game-Wildlife Branch, 12/18/2012.</i> 7. Postcard Notice of Scoping Comment Period for the Proposed Expansion of the San Joaquin River National Wildlife Refuge has been extended until February 1, 2013. <i>U.S. Fish and Wildlife Service, 1/3/2013.</i> 8. Notice of Proposed Regulatory Action Relative to Amending and Repealing Sections of Title 14 relating to the Practice of Falconry. <i>Fish and Game Commission, 1/8/2013.</i> 9. Notice of Proposed Regulatory Action Relative to Amending sections of Title 14 relating to Mammal Hunting Regulations for the 2013-2014 season. 	
D. PUBLIC COMMENTS	ACTIONS/REPORTER
<p>James Peterson, a member of the Stockton sportsmen club, and a teacher, attended today's meeting in hope to learn more about fishing and hunting. The Club also puts on a pheasant hunt event annually. NRA and the hunters helps fund the event.</p>	<p><i>James Peterson</i></p>
E. APPROVAL OF MINUTES	ACTIONS
<p>Minutes for the October 25, 2012, meeting was approved upon motion and second as written.</p>	<p><i>Atherstone, Bartley, unanimous approval</i></p>
F. WILDLIFE REPORT	ACTIONS/REPORTER
<p>A Northern San Joaquin Valley Waterfowl survey was shared regarding area bird counts. Hunter reports waterfowl hunts are going well. Turlock Lake hunts are also going well. Modesto and Woodward Reservoirs participated in both the early and late waterfowl season hunts.</p>	<p><i>Phil McKay for Cristen Langner</i></p>
G. FISHERY REPORT	ACTIONS & REPORTER
<ol style="list-style-type: none"> 1. The three tributaries are wrapping up for this Fall's spawning run: 7,000 counts were made on the Stanislaus (at its highest in ten years); 2,100 on the Tuolumne (down from the previous year); Merced was at almost 5,000. The Tuolumne had about fifty percent 2-year-olds in the previous year verses more spawning and egg counts this year. Fifty to sixty percent of fish on the Stanislaus were from hatcheries verses Tuolumne, which was lower. More hatchery fish were on the Stanislaus, which is normal since Stanislaus is the first river off of the San Joaquin. Fry fish are already moving out of the Stanislaus, which is early during this time. The rain does impact more fish movement. 2. The Honolulu Bar restoration project is planned for completion this summer. Spawning in this area is doing well. The side channel had over twenty fish spawned. 	<p><i>Jason Guignard</i></p>

In the past, this area would have dried up with stranded fish. Monitoring will occur sometime in the winter to monitor the impacts of this new area. Approximately, 13,000 cubic yards were moved in the river. Plant plantings were done in December with another planting scheduled for this Saturday with River Partners along the banks.

H. FINE MONEY STATUS

REPORTER

1. The current balance is at \$30,673. Revenue for the fiscal year as of date is at \$1,194. The revenue still seems low. The previous year had about 500 cases with 350 in Stanislaus County. Considerations need to be taken for court no-shows, dismissals, and payments unpaid. Four pollution cases are still pending with the District Attorney's office.
2. The Stanislaus Fish and Wildlife team have been busy covering areas of Stanislaus county. A recent citizen confrontation near a canal patrol run turned out to be a stolen car chase incident which involved Sheriff assistance; the citizen was eventually arrested.

Phil Mckay

I. WOOD DUCK REPORT

ACTIONS & REPORTER

1. The Stanislaus Wildlife Group is working with students from the CSU Stanislaus Wood Duck Program to survey the wood duck boxes this year. The program has approximately twenty students participating. Extra wood duck boxes are still available from the Great Valley Museum event. Plans are in place to monitor the boxes on a weekly basis, especially during the starling season. Approximately 1,200 wood duck boxes were installed this year.
2. A question was asked how mileage reimbursements should be submitted. It is recommended to submit mileage claims at least twice a year following the request for fund process. Recipients submitting for mileage claims must complete a Blue Claims form printed on blue colored paper. The documentation on this form will have a daily log for miles for the month. The student Wood Duck Program may submit theirs at the end of their course term. Mileage reimbursement claims may be submitted per quarter prior to each Fish and Wildlife Committee meeting.

Ed Ayers

J. GREAT VALLEY MUSEUM

ACTIONS & REPORTER

The museum move was originally in May but is currently delayed at this time until plans are inspected and approved by DSA, the Division of State Architect under the California Department of General Services. The process can take six to nine months. A portion of the building already approved will be used for summer classes.

Sandra Vanwey

K. DRAFT BYLAWS & FUND PROCEDURES

ACTIONS & REPORTER

1. The group briefly discussed supervisory district information of each member. A member application was distributed to the group to complete for records of the Committee. The application is also for alternate members to complete. New members may be nominated and accepted at a Fish and Wildlife Committee meeting.
2. Suggestions were made to the *Terms and Election* section to remove "and vice chair" and the suggested "[upon vacancy of nomination and vote]." The Chair may contact an alternate to attend and chair a meeting in his/her absence as any regular member would contact an alternate to attend in their absence. The group was in consensus with a four-year term. Where *Fish and Game* is listed throughout the document, it will also be changed to *Fish and Wildlife*.
3. The final draft of the bylaws and fund procedures were asked to be added to the next month's agenda for final approval and adoption. Hardcopy drafts of the following documents were distributed to members to review for the next meeting: bylaws, fund procedures, fund request application, confirmation letter of fund approval/denial.
4. The Committee also asked if a historic expenditure report can be compiled for the Committee. The group briefly discussed requirements for funding: applicants must have a final report to be eligible for consideration in any fund request; and, applicants may be limited to apply for funds only once a year.

Ed Ayers

L. COMMITTEE COMMENTS**ACTIONS & REPORTER**

1. The Committee is looking into having a barbeque get-together to check on the quail guzzlers at Frank Raines Regional Park. Additional details will be discussed at a later time.
2. The Federal Energy Regulatory Commission, irrigation districts and State are currently looking at water concerns on the rivers—the Committee will be watching the progress of this item.

*Ed Ayers**Red Bartley***M. ADJOURNMENT & NEXT MEETING**

There being no further business, the meeting was adjourned upon motion and second.
The next regular meeting of the Fish and Wildlife Committee will be held on:

*Bartley, Vanwey,
unanimous approval*

Thursday, April 25, 2013 at 4:00 p.m.
Conference Room, 2nd Floor
 3800 Cornucopia Way, Modesto

Prepared By: Mae Song, Fish and Wildlife Secretary

209-525-6723

Agendas can also be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

Stanislaus County Fish and Wildlife Committee Bylaws

Effective: DRAFT 3/19/2013

Reference No. 800. 12. 1

PURPOSE:

The Fish and Wildlife Committee shall review and vote to approve all fund request proposals related to fish and wildlife matters within Stanislaus County and shall provide recommendations to the Board of Supervisors and/or Department of Fish and Wildlife under the provisions set forth in the California Fish and Wildlife Code sections 13100-13104.

MEMBERSHIP:

The Fish and Wildlife Committee will consist of nine members and nine alternate members. Alternate members will attend a meeting in the absence of a Committee member. Of the nine members, there shall be appointed one resident of each of the five supervisorial districts of the county and four members appointed from the county at large. Members may live or work in the appointed district to be a representative of that district. All members of the Committee shall be residents of Stanislaus County.

TERMS AND ELECTION:

The members of the Fish and Wildlife Committee shall be nominated by the chairperson of the Committee and approved by the voting members of the Committee. The chairperson of the Committee shall be elected by the Committee and will serve for a four-year term [upon vacancy or nomination and vote]. Elections may occur upon early separation of a member. Alternate members may fill a vacancy in the Committee.

COMPENSATION:

All of the members of the Fish and Wildlife Committee shall serve without compensation, except that they shall be entitled to be reimbursed for mileage upon approval of the Committee.

MEETINGS:

The Fish and Wildlife Committee shall establish a time and place for regular meetings which shall be held at least once every three months. Special meetings may be held upon the call of the chairperson. The date and location of the regular meetings will be decided at the end of each calendar year. All meetings of the Committee shall be conducted in an orderly and systematic manner to permit the input of interested parties and the resolution of all matters coming before the Committee.

ATTENDANCE AND VACANCY:

The Fish and Wildlife Committee members must attend a minimum of three meetings a year. Alternate members must attend a minimum of two meetings per year. After a member fails to attend three consecutive meetings, unless excused by the Committee, membership thereon shall be automatically terminated and a successor shall be appointed by the chairperson to serve as a member. Alternate members may serve in the absence of any Committee member. Members shall inform an alternate member to attend in their place should they be unable to attend a meeting.

QUORUM:

The majority of members shall constitute a quorum for the transaction of business by the Fish and Wildlife Committee, but a lesser number may adjourn from time to time. Alternate members will stand



Developed By: Fish and Wildlife Committee, Mae Song
Revisions:

FISH AND WILDLIFE COMMITTEE

Stanislaus County Fish and Wildlife Committee Bylaws

Effective: DRAFT 3/19/2013

Reference No. 800. 12. 1

in the place of a member in their absence to obtain a quorum. All transactions of business will be recorded and filed as permanent record of the Committee.

POWERS AND DUTIES:

The Fish and Wildlife Committee shall have the following powers and duties:

1. It shall have charge of promoting and communicating all matters related to fish and wildlife, including the proposing of concerns or recommendations to the board of supervisors and/or California Department of Fish and Wildlife;
2. It shall promote present and future fish and wildlife preservation in Stanislaus County including coordinating with other public authorities;
3. It shall inventory and review County fish and wildlife habitats and recommend/participate in developing/restoring the identified areas;
4. It shall have the authority to expend from the County Fish and Wildlife Fund up to \$3,000 or to not exceed three percent of the average amount received by the fund during the previous three-year period annually, whichever is greater, excluding any funds carried over from a previous fiscal year, for reasonable administrative costs pursuant to the provisions of the California Fish and Wildlife codes § 13103-j;
5. It shall adopt rules and regulations for its proceedings and for such other purposes as may be helpful in carrying on of a fish and wildlife management program under its supervision;
6. It shall have charge of approving or disapproving fund requests for the purpose of fish and wildlife preservation in accordance to the California Department of Fish and Wildlife codes § 13100 – 13104.

ALLOCATION OF GIFTS

1. Stanislaus County shall annually allocate for fish and wildlife purposes the proceeds from all gifts, legacies, or bequests received for purpose of fish and wildlife management and preservation.
2. All monies allocated to the Stanislaus Fish and Wildlife Fund 1727 shall be expended for the purpose of protection, conservation, propagation, and preservation of fish and wildlife, and for the payment of salaries of persons employed for said work. (*Section 13100-13103, California Fish and Wildlife Code*)

DIRECTOR OF PARKS AND RECREATION DUTIES

The Director of Parks and Recreation, when required by the Fish and Wildlife Committee, shall attend requested meetings of the Committee and shall make such reports to the Committee chairperson or the Board of Supervisors, as shall be required from time to time.

DISCLAIMER

The Stanislaus Fish and Wildlife Bylaws may be subject to change. A change proposition may be submitted at a Stanislaus Fish and Wildlife Committee meeting. The chairperson will approve or deny the proposal for change to be placed on the following agenda for review and approval. Upon placement on the agenda, the Committee will have the period between the current meeting and the next meeting to review and consider the proposition for adoption.



Developed By: Fish and Wildlife Committee, Mae Song
Revisions:

FISH AND WILDLIFE COMMITTEE

Fund Request Procedures

Effective: 3/20/2013 DRAFT

Reference No. 800.12.2

PURPOSE

The Stanislaus County Fish and Wildlife Committee is an ad hoc committee established by the Board of Supervisors to manage collected fine monies from the State of California Department of Fish and Wildlife. The Committee shall review and approve all fund request proposals relating to fish and wildlife matters within the jurisdiction of Stanislaus County. The Committee may provide recommendations to the Board of Supervisors and/or California of Fish and Wildlife relative to public education and fish and wildlife. Matters pertaining to fish and wildlife will be addressed according to the California Fish and Wildlife Codes.

POLICY

Available funds will support projects for purposes of protection, conservation, propagation, and preservation of fish and wildlife in accordance with the State of California Fish and Wildlife Code Section 13100-13104. Individuals, agencies or organizations seeking financial support/funding from the Stanislaus County Fish and Wildlife Committee shall adhere to the following:

PROCEDURES

1. Request for fund application packet shall be submitted at least three weeks prior to any scheduled meeting.
2. A fund request application must be completed in full.
3. The application packet shall include a written cover letter signed by the authorized agency or person and printed on agency or organization letterhead.
4. Include a detailed list of items to be purchased.
5. Include a detailed itemized list of costs/fees. Estimates should include tax and delivery fees. The "total project cost" must be stated.
6. Specify the purpose of the request and its benefits (i.e. benefits to the organization/community/ students, learning tool, habitat restoration, etc.). The Committee may approve specific qualified items in accordance with the Fish and Wildlife Code. An allowable purpose must be stated on the requests for consideration.
7. Purchase requests less than \$5,000 require one written estimate from a vendor.
8. Purchase requests \$5,000 or more require written estimates from three different vendors. Single purchases above \$1,000 will be paid direct to the vendor upon invoice receipt.
9. If the funding request is in association with a special event (e.g. Fish Day, Kids Pheasant Hunt, etc.), all event specifics should be included as well (i.e. date of event, times, location, etc.). Available event flyers may also be included.
10. Prior to submitting the fund request, sections 13100-13104 of the Fish and Wildlife code shall be referenced to as a guideline. The applicant shall review and identify the code section matching their request and indicate it on the application.
11. The application request may be sent to:
Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358
12. Properly documented fund requests will be placed on the agenda for the next regularly scheduled meeting.
13. The applicant will be required to attend a Committee meeting (three weeks advance notice is required) to present their fund request proposal.



Developed By: Fish and Wildlife Committee, Mae Song
Revisions:

FISH AND WILDLIFE COMMITTEE

Fund Request Procedures

Effective: 3/20/2013 DRAFT

Reference No. 800.12.2

14. After the applicant's presentation, the applicant may be excused from the meeting. The Committee will review and vote on the fund request. The applicant will be sent a confirmation letter to confirm the action taken. Applicants are encouraged to submit their fund request two meetings in advance prior to their event in the case the applicant is asked to provide further information at a second meeting prior to a decision being reached. All fund request approvals must meet the requirements of sections 13100-13104 of the California Fish and Wildlife code.
15. The applicant will be required to follow-up with the Committee to report the status and progress at the following quarterly meeting or no later than one year from the fund approval date. Status includes performance period progress and whether the anticipated completion date was met. Any remaining or unused funds shall be returned to the Committee immediately. Any changes to the original application must be approved by the Committee at a regular public meeting; an exception may be made only in urgent cases through the approval of the Chair. To schedule a presentation follow-up, the applicant may contact the Fish and Wildlife Secretary at (209) 525-6723.
16. Restrictions to funding:
 - a. Fund requests which confer a private benefit upon the applicant are not eligible for funds.
 - b. Deficit financing—Payment for something already purchased or reimbursement for an event that has already taken place will not be eligible for funds.
 - c. Fund requests for commercial ventures are not eligible for funds. (Private business)
 - d. Fund requests must demonstrate and document some measurable public benefit.
 - e. Applicant from previous fund requests through this Committee or other groups that have not submitted a final report for previously awarded funds will not be eligible for funds.
 - f. No funding will be awarded for payment of administrative fees, office overhead, or other similar charges.
 - g. The Committee does not approve multi-year funding of projects. Requests must be submitted for consideration each year and, the fact that funds were awarded in one year shall not be construed as a guarantee of funding in subsequent years.

For questions, the Stanislaus County Department of Parks and Recreation may be contacted at (209) 525-6750.



Developed By: Fish and Wildlife Committee, Mae Song
Revisions:

FISH AND WILDLIFE COMMITTEE

Fund Request Application

Stanislaus County Fish and Wildlife

DRAFT 1/24/2013

Applicant Name _____

Agency _____

Mailing Address _____

City, State, Zip _____

Phone _____ E-mail _____

Requesting Fund Amount \$ _____ Funds needed by _____

Project Performance Period _____

Event Name (if applicable) _____

Purpose _____

Fish and Wildlife Code(s) Met _____

Benefit _____

Detail Items to be Purchased (List Item Name and Cost per Item, or attach quote(s). Additional sheets may be attached for more items.)

Vendor to be purchased from _____

This application may be fax to (209) 525-6773 or mailed to:
Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358

I have read and understand the Fund Request Procedures and agree to utilize the funds I am approved for to purchase items listed in this packet for said purposes and in accordance to California Fish and Wildlife Codes and Regulations. I understand I will follow-up with the Committee on the outcome of this fund request by attendance at a Fish and Wildlife Committee meeting within one year.

Signature: _____ Date: _____



OFFICE USE ONLY:
APPROVED FOR \$ _____ DATE: _____



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



Date

Name of Applicant

Address of Applicant

Dear Applicant:

Thank you for your interest and initiative in promoting fish and wildlife. We appreciate you taking the time to attend the recent Stanislaus Fish and Wildlife Committee meeting. The Committee supports projects for purposes of protection, conservation, propagation, and preservation of fish and wildlife in accordance with California Department of Fish and Wildlife. Our mission is to assist in managing California's fish, wildlife, and plant resources for their ecological values and for their use and enjoyment by the public.

- ☐ We are happy to inform you that we have agreed to fund your request in the amount of \$_____ for _____
If the approve fund amount is not fully expended by the end of the project performance period, please immediately return the remaining to Stanislaus County Fish and Wildlife at 3800 Cornucopia Way, Suite C, Modesto, CA 95358. To obtain funds, please have the vendor where you will be making your purchases send us an invoice. If you are making the purchases yourself, you will need to submit to us a claim for reimbursement. The claim form is attached for your convenience.

After completion of the project please schedule a time to provide a summary of your accomplishments to the committee. This can be done through contacting the Committee Secretary at (209) 525-6723.

Congratulations and we look forward to a successful project!

- ☐ We regret to inform you that we were unable to provide funding for your request at this time as it does not meet the requirements stated under the California Fish and Wildlife codes section 13100-13104.

We hope you will continue to consider submitting an application in the future.

We wish you well in the progress with your project.

Sincerely,

Chairperson
Stanislaus County Fish and Wildlife Committee

Volume 2 | Issue 2



Don Pedro



A newsletter about the relicensing of the Don Pedro Project

Relicensing studies set to be reviewed

A major milestone of the Don Pedro Project relicensing process will occur January 17, 2013, when the Initial Study Report (ISR) is issued by the Districts and filed with the Federal Energy Regulatory Commission (FERC).

The ISR is a requirement of the Integrated Licensing Process as overseen by FERC. The ISR will contain progress reports on the more than 30 studies being implemented by the Districts as required by FERC's December 2011 Study Plan Determination.

MORE INSIDE: Take a look inside for more detailed information about 2012 relicensing studies.

This large document will serve as part of the record of official information that FERC must consider as it deliberates over issuance of a new license, and what new conditions might be appropriate to accompany a new license.

This issuance of the ISR will then be followed up by an Initial Study Report Meeting on January 30-31, 2013 to be held in Modesto. Representatives from FERC will attend this public meeting along with other interested parties. The studies completed will be reviewed, the study results will be summarized and there will be a question and answer session.

Another important date comes 45 days later when relicensing participants can file comments on all the studies and request additional studies.

These dates are in accordance with an Oct. 12, 2012 letter issued to the Districts from FERC detailing target

Initial Study Plan Meeting

When: January 30-31, 2013 | 8 a.m.

Where: MID Multipurpose Room, 1231 11th St., Modesto, CA

What: Studies will be reviewed, results will be summarized and Q&A will be held.

dates associated with the ISR. FERC issued its 140-page Study Plan Determination (SPD) in late 2011. In it, FERC approved a total of 34 studies to be conducted by the Districts as part of the relicensing process.

Most of the studies involve extensive field work and considerable coordination of logistics to execute the studies efficiently and consistent with the study plans approved by FERC. Some field work began as early as January 2012.



Studies like the one pictured here will be summarized at a Jan. 30-31 meeting.

Important dates

January 17, 2013
Initial Study Report filed with FERC

January 24, 2013
Training for Relicensing Participants interested in using the temperature models

January 30-31, 2013
Initial Study Report Meeting

February 8, 2013
Districts issue Initial Study Report Meeting Summary

March 10, 2013
Relicensing Participants file with FERC any requests for new studies or modifications to studies

What's inside

- More than 20 different relicensing studies took place in 2012
- Workshops the cornerstone of public input process

Dispute resolution process decision

On January 11, 2012, The National Marine Fisheries Service (NMFS) filed a Notice of Study Dispute contesting several aspects of the Federal Energy Regulatory Commission's (FERC) Study Plan Determination issued Dec. 21, 2011 regarding the Don Pedro Project.

As part FERC's Integrated Licensing Process (ILP), a hearing was held on the matter in front of a three-member advisory Technical Panel.

FERC issued its final decision on May 24, 2012, largely agreeing with the Districts' study plans and FERC's Determination, resulting in minor modifications to the Districts' studies. NMFS was disputing FERC's decisions about studies the Districts did not adopt in their plans.

The dispute process is detailed in the ILP regulations and involves the convening of a Technical Panel to consider the areas of dispute, and provide an opinion to FERC's Director of the Office of Energy Projects. The FERC Director makes the final decision giving due consideration to the opinion of the three-member Technical Panel.



Numerous workshops, meetings highlight importance of public input

Public input is a critical component in the relicensing of the Don Pedro Project. This component is well illustrated in the fact that the Districts have held eight workshops with relicensing participants (RPs) since March 2012.

Three workshops regarding salmon and *O. mykiss* were held. There were three workshops on hydrology and operations modeling and one workshop each held discussing reservoir and river temperature modeling. Here's a rundown of the eight workshops.

Water & Aquatics Resources Study 5 (W&AR-5) Workshop No.1 was held in April 2012 and featured discussions about issues affecting Tuolumne River salmonids. W&AR-5 Workshop No.2 was held in June and covered similar issues in additional detail.

Water & Aquatics Resources Study 2 (W&AR-2) Workshops Nos. 1, 2 and 3 were held in April, September and October, respectively, and focused in areas surrounding Project Operations Model Development and hydrology.

A pair of workshops on Water & Aquatics Resources Study 3 (W&AR-3) discussed a Don Pedro Reservoir Temperature Model in April and October. Additionally, one workshop on the lower Tuolumne River Temperature Model was held in October.

Eight public workshops regarding Don Pedro relicensing have been held since March 2012.

Socioeconomic Study Plan

In addition to the workshops, a public meeting discussing the Socioeconomic Study Plan was held in November 2012. The purpose of this meeting was to give an update on the progress of the Socioeconomic Study Plan, share information, seek relevant socioeconomic information from the public, and hear comments with respect to the plan.

The primary goals of the study on socioeconomic resources are to quantify the baseline economic conditions and resources in the region affected by the Don Pedro Project's water supply, flood control, and power benefits. In addition, the study will quantify the socioeconomic effects of the current project operations and develop methodologies and a framework that can be used to evaluate the potential socioeconomic effects of any proposed changes to project operations that may be considered as part of the relicensing process, including scenarios affecting the availability of agricultural and urban water supplies.

As usual, information about upcoming meetings and workshops is available on the relicensing website at donpedro-relicensing.com. Additionally, documents and filings are available.

Sampling of 2012 studies

As part of the relicensing process, the Districts are wrapping up the numerous studies that took place in 2012.

These include wide-ranging studies of recreation resources, cultural resources, botanical, wildlife and wetlands, and fish and river riparian resources.

What follows is a brief sampling of a few details from selected studies as part of the relicensing process. Reports from these studies and many others will be included in the Initial Study Report (ISR) to be filed Jan. 17, 2013.

Spawning Gravel Study (Water & Aquatics Resources Study 4)

The purpose of the spawning gravel study is to examine gravel availability and spawning utilization as a means of determining the current spawning capacity and spawner/recruit relationships for Chinook salmon and *O. mykiss* in the lower Tuolumne River. Specific information obtained by this study will update information from prior studies in order to:

- characterize the current area, distribution, and use of spawning riffles in the lower Tuolumne River,
- develop average annual gravel transport rates from channel geometry and mapped changes in riffle areas since 1988, and 1999–2000, and
- provide estimates of maximum spawning run sizes supported by the spawning riffles under current conditions.

Bathymetric surveys and fine sediment and gravel mapping were completed in summer 2012. Depth and velocity measurements to include in the assessment of habitat criteria were collected in the field in October 2012 when flows were within suitable salmonid spawning ranges.

Amphibians listed under the Endangered Species Act (Terrestrial Resources Studies 7 and 8)

The specific objectives of these studies are to:

- Identify and map known occurrences of the California Red-Legged Frog and California Tiger Salamander and determine, if appropriate, the closest known breeding locality;

- Evaluate the likelihood that either of these species currently exist in the study area using habitat assessments and historical records;
- Compile incidental observations of these species from other relicensing studies; and
- Provide information that can be used to develop a Biological Assessment and support a Biological Opinion.

GIS-based habitat assessments were completed for the study area. Surveys and field verification of potential habitat were completed between April and June 2012, including site visits during optimum temperatures for observations of the target species. No California Red-Legged Frog or Tiger Salamanders were observed.

Don Pedro Recreation Use Assessment (Recreation Resources Study 1)

The goal of the recreation facility condition, public accessibility, and recreation use assessment is to provide information about the need for maintenance or enhancement of existing recreation facilities to support current and future demand for public recreation at the Don Pedro Reservoir. The objectives of the study are to:

- assess the condition of existing developed recreation facilities at the Don Pedro Project, including dispersed use areas
- estimate present capacity of recreation facilities at the Project to support present and future demand for public recreation (i.e., facility carrying capacity),
- describe the preferences, attitudes, and characteristics of the Project's recreation users
- collect information about current Project recreation activities and future demand for activities, and
- undertake a creel survey in coordination with Study Plan W&AR-17, Reservoir Fish Population.

In accordance with the study plan, visitor surveys have been conducted on a monthly basis since January 2012 at Blue Oaks, Fleming Meadows and Moccasin Point recreation areas. Visitor surveys will continue through December 2012. The facilities inventory and dispersed recreation impact evaluations were conducted in October 2012.





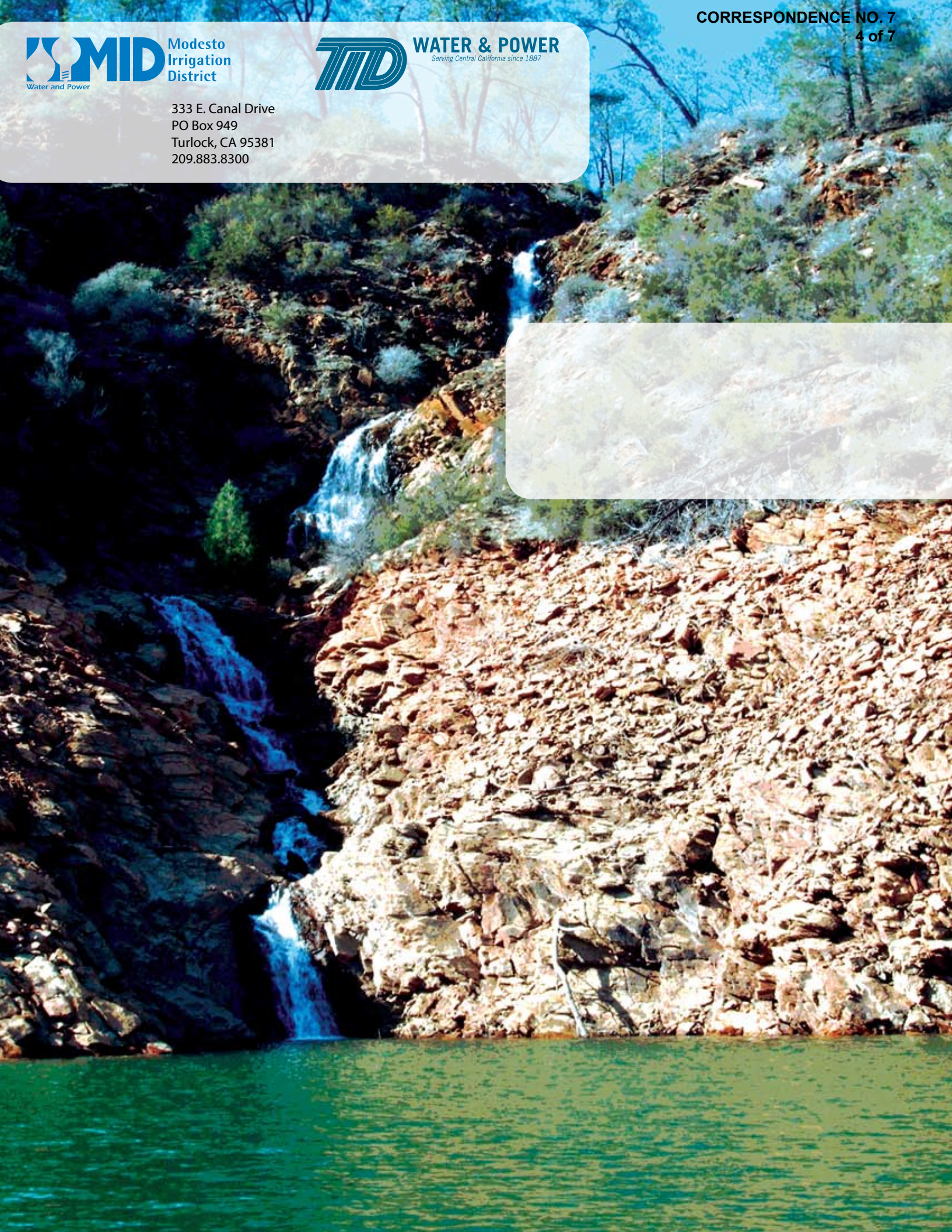
Modesto
Irrigation
District

333 E. Canal Drive
PO Box 949
Turlock, CA 95381
209.883.8300



WATER & POWER
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CORRESPONDENCE NO. 7
4 of 7



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December 6, 2012
Via Electronic Filing

Kimberly D Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington DC 20426

RE: Don Pedro Project, FERC No. 2299
Initial Study Report Meeting Date

Dear Secretary Bose:

On behalf of Turlock Irrigation District and Modesto Irrigation District (collectively, the "Districts"), I am submitting the final meeting agenda for the Don Pedro Project Initial Study Report ("ISR") Meeting scheduled to be held on January 30-31, 2013, at the Modesto Irrigation District Offices in Modesto, California.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John Devine'.

John Devine P.E.
Project Manager



**DON PEDRO PROJECT RELICENSING
FERC PROJECT NO. 2299
Initial Study Report Meeting (Day 1)
Wednesday January 30, 2013 8:00 am – 5:15 pm
Meeting Location: MID Offices, Modesto**

Time	Topic		Lead By
Water & Aquatic Resources Study Plans			
8:00	Opening – Agenda Review, Purpose of Meeting		
8:15	W&AR-15	Socioeconomics Study	S. Pavich/D. Paul
8:40	W&AR-01	Water Quality Assessment	C.Loy
9:05	W&AR-02	Project Operations/Water Balance Model	D. Steiner
9:30	W&AR-03	Reservoir Temperature Model	S. Lowe
	W&AR-16	Lower Tuolumne River Temperature Model	
9:55	W&AR-04	Spawning Gravel Study	J. Stillman
Break – 10:20			
10:35	W&AR-05	Salmonid Populations Information Integration	N. Hume/S. Wilcox
11:00	W&AR-06	Tuolumne River Chinook Salmon Population Model	N. Hume
11:25	W&AR-10	Onchorhynchus mykiss Population Study	N. Hume
Lunch Break – 11:50			
12:50	W&AR-07	Predation Study	A. Fuller
1:15	W&AR-08	Salmonid Redd Mapping	J. Guigard
1:40	W&AR-11	Chinook Salmon Otolith Study	M. Singer
2:05	W&AR-12	Onchorhynchus mykiss Habitat Assessment	D. Halligan
2:30	W&AR-13	La Grange Reservoir Fish Assemblage and Population Study	B.Snider
Break – 2:55			
3:10	W&AR-14	Temperature Criteria Assessment	B. Snider
3:35	W&AR-17	Don Pedro Reservoir Fish Population Study	A. Fuller/B.Snider
4:00	W&AR-18	Sturgeon Study	D. Haligan
4:25	W&AR-19	Riparian Information Study	A. Merrill
4:50	W&AR-20	O.mykiss Scale & Age	D. Halligan
5:15		Adjournment	



DON PEDRO PROJECT RELICENSING
FERC PROJECT NO. 2299
Initial Study Report Meeting (Day 2)
Thursday January 31, 2013 8:00 am – 4:25 pm
Meeting Location: MID Offices, Modesto

Time	Topic		Lead By
Cultural Resources Studies			
8:00	Opening – Agenda Review, Purpose of Meeting		
8:15	CR-01	Historic Properties Study	D. Risse
8:40	CR-02	Native American Traditional Cultural Properties Study	D. Risse
Terrestrial Resources Studies			
9:05	TR-01	Special-Status Plants	R. Kent/D. Malkin
9:30	TR-02	ESA- and CESA-Listed Plants Study	R. Kent/D. Malkin
9:55	TR-03	Wetland Habitats Associated with Don Pedro Reservoir	G. Bailey/D. Malkin
Break – 10:20			
10:35	TR-04	Noxious Weed Survey	R. Kent/D. Malkin
11:00	TR-05	ESA-Listed Wildlife - Valley Elderberry Longhorn Beetle	R. Kent/D. Malkin
11:25	TR-06	Special-Status Amphibians-Aquatic Reptiles	S. Imholt/D. Malkin
11:50	TR-07	ESA-Listed Amphibians - California Red-Legged Frog	S. Imholt/D. Malkin
Lunch Break – 12:15			
1:15	TR-08	ESA-List Amphibians - California Tiger	S. Imholt/D. Malkin
1:40	TR-09	Special-Status Bats	J. Tortosa/D. Malkin
2:05	TR-10	Bald Eagle Study	J. Tortosa/D. Malkin
Recreation Resources Studies			
2:30	RR-01	Recreation Facility and Public Accessibility Assessment	N. Craig
Break – 2:55			
3:10	RR-02	Whitewater Boating Take Out Improvement Feasibility	N. Craig
3:35	RR-03	Lower Tuolumne River Boatable Flow Study	N. Craig
4:00	RR-04	Visual Quality Study	N. Craig
4:25		Adjournment	

Department of the Interior
U.S. Fish & Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825
Phone: 916/414-6600
Fax: 916/414-6713
<http://www.fws.gov/sacramento/>

News Release



January 23, 2013 - For Immediate Release

Media Contact: Robert Moler, robert_moler@fws.gov, (916) 414-6606

Public Comment Period Reopened for a Proposal to Remove the Valley Elderberry Longhorn Beetle from the Endangered Species List

Sacramento - The U.S. Fish and Wildlife (Service) is reopening the comment period on a proposal to remove the valley elderberry longhorn beetle (VELB) from its current status as threatened under the Endangered Species Act (ESA).

On October 2, 2012, the Service published a 12-month petition finding and proposed rule to remove the VELB from the Federal List of Endangered and Threatened Wildlife and opened a 60-day comment period that ended on December 3, 2012. This notice announces a 30-day reopening of the comment period to allow all interested parties an additional opportunity to comment on the proposed rule and to submit information on the status of the species. The Service expects that a peer review report of the proposed rule will be submitted near the beginning of the comment period and available for the public.

“We encourage the public, government agencies, tribes, private industry and non-profit organizations to provide us with information on the status of the VELB,” said Jan Knight, Acting Field Supervisor for the Sacramento Fish and Wildlife Office. “We want our decisions to be informed by the best available information.”

The Service will accept comments until February 22, 2013. Comments can be submitted online at the Federal eRulemaking Portal at <http://www.regulations.gov>, (Docket Number FWS-R8-ES-2011-0063) or by U.S. mail or hand-delivery to:

Public Comments Processing, Attn: FWS-R8-ES-2011-0063
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

The Service requests comments concerning any location-specific information about the VELB or its habitat. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule. All submitted comments, including the peer review report, will be posted online at <http://www.regulations.gov>.

BOARD OF SUPERVISORS
2013 JAN 23 P 4:55

The VELB is a medium-sized, red and dark green insect that is one-half to one-inch long with arching long antennae. The VELB is found only in California's Central Valley and depends solely on elderberry shrubs for food and shelter. The VELB was listed as a threatened species under the ESA in 1980.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov/cno. Connect with our Facebook page at <http://www.facebook.com/usfwspacificsouthwest>, follow our tweets at <http://twitter.com/USFWSPacSWest>, watch our YouTube Channel at <http://www.youtube.com/usfws> and download photos from our Flickr page at http://www.flickr.com/photos/usfws_pacificsw/

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From: "Bigalbal, Rustico" <rustico_bigalbal@fws.gov>
To:
Date: 1/23/2013 1:31 PM
Subject: USFWS NEWS: Public Comment Period Reopened for a Proposal to Remove the Valley Elderberry Longhorn Beetle from the Endangered Species List
Attachments: NR-VELB-_pDelist-reopen-2013jan23.docx

> Dear Project Partners,
>
>
>
> The U.S. Fish and Wildlife Service today published to the Federal Register
> a notice to reopen the public comment period for a proposed rule to remove
> the valley elderberry longhorn beetle from the Federal List of Endangered
> and Threatened Wildlife.
>
>
>
> We expect that a peer review report of the proposed rule will be submitted
> near the beginning of the re-opened comment period and available for the
> public.
>
>
>
> Attached is a news release with more information. Please contact us if you
> have any questions about this announcement.
>
>
> Thank you for your ongoing cooperation with the U.S. Fish and Wildlife
> Service.
>

Commissioners
Jim Kellogg, President
Discovery Bay
Michael Sutton, Vice President
Monterey
Daniel W. Richards, Member
Upland
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

January 16, 2013

BOARD OF SUPERVISORS
2013 JAN 17 A 10:23

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 1.74 and 701, Title 14, California Code of Regulations, relating to sport fishing report cards, which will be published in the California Regulatory Notice Register on January 18, 2013.

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

Dr. Craig Shuman, Marine Advisor to the Commission, (916) 215-9694 has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

A handwritten signature in cursive script that reads "Sherrie Fonbuena".

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 1050, 1053.1, 1055.1 and 7380 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 220, 240, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381, and 7382 of said Code, proposes to amend sections 1.74 and 701, Title 14, California Code of Regulations, relating to sport fishing report card requirements and fees.

Informative Digest/Policy Statement Overview

Under current regulations (Section 1.74, Title 14, CCR) recreational anglers are required to fill out report cards when fishing for salmon in the Klamath-Trinity River System and Smith River, steelhead trout, white sturgeon, red abalone and California spiny lobster. Report cards are valid during the open fishing season for a calendar year and are required to be returned to the Department at the address specified on the card by January 31 of the following year. Current regulations specify procedures to replace lost report cards and stipulate that any person who fails to return his report card by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

Current fees for sport fishing forms and report cards are specified in Section 701, Title 14, CCR.

The proposed regulatory changes will enact a non-reporting fee to recover the increased costs of management of lobster due to non-reporting of report cards; adjust the duration of the lobster report card and timing of reporting to match the lobster season; modify replacement procedures for lobster, steelhead, and salmon report cards; simplify reporting procedures; and update regulatory language to make it consistent with new procedures made possible through the implementation of the Automatic License Data System (ALDS). The following is a summary of changes proposed to sections 1.74 and 701, Title 14, CCR.

- Require a non-return fee of \$20.00 to be applied at the time of purchase of a lobster report card for any individual who fails to return his lobster report card from the previous season by the deadline.
- Specify that lobster report cards shall be valid for the duration of the lobster fishing season and the deadline for the return of lobster report cards will be April 30 following the season for which the report card was valid.
- Update replacement report card procedures for lobster, steelhead and salmon report cards. Any person who loses his lobster, steelhead or salmon report card must provide a written affidavit to the Department that contains the following information:
 - A statement confirming that the originally issued report card cannot be recovered.
 - A statement of the cardholder's best recollection of the prior catch records that were entered on the report card that was lost.
 - A statement describing the factual circumstances surrounding the loss of the card.

- Simplify and clarify return and reporting procedures. Report cards sent by mail and not received by the Department will be assumed not returned and the individual will be required to report his report card as lost.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

The proposed regulations will benefit the environment in the sustainable management of California's sport fishing resources which in turn will benefit the health and welfare of California residents by encouraging outdoor exercise, consumption of nutritious food, intergenerational activities, and environmental awareness.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to adopt sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mt. Shasta Hatchery Museum #3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before February 24, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 4, 2013. All comments must be received no later than March 6, 2013, at the hearing in Mount Shasta, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Craig Shuman, Commission Marine Advisor, (916) 215-9694, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may

preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

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.

Economic impacts of fishing are attributable largely to fishing effort, fishing opportunity, and fishing success. The proposed regulations would not alter fishing effort, fishing opportunity, or fishing success. Over time, the enhanced management efforts are expected to improve fishing success.

- (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 Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the environment through the sustainable management of California's sport fishing resources.

The Commission anticipates benefits to the health and welfare of California residents. Increased data to inform improved fisheries management is anticipated to increase outdoor recreational activities and encourage the consumption of fresh locally caught seafood.

The Commission does not anticipate any non-monetary benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed fee assessed to anglers who fail to return their lobster report card is fully preventable and avoidable should an angler report or return his report card by the due date. In addition, if an angler did not return his report card by the due date, he has the option to wait a season and then be eligible to purchase a lobster report card without the additional fee.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) 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, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 8, 2013

Sonke Mastrup
Executive Director

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



BOARD OF SUPERVISORS

2013 FEB 22 A 10:50

February 22, 2013

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers salmon sport fishing, which will be published in the California Regulatory Notice Register on February 22, 2013.

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

Mr. Neil Manji, Department of Fish and Wildlife, Northern Region, phone (530) 225-2374, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

A handwritten signature in cursive script that reads "Sherrie Fonbuena".

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River sport fishing.

Informative Digest/Policy Statement Overview

The Klamath River System, which consists of the Klamath River and Trinity River Basins, is managed through a cooperative system of State, Federal, and Tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and Tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

Commission adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

Klamath River Fall-Run Chinook

Klamath River fall-run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between Tribal and non-Tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2013 KRFC in-river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath Basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring-Run Chinook

The Klamath River System also supports Klamath River spring-run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river recreational fishery is managed by general basin seasons, daily bag limit, and possession limit regulations.

KRFC Allocation Management

The 2012 allocation for the Klamath River System recreational harvest was 67,600 adult KRFC. Preseason stock projections of 2013 adult KRFC abundance will not be available from the PFMC until March 2013. The 2013 Klamath Basin allocation will be recommended by the PFMC in April 2013 and presented to the Commission for adoption prior to its April 2013 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river recreational fishery.

Current Recreational Fishery Management

The KRFC in-river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time sub-quota management. KRSC in-river recreational harvest is managed by general season, daily bag limit, and possession limit regulations.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

The Department is proposing the following changes to current regulations:

No changes are proposed for the general (KRSC) opening and closing season dates.

KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2013 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0-4] Chinook salmon – of which no more than [0-4] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0-12] Chinook salmon of which [0–12] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

A non-substantive change is made to subsection 7.50(b)(91.1)(B)1. to reflect the renaming of the Department of Fish and Game as the Department of Fish and Wildlife.

Benefits of the Proposed Regulations

The benefits of the proposed regulations are in conformance with Federal law, sustainable management of Klamath River Basin salmon resources, and promotion of businesses that rely on recreational salmon fishing in the Klamath River Basin.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa,

2777 Fourth Street, Santa Rosa, California, on Wednesday, April 17, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 7, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 p.m. on April 15, 2013. All comments must be received no later than April 17, 2013, at the hearing in Santa Rosa, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Mr. Neil Manji, Manager, Northern Region, Department of Fish and Wildlife, telephone (530) 225-2374, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

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. The proposed regulations are projected to have unknown negligible impact on the net revenues to businesses servicing sport fishermen. This is

not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (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 Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulations range from no salmon fishing on adult Chinook salmon (>22 inches) in 2013 to a normal Klamath River Basin salmon season; therefore, the potential employment impacts range from 0 to 47 jobs. However, due to the fact that sport fishing for Chinook salmon will be allowed for grilse fall Chinook salmon, any adverse impacts to businesses would be less severe than under a complete closure of fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) 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, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: February 12, 2013

Sonke Mastrup
Executive Director

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

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 also made available on the Commission's website at <http://www.fgc.ca.gov>.

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

BOARD OF SUPERVISORS
2013 FEB 19 A 10:50

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; 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) 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 endangered wildlife, for example, by avoiding flying a raptor in the vicinity of the listed species. Any listed threatened or endangered 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 from the date of the prior failed 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 RAPTORS. 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 purpose transferred 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.~~