



## 15 Day Continuation Notice of California Notice Register 2017, No. Z-2017-0314-06 Re: Scientific Collecting Permits

August 14, 2017

The California Department of Fish and Wildlife (Department) has proposed amendments to Section 650, Title 14, California Code of Regulations (CCR), and several forms incorporated by reference for the proposed Scientific Collecting Permit (SCP) regulations. The Office of Administrative Law (OAL) published the draft proposed regulations in the California Regulatory Notice Register on March 24, 2017, Register 2017, No. 12-Z: OAL Notice File No. Z-2017-0314-06, and were available for a 45-day public comment period through May 8, 2017 (the “Original Proposed Package”). This letter provides notice of a 15-day comment period on changes to the Original Proposed Package.

**This 15-day comment period allows for public comments only on the additional amendments, as indicated by bolded double strikeout and bolded double underline to the Original Proposed Package, not on the aspects of the package that were already noticed during the initial 45-day period.** The comments and respective responses from the 45-day period, and comments with responses from the 15-day period, will be published with the Final Statement of Reasons (FSOR), around the time the Department would adopt the revised regulations, and before the planned effective date of January 1, 2018.

The following changes to the Original Proposed Package address public comments and concern related to permitting take of primarily terrestrial invertebrates, clarify how the proposed permit structure (General and Specific Use) would work for constituent groups such as environmental consultants, forest management companies and universities, and refine how the notification to the Department of planned field activities will function. These changes are described in more detail below, and some smaller changes include:

1. Refine four definitions in subsection 650(b).
2. Clarify language for the statement of qualifications for SCP applicants in subsection 650(h).
3. Describe in greater detail the proposed permit structure and differences between the General and Specific use level permit types:
  - a. Subsection 650(i)(1): editorial clarifications based on changes in the regulations to the General Use applications - Inland Fisheries- form DFW 1379GF, Marine - form DFW 1379GM) and Terrestrial Wildlife -form DFW 1379GW), and their respective amendment forms (DFW 1379GWA, GFA, and GMA).
  - b. Subsection 650(i)(2): revise language to allow for increased flexibility for the Specific Use permit in response to public comment (align Specific Use application form DFW 1379S with amendments made to subsection 650(i)(2)),

- and the respective amendment form (DFW 1379SA). Provide clarifying examples in the amended ISOR for this permit type.
4. Refine how the notification of field work or activity (subsection 650(o); form DFW 1379b) will function in response to public comment:
    - a. shorten the timeframe for notifying in advance of field activities (from 48 to 36 hours), clarifying detail needed on the form, and removing redundant language from the regulatory text, form.
  5. Revise reporting requirements in response to comments for subsection 650(p) and the Mandatory Wildlife Report (MWR; form DFW 1379a):
    - a. Clarify that the MWR (DFW 1379a) serves as the method by which Permitholders would report that no activities were conducted, or no take and/or possession occurred during the permit period, and provide a checkbox on the form for such entry.
    - b. Other amendments to DFW 1379a, including reporting instructions to clarify how take associated with another Permitholder should be reported, and exceptions to needing to submit information via the MWR (i.e., for benthic macroinvertebrate work following established protocols endorsed by the Department).
  6. Clarify implementation of the transfer of possession via the Chain of Custody form (DFW 1379c) in response to public comment.
  7. Make minor editorial clarifications to the Standard Conditions for All SCPs (DFW 1379d).
  8. Add or clarify exceptions for situations not requiring a SCP under subsection 650(u) as follows:
    - a. 650(u)(1): Change the reference to tribal exception from Native American to federally recognized tribe, and removing specificity that possession of wildlife need not be for traditional, ceremonial or spiritual purposes;
    - b. 650(u)(2) and (3): Clarify language and authorities regarding vector control agencies and districts, and agricultural pest control agencies and districts operating under valid agreements with State agencies to include surveillance, prevention, monitoring, as well as control activities being exempt from needing a SCP.
    - c. 650(u)(5): further highlight that sediment as well as water sampling within certain habitat types, Marine Protected Areas and other Marine Managed areas or special closures is not allowed without a SCP;
    - d. 650(u)(7): add in the exemption that take and/or possession of most terrestrial invertebrates is exempt from needing a SCP, except for invertebrates that occur in vernal pool or other ephemeral waters that support vernal pool invertebrates (and that do not normally support finfish), or if covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list (dated June 12, 2017, or any later amendments).
    - e. 650(u)(8): Add a modified provision from the existing 650 regulations to include mention that take and/or possession of common terrestrial plants and freshwater plants and algae do not require a SCP.

9. Minor editorial updates to Section 703, Title 14, CCR, with the Original Proposed Package to revise all form dates from 03/01/17 to 07/01/17 for consistency with the revised forms listed above.
10. The SCP Fiscal Analysis (document supporting regulation change, dated June 2017, 17 pages) was updated from December 2016 with recent Department Special License data statistics, and some editorial clarifications. The Economic and Fiscal Impact Statement (form STD 399) was updated with input received in June 2017 from the Department of Finance, and to incorporate the latest license data statistics in the STD 399 Calculations Worksheet (attachment to the STD 399).

Any interested person, or his or her authorized representative, may submit written comments on the changes to the Original Proposed Package to the Department. All written comments must be received by the Department via mail, or e-mail, no later than **5:00 p.m. on Thursday, August 31, 2017**, to the contact as follows:

California Department of Fish and Wildlife  
Regulations Unit - Scientific Collecting Permits  
Attn: Ona Alminas, Environmental Scientist  
1416 Ninth Street, Room 1342-A  
Sacramento, CA 95814  
Phone: 916-651-9167  
Email: [SCPPermits@wildlife.ca.gov](mailto:SCPPermits@wildlife.ca.gov)

**Please direct all questions on the substance of the proposed changes to the Original Proposed Package to the contact person listed above.**

Additional information and all associated documents may be found on the Department of Fish and Wildlife website at: <https://www.wildlife.ca.gov/Notices/Regulations/SCP>.

Sincerely,



Scott Barrow  
Acting Program Manager, Regulations Unit

Attachment(s)