

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

Amend sections 650 and 703,  
Title 14, California Code of Regulations  
Re: Scientific Collecting Permits

- I. Date of Initial Statement of Reasons:** March 14, 2017  
**Date of Amended Initial Statement of Reasons:** August 14, 2017
- II. Dates and Locations of Scheduled Hearings:**

Public Hearing:	Date:	Monday, May 8, 2017 Time: 9:30 am – 11:30 am
	Location:	First Floor Auditorium Resources Building 1416 9th Street Sacramento, CA 95814

**III. Description of Regulatory Action:**

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

**Introduction**

Fish and Game Code (FGC) sections 1002, 1002.5 and 1003 authorize the California Department of Fish and Wildlife (Department) to issue permits for the take or possession of wildlife, including mammals, birds and the nests and eggs thereof, reptiles, amphibians, fish, certain plants and invertebrates for scientific, educational, and propagation purposes. The Department currently implements this authority through Section 650, Title 14, California Code of Regulations (CCR), by issuing Scientific Collecting Permits (SCP) to take or possess wildlife for such purposes. Current regulations enable the public to engage in scientific research, education and propagation activities, where research and data collection help benefit and conserve the State's wildlife resources.

**Fish and Game Code and Regulatory Authority**

SCP regulations were originally adopted in 1942 in Section 800, Title 14, CCR under the authority of FGC Section 35, primarily to regulate the take of wildlife by scientists and students at accredited scientific institutions. These regulations also covered take of wildlife by State and federal employees collecting in connection with their regular duties, as well as ~~to~~ private collectors maintaining collections available for

educational and scientific use by schools, museums, and other organizations. Students sponsored by scientists, collecting on behalf of universities, museums, or scientific institutions were also authorized under Section 800. Authority transitioned to FGC Section 1002 in 1957, and in 1959, the Fish and Game Commission (Commission) combined and moved SCP regulations from Section 800 to Section 650, Title 14, CCR. Section 650 has been revised about once every decade until 1996, when it was last amended. The 1996 changes included necessary clarifications under Commission authority, and to incorporate certain elements from the repeal of Title 14, Section 653, CCR (Marking Birds for Scientific Purposes), which also falls under authority of FGC Section 1002. FGC Section 1002.5 was added in 2010, and FGC sections 1002 and 1002.5 were last amended with substantial changes in 2012, as outlined in this proposal and in the attached SCP Fiscal Analysis.

While academic, museum collection and government agency groups may have been the original stakeholder group comprising the research community, the growing diversity of SCP permittees mirrors the increasing demand to participate in the take and/or possession of California's wildlife for research, education and propagation purposes. University and college professors, researchers and students comprise the most common permittee category observed over the last five years, followed by environmental consultants and researchers, and contractors who support preparation of environmental documents or permits required by law. Additional categories include non-profit museums, aquariums, research or conservation institutions, independent researchers, state and federal scientists, and others. These categories are detailed in the Economic Impact Assessment, Section VII, below.

Research activities permitted by SCPs involving take and/or possession vary widely, including, but not limited to, baseline inventories, population assessments, environmental monitoring, studies of genetics, behavior, range and distribution, diet and food chain interactions, and habitat relationships. Educational activities permitted by SCPs provide training and instruction opportunities to facilitate public understanding and appreciation of the State's natural resources, and foster future environmental scientists, wildlife biologists and conservation stewards. Propagation activities permitted by SCPs promote efforts to increase wildlife numbers, enhance the sustainability and survival of species and populations, improve reproductive success, and/or contribute to educational programs. Results of permitted activities are reported back to the Department, and contribute to the conservation, protection of fish and wildlife populations in California, helping inform Department management decisions.

### **Other Research Permits and Authority**

Currently, species listed under the California Endangered Species Act (CESA) (pursuant to FGC Section 2080 *et. seq.*) may be taken for scientific, education, or management purposes pursuant to FGC subsection 2081(a) via a permit or memorandum of understanding (MOU) issued by the Department. Fully Protected species may be taken via a permit or MOU issued by the Department, only for the

purposes of necessary scientific research, and including recovery of said Fully Protected species, or recovery of other CESA listed species, pursuant to FGC sections 3511, 4700, 5050 and 5515, and Title 14, Section 670.7, CCR. The SCP is currently implemented as the permitting mechanism for take that targets species belonging to the taxonomic groups listed in this regulatory proposal that are not listed as Candidate, Threatened, or Endangered under CESA, and that are not Fully Protected. However, the Department acknowledges that inadvertent take of co-occurring CESA-listed and/or Fully Protected species could potentially occur while conducting certain activities permitted under SCPs.

The Department seeks to clarify the interpretation of take when permitting for scientific, educational, and/or propagation purposes authorized by FGC sections 1002 and 1002.5 with this regulatory proposal. Take of wildlife (FGC Section 86) occurs when targeting a species (for example, pursuing by attempting to catch, capture, or kill). Take can also occur when capture methods or equipment used are indiscriminant, or imprecise in targeting select species, and therefore may result in the incidental capture (take) of non-target species as “by-catch.” When targeting species under a SCP (those that are not listed as Candidate, Threatened, or Endangered under CESA, and that are not Fully Protected), it is possible that a MOU may be paired with the SCP because of the potential for by-catch for those protected species (or vice versa), so that the permittee may proceed with the intended take without risk of violating the law. For example, if under a SCP a permittee is authorized to take and/or possess certain non-State listed fish in watersheds where State-listed fish species occur, a MOU may be needed for incidental by-catch of fish species that are State-listed. This is because certain methods effective in capturing the target fish (e.g., electrofishing or large seine nets) are indiscriminant (non-selective) to take just the targeted non-State listed species. When applicable, the Department will provide permit conditions for State-listed animals not authorized to be taken pursuant to SCPs, but which may be incidentally encountered, captured, injured or killed.

### **Existing SCP Process**

Under current regulations, SCPs are issued to individuals, students, or entities conducting scientific research, education, or propagation activities that involve the take and/or possession of wildlife. Applicants currently submit hard copy applications to the Department via mail. The applicant mails a completed permit application downloaded from the Department’s website that includes a blank page for a permit justification, along with supporting documents (e.g., copies of other permits, resumes, etc.) and a non-refundable application fee to the Department’s License and Revenue Branch (LRB), Special Permits Unit (SPU). These documents are then scanned and stored in PDF format in a Microsoft Access database (“SCP Database”). Documents in the SCP Database are maintained by SPU and the Automated License Data System (ALDS). ALDS is the system through which the Department processes monetary transactions for most licenses, stamps, or other approvals. SPU assigns or renews a permanent Scientific Collecting Identification Number (SC ID) for each permittee, and the SCP Database tracks the permit tied to

the permittee, and to some extent, the permitted activities, species and locations, which change over time as the permittee renews, or adds different types of activities. SPU staff enter applicant information from the application into ALDS for payment transaction. After SPU processes the application fee in ALDS, SPU staff distributes, or “routes” the application to one of the three Department review programs with the taxonomic expertise for the requested species (Inland Fisheries, Marine and Terrestrial Wildlife) for application review.

The “Inland Fisheries” review program involves staff from Fisheries Branch to who review SCP applications for take and/or possession of anadromous fish, non-anadromous fish, and aquatic or freshwater invertebrates taken in inland waters. The “Marine” review program involves staff in the Department’s Marine Region (Region 7) who review SCP applications for take and/or possession of marine and anadromous fish, marine algae and plants, and marine invertebrates taken in marine waters. The “Terrestrial Wildlife” review program involves staff from the Non-Game Wildlife Program in the Wildlife Branch, who review SCP applications for take and/or possession of terrestrial and vernal pool invertebrates, amphibians, reptiles, mammals, and birds.

A “routing” represents a decision or action during the review process on a particular permit application amongst SPU and these three review programs. For example, when an application requests take and/or possession of both freshwater fish and mammals, it must be reviewed by the Inland Fisheries and Terrestrial Wildlife review programs, and is routed to each concurrently. In some other cases, applications may be routed to all three review programs, if taxonomic groups requested fall under each review program. However, depending on workload and available staff within each review program, the reviews for the same application may not be simultaneous. After receiving the application, the target timeframe to review the application for completeness, clarify any details with the applicant during the review for content (processing time to approve with conditioning, or deny a permit application) is up to 90-100 calendar days, per Departmental operating procedures.

Designated leads (or Scientific Aids, when there is no permanent staff position available) for each review program coordinate the review for completeness to ensure that applicants have provided the basic required information. Once an application is determined to be complete, the amount of time needed to ~~process and review for content, and~~ issue a permit application varies with the complexity of the proposed activities. ~~The~~ During review for content, the SCP lead in each review program evaluates the qualifications of the researcher(s), methods, assurances regarding quality control of the proposed activities, location, species status, potential geographic overlap in permitted activities by other researchers, and other specific application considerations, depending on species or methods requested by the applicant. Review for content may also require the SCP lead in each review program to coordinate, as needed, with regional biologists and species experts across the State who are most familiar with specific populations in a given area, and who review the application, provide feedback to the review program lead, and assist with

drafting permit conditions. Final details to condition or restrict the timing, species, specific locations, methods and numbers requested for take and/or possession are then compiled, and once the application is approved with conditioning, the application is routed back to SPU staff, who prompt the applicant to pay the permit (issuance) fee before issuing the permit and mailing it to the applicant (now permittee).

## **Problem Statement**

The Department's implementation of the SCP program has been a fiscal and organizational challenge since the permit's inception. SCP fees by themselves have been insufficient to support dedicated staff necessary for the program to function well. The work continues to be heavily supported by temporary Scientific Aids, who are intensively trained by permanent staff, but who tend to stay briefly before moving into permanent positions, or who are limited in the number of hours and days they can work during a calendar year. This reliance on temporary staff contributes to delays in permit processing, and difficulty in maintaining long-term institutional knowledge. These, and other insufficient financial and staff resources, have impaired internal coordination and communication, making development of consistent procedures across the review programs a challenge (further detailed in the attached SCP Fiscal Analysis). Consequently, SCP implementation has not functioned at ideal capabilities, and the quality of service to the regulated community has fallen short of the Department's goals.

The Department received approximately 1,200 to 1,500 SCP applications annually in the years prior to 2013, before substantial changes (amendments) to FGC sections 1002 and 1002.5 became effective. The interval between application submission and permit issuance has varied throughout the years, previously exceeding over 12 months prior to 2013, and improving to a more consistent turnaround of 90-100 days between 2015 and 2016. Under the current system, individuals or entities may apply for a single activity and/or study, or multiple related (or unrelated) studies or activities under a single permit. Due to the increased utilization in the number of organizations applying as an 'Entity' permittee under the expanded rules with the amended FGC Section 1002.5, combined with increased fees and longer permit terms, some permits became increasingly complicated, with multiple studies under one, two, or more Principal Investigators (PIs). Even before 2013, many permits often required reviews by multiple review programs (Inland Fisheries, Marine and/or Terrestrial Wildlife), or required coverage for take and/or possession under an additional authority (i.e., a CESA MOU pursuant to FGC subsection 2081(a)). These aspects of a permit request can contribute to delays in issuing the SCP (e.g., in order to align effective dates of the two permit types, or to verify overlapping reporting compliance). The permanent SC ID attached to the permittee means that a permit evolves over time, depending on the take and/or possession activities (hereafter, "activities") requested during renewals (reflecting contractual work, or grants that a Permitholder secures, or perhaps new goals or objectives of their work). This current permit structure has made it difficult to track the status of SCP activities at the level of a study (or for a given research question or related set of

questions or activities), and can cause delays in issuing a permit for multiple activities, when a single study or set of activities, is complex, and requires back-and-forth with an applicant, or substantial internal review.

Insufficient financial and staff resources, combined with an inefficient application intake and processing system, and ~~outdating~~ outdated tracking database mean these issuance delays have impaired the ability of applicants, as members of the scientific and educational community, to plan research, conduct investigations, or compete for grants or contracts. Following the 2012 statute change, the number of applications submitted to the Department has decreased to approximately 580-630 applications per year, and respective fee revenue from permits has declined, as well.

Additional information regarding SCP fee history, revenues, and staffing is provided in the attached SCP Fiscal Analysis.

## Regulatory Proposal

The Department proposes to strike and replace the existing SCP regulations in Title 14, Section 650, CCR. This regulatory proposal will update the Department's existing SCP operations to be consistent with recent statutory changes, update the permitting structure for implementation in an online application system, provide a revised fee schedule that mirrors the proposed permit structure, incorporate by reference the updated SCP application, renewal and amendment forms, and clarify administrative procedures requested by the regulated community to improve the Department's review and issuance of SCPs.

The Department further details the following program goals to address problems with the current SCP administration and operation, making the complete strikeout of Title 14, Section 650, CCR necessary:

***Goal 1. Incorporate revisions to FGC Sections 1002 and 1002.5 last amended by Chapter 559, Statutes of 2012 (Huffman, Assembly Bill 2402; effective January 1, 2013) in the regulatory proposal, and update for proposed SCP implementation.***

Fee-based clarifications within revised FGC Sections 1002 and 1002.5 allow the Department to:

- FGC subsection 1002(b) – adjust the fee structure with creation of a new non-refundable application fee of \$100 for Individual/ Entity Permitholder types and a permit (issuance) fee of \$300 for Individual/ Entity permits. A non-resident base fee of \$100 was removed from subsection 1002(e).
- FGC subsection 1002(d)(1) – adjust the fee structure with creation of a new non-refundable application fee of \$25 for the Student Permitholder type and a permit (issuance) fee of \$50 for students, from a base fee of \$10.
- FGC subsection 1002.5(e) – increase the fee to amend a permit from \$60 to \$100, or as adjusted under regulations adopted by the Department.

- FGC subsection 1002(h) – specify adjustments of fees per the implicit price deflator (FGC Section 713) for permits issued on or after January 1, 2013.
- FGC subsection 1002.5(d) – continue to charge a fee for permits, and when the Department-incurred costs to issue the permit are found to be higher than the amount imposed in 1002(b), the Department may charge a higher permit fee than what is specified in 1002(b). This references non-student permits (i.e., permits for Individuals and Entities).
- FGC subsection 1002.5(d) – allow the Department for the first time, to adjust the fee amounts in both subsection 1002(b) as well as subsection 1002(d) (referencing student permits) to fully recover, but not exceed, all reasonable administrative and implementation costs related to those permits.

Other modifications affecting permit implementation:

- FGC subsection 1002(a) – transfer of rulemaking authority from the Commission to the Department;
- FGC subsection 1002(b) – increase duration of an issued permit from 24 months to 36 months for Individual/ Entity Permitholder types; Student Permitholder type remained the same at a one year duration;
- FGC subsection 1002.5(a) – clarify the types of institutions or affiliations eligible to apply for an Entity permit, removing specific language for California certified small businesses, and Association of Zoos and Aquariums (AZA) accredited institutions, and allowing for public, private or nonprofit entities;
- FGC subsections 1002(j) and (k) – clarify that an SCP is not required for the take of Candidate, Threatened, or Endangered species under CESA, pursuant to FGC subsection 2081(a), or as Fully Protected pursuant to FGC sections 3511, 4700, 5050 and 5515 when the entity holds a valid permit or MOU issued by the Department; and
- FGC subsection 1002(m) – include procedures for permit revocation or denial, should reporting requirements not be met.

***Goal 2. Implement in regulations a permitting structure that reflects existing Department organization and permit processing, for later operation in an online application and data management system.***

This regulatory proposal focuses on updating the Department's existing SCP operations through several administrative and process clarifications. The proposed SCP structure, as detailed below and in the attached SCP Fiscal Analysis, divides the permit up in a manner that is consistent with the Department's existing workflow for permit application intake and review, based on the taxonomic wildlife groups for which take and/or possession is requested (Inland Fisheries, Marine, and Terrestrial Wildlife review programs).

The proposed establishment of "General Use" and "Specific Use" permit levels creates a framework to streamline the permitting of take and/or possession activities

for science, education, and propagation purposes. A fairly broad “General Use” permit, which includes widely accepted or standardized, low impact methods for non-sensitive or common species within each of the Department’s review programs, is proposed to reduce the time required for permit issuance. General Use permits would be available on a local to statewide geographic scale, with pre-determined, standardized “Authorizations” that detail the authorized wildlife taxonomic groups, species numbers, methods, locations, and disposition that the applicant can consult prior to completing the appropriate application form(s). Each General Use application would be constrained within one review program to facilitate quicker review, requiring a separate application for each additional review program at this level, corresponding to separate permits issued by review program. A General Use permit’s Authorizations would not be amendable for species and numbers within an authorized taxonomic group, or for methods, procedures, or conditions, but could be amended to add or change names of people (“Authorized Individuals”) covered on the “List of Authorized Individuals” (LAI), or to add a new Authorization within the same General Use permit (for each review program).

A “Specific Use” permit is proposed for an individual study, or a planned undertaking, ~~or specific study~~ involving multiple studies and/or activities with one or more taxonomic groups within, or amongst, the three review programs. The Specific Use permit may include, but is not limited to, activities, species, methods and procedures not covered under a General Use permit, or activities that include species, methods, and procedures that may often that require greater levels of review by the Department (e.g., sensitive species and numbers, capture methods, more invasive procedures, sensitive locations, etc.). Specific conditions would be developed as appropriate for the particular request. A Specific Use permit can be amended to change authorized wildlife taxonomic groups and species, number, methods, procedures, or locations, as well as to add or change Authorized Individuals covered on the LAI. A new or additional Specific Use permit would be required in certain circumstances, such as for a new study or planned undertaking with fundamentally different goals ~~or and~~ objectives, ensuring the PI maintains expertise and/or adequate supervision of all persons working under the permit, or due to the conservation status of the species or wildlife taxonomic groups requested, invasiveness of proposed methods or procedures, or proposed locations.

The proposed permitting structure would include improvements on other levels, including creation of lower amendment fees (than the current \$100) that streamline changes to a permit. For example, a flat General Amendment fee would be assessed for allowable amendments to the General Use level permit, which include any combination of changing the PI for Entity Permitholders, to adding or changing Authorized Individuals on the LAI, or to request a new Authorization under the same General Use permit. A flat Specific Amendment fee can include these sorts of changes, or amendments to species, methods, procedures, conditions, or other adjustments to a study that do not change the fundamental scope of the existing Specific Use permit. This General and Specific Use structure would apply at the



same levels for Student Permitholders as well, with a separate, reduced fee structure from Individual and Entity Permitholders.

A 2013 Budget Change Proposal (BCP) for fiscal year 2013-2014 proposed to fund new staff dedicated to processing SCPs under the increased fee structure implemented with the 2012 changes to FGC sections 1002 and 1002.5. The vision of increasing program efficiency with dedicated staff came with the assistance of an online SCP application system that captures all required information up front, and facilitates storage of reporting information in a data management system. The proposed permitting structure by review program for General Use, or amongst review program(s) for the Specific Use level, once implemented, is anticipated to address the following problems under the current structure (**Table 1**). These, and other improvements and efficiencies, will help the Department meet its goal of reviewing and issuing permits within the target period of 90-100 days or less.

**Table 1.** Solutions (benefits) anticipated with proposed permit structure.

<b>Problem with Existing Permit Structure</b>	<b>Solution with Proposed Permit Structure</b>
Hard copy applications received in the mail must be scanned into PDF format for storage in the SCP Database for permit review and approval. Reviewers markup applications using Adobe Professional PDF tools, adding boxes with conditions or notes, and the marked-up application becomes the issued permit.	Scanning and the markup of the permit application with PDF tools is eliminated with the proposed permit structure and online application implementation. Applicants would enter required information into specific fields, and a separate printed document summarizing the information in the application would become the issued permit.
For applications requiring review from multiple review programs, an approval or denial by one is often misconstrued by applicants to be a denial from all review programs.	Clarify that each review program may take separate actions for wildlife taxonomic groups for which they are responsible via the program-based General Use level permit, and clarifications for overlapping reviews within the Specific Use level permit.
Current amendment procedure does not restrict the addition of multiple Authorized Individuals or studies, leading to large, complicated amendment requests.	Structures the List of Authorized Individuals, and General and Specific Use permits provide clear rules for amendments, maintaining smaller and more comparable permitted units.
Applications can be complicated with multiple activities and/or numerous studies of varying complexity, involving taxonomic groups amongst multiple review programs.	Divides up complicated permits into smaller and more comparable permitted units for consistency in review effort across programs, while allowing the Department to recoup respective costs for review time.
Delay in permit processing often attributed to applicant inadequately justifying requested activities, possibly due to ambiguous instructions for completing fields on the existing application form.	New forms incorporated by reference in subsection 703(d) provide all separate fields that require completion in order for the application to be deemed complete.
An entire permit may be held up pending review of a particular study, or planned undertaking (e.g., particular research	Because the permit is divided up into smaller, more manageable units, review programs don't have to rely on each other as much, facilitating quicker issuance times.

question, activity, capture method or procedure, etc.)	
Multiple studies or planned undertakings under a single permit make it difficult to track the status (i.e., pending, approved, suspended, etc.) of the individual components.	The status of a permit by particular study or planned undertaking can vary – pending, approved, suspended, etc., allowing cleaner online tracking and data management ability.
Neither submitted/ pending applications, nor issued permits are queriable by reviewers in a reliable way for species and numbers, methods and procedures, locations, disposition (etc.) consistently across all review programs.	Drop-down menus, check boxes, lists, and other data fields would be queriable by reviewers to produce reports summarizing species and numbers, methods and procedures, locations, disposition (etc.) consistently across all review programs.
Tracking of species take or reports for individual studies is a challenge when review programs, or multiple studies amongst the review programs, overlap within a single permit.	Reporting by permit would facilitate tracking of take by individual studies, and future centralization of reporting and geospatial mapping would provide query ability on numerous search criteria for the Department to quickly provide answers addressing take or management of a species.
Applicant pays a flat fee of \$421.58 (2017 fees), regardless of the extent or nature of requested activities.	Provides applicants more permitting options that may better meet their individualized needs, and fees reduced from \$421.58 for each General and Specific Use level permit.

The new permit structure and process has not yet been set in regulations, and it is necessary to do so to inform the regulated community of the formal process, and of the information the Department will request of each applicant for each permit use level. Twelve (12) Department forms are necessary for this regulatory proposal to implement the new SCP permitting structure to request information of applicants and renewing Permitholders in a consistent and organized way, and to maximize a transparent and efficient administrative process.

While the proposed structure represents a change from the current model for the SCP community, and may lead to the need for Permitholders to obtain multiple permits for activities or studies previously approved under a single permit, the proposed structure is more conducive for implementation in an online application and data management system (see also Section IV below). The online application system will increase efficiency and standardize the information gathered in an application across the review programs through maximizing drop-down menus, check boxes, and standardized fields, which will ensure better consistency in application review and issuance. In addition, the ability to upload mandatory take and other reports in a standardized manner based on newly added drop-down categories will facilitate building a queriable reporting database (see proposed forms detailed under justification for subsection 703(d)).

**Goal 3. Implement in regulations a fee schedule that reflects the revised permit structure.**

- FGC subsections 1002(i) and 1002.5(d) authorize the Department to adjust fees to fully recover, but not exceed, all reasonable administrative and implementation costs related to those permits. The proposed fee schedule is listed in Title 14, subsection 703(d).
- The proposed fee schedule better supports the Department's workload for dedicated staff as compared to the current fee schedule, while providing permitting options, depending on applicant needs (refer to the attached SCP Fiscal Analysis).
- The existing SCP Database, and ALDS (for payment processing) already track permit workload and review effort (estimated through workflow of routings across the reviewing programs). Basing the proposed fee schedule off actual permit workload and workflow establishes a foundation to support future revenue and permit projections for each review program.

**Goal 4. Update two existing permit forms via complete strikeout (FG 1379 - 10/1995 and FG 1379a – 05/1995), and incorporate by reference twelve (12) new forms reflecting the new permit structure.**

Twelve proposed forms would be accessible from the Department's website, or upon electronic request. Proposed forms would be incorporated by reference, as it would be unduly expensive and impractical to publish them in Title 14, CCR.

**Goal 5. Incorporate suggestions and comments gathered during pre-notice outreach into the regulatory proposal.**

Paired with the goals mentioned above, the Department seeks to provide a cohesive, organized permitting framework with adequate funding and staffing, and internal policies that ensure consistent practice. Goals 1-4 of this regulatory proposal serve the co-equal objective of improving the level of service to the regulated community of stakeholders, which was a top concern voiced during pre-notice outreach. Other common pre-notice comments and suggestions received were considered to the extent feasible in this regulatory proposal, and are itemized below. These include the following improvements to:

- a. Define terms for the first time in regulation (including definitions for the three purposes by which a SCP may be issued), and for implementation in permit authorizations and conditions;
- b. Improve direction for applicants to ensure complete applications, including how permits are processed in the Department, as well as qualifications and reporting requirements;
- c. Clarify the statutory concept of "adequate supervision," and the roles of Authorized Individuals and Field Assistants (i.e., which need to be named or covered on the permit), as well as eligibility and role of the PI for Individual and Entity permits;

- d. Provide a streamlined permit for certain taxonomic groups, activities or methods (via the proposed General Use level permit);
- e. Streamline permit amendments by providing a flat fee for discrete permit amendment requests, rather than the current single amendment fee of \$100, and clarify how the amendments function for the overall permit;
- f. Streamline the process for Permit holders to notify Department law enforcement, wildlife officers, and other regional staff prior to conducting permitted activities in the field;
- g. Provide means for permits to be approved or denied within 100 days of receipt of payment of the non-refundable application fee;
- h. Clarify identification requirements for persons conducting permitted activities in the field; and
- i. Specify the grounds for permit denial, suspension, and revocation.

### Current Regulations

Title 14, Section 650, Title 14, CCR, currently provides the following summarized requirements, most of which are carried over into the new amended regulations and forms, but expanded for clarity for implementation with the proposed permit structure:

- (1) **General.** Subsection (a) establishes that it is unlawful to take or possess marine plants, live or dead birds, mammals, fishes, amphibians, or reptiles for scientific, educational, or propagation purposes except as authorized by a permit issued by the Department. The term “permittee” refers to the person who is permitted by the Department. Additional requirements are provided.
- (2) **Issuance of Permits.** Subsection (b) clarifies that the Department may issue permits to take wildlife and marine plants for bona fide scientific, educational, or propagation purposes. Additional requirements are provided.
- (3) **Applicant Qualifications and Requirements.** Subsection (c) establishes qualification requirements for individuals who take wildlife or marine plants for use by schools, museums, and other organizations. These individuals must submit a written statement signed by a minimum of two faculty members of the institution verifying the take is required by the institution. Additional requirements are established for students, persons taking birds protected by the U.S. Migratory Bird Treaty Act, and a minimum age requirement is established for marking birds.
- (4) **Marking.** Subsection (d) clarifies that mark means any activity, which results in placement of a color dye or other identifying device on an animal.
- (5) **Application.** Subsection (e) requires each person to submit a completed application available from the Department. Additional requirements are provided.
- (6) **Permit Revocation.** Subsection (f) allows the department to revoke, suspend, or decline to renew a permit for failure to comply with the provisions of a permit or failure to comply with these regulations. Any person whose permit is denied, revoked, or suspended may request a hearing before the Commission to appeal the Department's decision.

- (7) **Permit Nontransferable.** Subsection (g) establishes that permits are not transferable. Persons may assist the permittee if the permittee is present and overseeing the activities. Additional requirements are provided.
- (8) **Notification of Department Required Prior to Taking Specimens.** Subsection (h) requires the permittee to notify the Department office designated in the permit prior to taking any wildlife. Additional requirements are provided.
- (9) **Reporting of Specimens Collected.** Subsection (i) requires permittees to submit a completed report of activities within 30 days of expiration of the permit, unless a written exemption is received from the department waiving the reporting requirements.
- (10) **Inspection.** Subsection (j) enables employees of the Department or sponsors of permittees to inspect any collection at any time to determine whether or not the permittee is complying with the regulations.
- (11) **Disposition of Specimens.** Subsection (k) allows the Department to restrict the use and disposition of all wildlife taken under authority of a permit.
- (12) **Possession of Dead Wildlife.** Subsection (l) provides additional requirements for exemptions, records, transportation, and ownership.

## Proposed Regulations

### **Title 14, Section 650, CCR**

The following discussion outlines the necessity for this regulatory proposal in relation to the five goals stated above to update and replace Title 14, Section 650, CCR:

Section 650, subsection (a). General Provisions. This subsection lays out the general requirements of the regulation for all SCP applicants and Permitholders **for take and/ or possession activities in the State of California**. Subsection (a) is necessary to provide a citing section for law enforcement officers during field inspections for civil, administrative, or criminal penalties pursuant to FGC or other authority. The provisions of this subsection are necessary to:

- Subsection 650(a)(1) – help applicants understand that the Department may require, based on site- and species-specific circumstances, different conditions or restrictions depending on the particular activity(ies) requested by the applicant.
- Subsection 650(a)(2) – inform applicants of the specific types of government-issued identification required when conducting permitted activities in the field. It is necessary to require official identification cards to enable law enforcement and/or wildlife officers to verify the identity of individuals conducting permitted activities during field inspections.
- Subsection 650(a)(3) – refer to a FGC section requiring the possession of all permit documents, and clarify for applicants what constitutes a permit document. It is necessary to specify to applicants which documents need to be carried when conducting permitted activities, so they understand which documents would need to be shown to law enforcement and/or wildlife officers during field, or other inspections.
- Subsection 650(a)(4) – maintain and revise an existing provision in Section 650

pursuant to FGC subsection 1002(l) and clarify that SCPs are not transferable between persons or entities.

- Subsection 650(a)(5) – ensure applicants understand that a SCP cannot be used for commercial activities involving take and/or possession of wildlife, or for personal or human consumptive use. This subsection also clarifies the nature of commercial activities by describing special circumstances pertaining to Department-approved education programs, **and** for biological suppliers, or for situations exempt from needing a SCP. This information is necessary to clarify the eligibility of take and/or possession of wildlife under a SCP, and explicitly call out uses which would be unlawful under this Section.
- Subsection 650(a)(6) – provide a cross-reference to Title 14, Section 632, CCR to inform applicants working in marine areas that specific activities require a permit pursuant to FGC Section 2860.
- Subsection 650(a)(7) – explain to existing Permitholders and prospective applicants that permits issued prior to the planned effective date of the regulations **(which will be determined by the Office of Administrative Law, but is planned for January 2018)** will remain valid until they expire, and that changes and amendments to these permits after the effective date of these regulations will only be authorized using the new or revised forms incorporated by reference herein.
- This subsection meets Goal 5 (incorporate input from pre-notice outreach) of the regulatory proposal.

Section 650, subsection (b). Definitions. This subsection defines 26 specific terms used within the proposed regulations. The definitions are necessary for three interrelated reasons, which are further justified in **Table 2** below:

- i. to clarify for applicants how those terms are used for SCP review and issuance purposes;
- ii. to improve consistency among Department review programs for SCP review, conditioning, and issuance processes; and
- iii. to clarify the terms and language that make the regulations legally enforceable.

**Table 2.** Justification for proposed definitions in Title 14, subsection 650(b),CCR by way of one or more necessity reasons (i-iii) and corresponding rationale.

Subsection	Necessity reason(s)	Rationale
650(b)(1) “Anadromous Waters”	i	Defines inland waters that are accessible to fish migrating from the ocean. This subsection is needed to clarify the scope of a taxonomic group for the Inland Fisheries review program .
650(b)(2) “Authorized Individual”	ii, iii	Provides a new term and defines the <u>independent</u> role of those named or covered on the permit, <u>and who can work under adequate supervision of a Principal Investigator</u> , consistent with the revised application forms.
650(b)(3) “Display”	ii, iii	Clarifies how an aspect of the education definition is interpreted by the Department.
650(b)(4) “Education”	i, ii	Defines one of the purposes for which a permit can be issued. Clarifies a term otherwise subject to different understandings or interpretations by applicants or Permitholders, and provides the Department’s definition of education as one of the purposes of the SCP.
650(b)(5) “Entity”	ii, iii	Clarifies a term necessary to define a type of Permitholder.
650(b)(6) “Executive Signatory”	ii, iii	Provides a new term identifying the person with the authority to legally act on the behalf of an organization under an Entity permit, consistent with the revised application forms.
650(b)(7) “Field Assistant”	ii, iii	Provides a new term clarifying the role of persons not named or covered on the permit, but who may assist Authorized Individuals with permitted activities.
650(b)(8) “Finfish”	i	Clarifies interpretation of a subset of wildlife for which SCPs are issued under the proposed regulations, because the subset may be interpreted differently elsewhere in Title 14 (CCR), or in FGC.
650(b)(9) “Humane”	ii	Clarifies the Department’s considerations in authorizing or conditioning the treatment of wildlife during take and/or possession, in accordance with FGC subsection 1002(f).
650(b)(10) “Inland Waters”	i	Clarifies the geographic area of the Inland Fisheries review program for review and issuance of SCPs.
650(b)(11) “Marine Waters”	i	Clarifies the geographic area of the Marine review program for review and issuance of SCPs.
650(b)(12) “Marking”	ii, iii	Clarifies the types of physical alterations the Department considers as means to identify or track individual wildlife.
650(b)(13) “Nest”	ii, iii	Clarifies that a nest includes sites, or structures, essential for the survival of a juvenile bird, or other animal.
650(b)(14) “Non-native”	ii	Clarifies and distinguishes the Department’s considerations in authorizing or conditioning the take of wildlife not native to California.
650(b)(15) “Part”	i, iii	Clarifies how wildlife is interpreted for possession when the animal is dead as a specimen, or may not be whole.
650(b)(16) “Permitholder”	ii, iii	Provides a term and defines the role of a person in whose name a permit is issued, consistent with the revised application forms.

<u>Subsection</u>	<u>Necessity reason(s)</u>	<u>Rationale</u>
650(b)(17) "Person"	i	Clarifies how a person is interpreted for purposes of this Section, not to be confused with the definition of "person" in FGC Section 67.
650(b)(18) "Possession"	i, ii, iii	Clarifies the action for which a SCP can be issued, given statutory authority, and how it is interpreted by the Department for purposes of this Section.
650(b)(19) "Principal Investigator"	i, iii	Clarifies a term to define the role of a person who has special responsibilities to <del>provide oversight on</del> <u>oversee</u> a permit, focusing on the leadership, training role, and adequate supervisory oversight to oversee distinct research project(s) and <u>for</u> all involved personnel <u>(i.e., Authorized Individual and Field Assistants) for distinct studies, and who, The Principal Investigator also have has</u> specific expertise in certain wildlife taxonomic groups, <u>oversees (an) individual study(ies), and who are is</u> familiar with accepted study methods and survey protocols.
650(b)(20) "Procedures"	ii, iii	Clarifies the Department's considerations in authorizing or conditioning the take of wildlife with regards to actions taken by an Authorized Individual.
650(b)(21) "Propagation"	ii	Defines one of the purposes for which a permit can be issued. Clarifies a term otherwise subject to different understandings by applicants or Permitholders, and provides the Department's definition of propagation as one of the purposes of the SCP.
650(b)(22) "Pursue"	i	Provides interpretation of a term included as part of the definition of take to clarify how it applies for the purposes of this Section.
650(b)(23) "Research"	ii	Clarifies how the Department interprets an aspect of the science and education definition for purposes of this Section.
650(b)(24) "Science"	ii	Defines one of the purposes for which a permit can be issued. Clarifies a term otherwise subject to different understandings by applicants or Permitholders, and provides the Department's definition of science as one of the purposes of the SCP.
650(b)(25) "Take"	i, ii, iii	Clarifies the actions for which an SCP can be issued given statutory authority, and how take is interpreted by the Department for purposes of this section. This definition clarifies for the first time the term in the permit's name (scientific "collecting") is interpreted to mean take.
650(b)(26) "Wildlife"	i, ii, iii	Clarifies nine categories of wildlife taxonomic groups for which SCPs may be issued under the proposed regulations, because they may be interpreted differently elsewhere in Title 14 (CCR), or in FGC. These taxonomic groups are necessary because they define the kinds of wildlife for which a SCP would be issued with this regulatory proposal, and which fall under the three review programs. <u>The invertebrate definition is further clarified to define those invertebrates that fall under the review of each review program, which may be described geographically, or by habitat type. For instance, the Terrestrial Wildlife review program would review applications for terrestrial and vernal pool invertebrates, which regularly occur in vernal pools, or that occur in other ephemeral waters supporting vernal pool invertebrates (usually where finfish are absent). This is in contrast to aquatic</u>



		<u><b>invertebrates occurring in other freshwater (within the Inland Fisheries review program) and marine invertebrates (within the Marine review program).</b></u>
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- Subsection 650(b) meets itemized Goal 5a (define terms implemented in regulation) of this regulatory proposal.

**Section 650, subsection (c). Purposes of Permit.** This subsection clarifies the three purposes for which a permit may be issued to take and/or possess wildlife granted by FGC subsection 1002(a). This subsection is necessary to help applicants understand the types of activities that may be authorized under an SCP. It also informs applicants that the Department will consider issuing an SCP only if the proposed activity falls under one or more of these three statutory purposes.

- Subsection 650(c)(1) – inform applicants the nature of science or research activities that may be considered in an application, consistent with the definition of science in subsection 650(b)(24). Further, the collection of information on wildlife and their habitats may serve in its own right as science (e.g., documenting presence/ absence of species in a given area, reporting behavioral observations, or providing a report in scientific format on research findings). This interpretation is demonstrated by reporting requirements detailed in subsection 650(p).
- Subsection 650(c)(2) – ensure applicants understand the types of educational programs that may be considered in an application, consistent with the definition of education in subsection 650(b)(4). This subsection also highlights how the purposes may overlap, i.e., education display or programs that overlap with science or research activities.
- Subsection 650(c)(3) – clarify to applicants the suitable activities that are consistent with the definition of propagation identified in subsection 650(b)(21). Several types of activities may be considered under a SCP involving captivity, reproduction techniques, removal of non-native species to enhance sustainability of native species and their habitats, management responses to avoid population effects from natural or man-made disasters, or harm or mortality from activities that are otherwise lawful. Under this definition, propagation includes effecting reproduction of organisms within the wild (interpreted as “*in situ*”) as well as in captivity (interpreted as “*ex situ*”). As an example, to avoid population declines from population-wide fungal infections (i.e., chytrid fungus in frogs, white-nosed syndrome in bats) or parasite or bacterial outbreaks (e.g., whirling disease in salmonids, or severe mange outbreaks in mammals), the Department may authorize take via SCP for Permitholder(s) to bring individual animals into captivity for treatment, and/or remove from the wild members of a population, and bring them into captivity to avoid further transmission of infection. Other actions under propagation that may be taken include preventing individual mortality to enhance survival and reproduction of a population, where an individual’s chance to reproduce naturally goes towards maximizing its potential contribution to the population. This subsection is necessary to clarify the Department’s interpretation of propagation so applicants are clear on the nature of activities that can be authorized for this purpose, perhaps combined with

science and/or education.

- Subsection 650(c) meets itemized Goal 5a (defining terms implemented in regulation) of this regulatory proposal.

Section 650, subsection (d). Application Review Programs. This subsection lays out the roles for the Inland Fisheries, Marine, and Terrestrial Wildlife review programs discussed in Goal 2 of this regulatory proposal, and specifies the wildlife taxonomic groups defined in subsection 650(b)(26) that fall under each program's expertise and review responsibility. This subsection is necessary because it informs applicants which programs will be involved in the review and issuance of a permit, based on the taxonomic groups requested in the application.

- Subsection 650(d) meets Goals 2 (revise permit structure to improve efficiency) and 5b (improve direction for applicants) of this regulatory proposal.

Section 650, subsection (e). Application and Review Procedures. This subsection lays out the application process, and outlines the Department's standardized application review process. This subsection is needed to:

- Subsection 650(e)(1) – inform applicants that the required application forms for an SCP are incorporated by reference into Title 14, subsection 703(d), CCR and that those forms will be available via the Internet. This subsection also informs applicants that, when available, they shall submit application forms electronically using the online system at the Department's website. Use of the online application is necessary to improve permit processing and tracking. This subsection is also important to help applicants understand that handwritten applications will not be accepted, because handwritten applications cannot be processed using optical character recognition in an electronic database. Lastly, specifying to applicants that names entered on the application shall match the names on the government-issued identification carried in the field, as specified in subsection 650(a)(2), is needed for wildlife officers to verify identity in the field.
- Subsection 650(e)(2) – ensure the applicant understands that in order for the application to be processed, complete responses for all relevant and applicable fields on the application shall occur prior to the Department's determination that the application is complete. This subsection clarifies that failure to submit any required information provides grounds for permit denial, which relates to subsection 650(r).
- Subsection 650(e)(3)(A) – relay to the regulated community the Department's goal to issue SCPs within 90-100 days with the new online application system, and the review timeframe to determine whether the application is complete or incomplete. The Department has identified 40 calendar days (after receipt of the application and the application fee clearing payment), as an adequate amount of time for a review program to review an application and determine if it is complete or incomplete (notwithstanding any justifiable circumstances that may delay application processing for any one Department review program). It is important to communicate to the public that an applicant will receive a notification of determination of incompleteness, and require any outstanding information to be

provided. This is necessary because in previous years, the delay in receiving outstanding information from applicants has contributed to permit queues, and delayed Department action taken on permits. The last statement of this subsection clarifies that the Department believes 30 calendar days to be an adequate amount of time for the applicant to provide any outstanding information to make the application complete. If not received within that timeframe, the Department may deny the application (notwithstanding any justifiable circumstances that may warrant additional time to provide any requested information). This provision is necessary to ensure efficiency in permit processing, or terminate the application process, if the applicant fails to provide the necessary information in a timely manner.

- Subsection 650(e)(3)(B) – inform the public that once the Department determines the application to be complete, it intends to issue or deny a permit within 60 calendar days (notwithstanding any justifiable circumstances that may delay permit processing for any one Department review program). The 60-day period for the Department to either approve or deny a permit application is necessary to provide applicants a timeframe for when they can expect a final decision on their permit.

This regulatory proposal examined other permits that are subject to the Permit Streamlining Act (PSA), which includes a 30-day window to inform the applicant if an application is complete, and a 60-day window to provide notice of a decision on an application. This model was used to inform the proposed timeframe specified in subsections 650(e)(3)(A) and (B) above. However, because the Department believes the PSA does not apply to issuance of an SCP, and to reduce potential confusion on whether this regulatory proposal is subject to the PSA, the timeframe of 30 days for completeness was adjusted to a 40-day timeframe, but maintaining the 60-day timeframe to approve or deny a permit.

- Subsection 650(e)(3)(C) – lay out the circumstances by which certain pending permits may be subject to an extended period to determine the application to be approved or denied due to statutory requirements for notification to the public of such permits. This subsection is necessary to ensure the regulated community understands that research study(ies) with mountain lions (*Puma concolor*) pursuant to FGC Section 4810, and research study(ies) of bears (*Ursus americanus*) or bobcats (*Lynx rufus*) using the method of pursuit by dogs pursuant to FGC Section 3960.4, may take slightly longer than 60 days for approval or denial due to the requirement to notify the public of such applications or proposals.
- Subsection 650(e) meets Goals 2 (revise permit structure to improve efficiency) and 5b (improve direction for applicants) of this regulatory proposal.

Section 650, subsection (f). Permitholder Types. This subsection describes the three types of Permitholders (Entity, Individual, and Student) and the responsibilities of each. This subsection is necessary because it implements FGC subsection 1002.5(a) in a way that clarifies past confusion under the existing regulations between Individual and Entity permits, and explains special circumstances that only

apply to Student Permitholders.

- Subsection 650(f)(1) - (2) – Subsections (650)(f)(1) and (2) both refer to defined roles of a Permitholder specified in subsection 650(b)(16), and a PI in subsection 650(b)(19). It is important to reference these defined roles to explain that an Individual Permitholder is the main person responsible for the permitted activities under an Individual permit, and doesn't need to be associated with a particular organization, institution, or affiliation (though they certainly can be). On the other hand, a PI under an Entity permit conducts permitted activities on behalf of the Entity Permitholder, and is someone who may fall under the responsibility of an Executive Signatory. However, it is possible for the Executive Signatory to also serve as the PI themselves, or the Executive Signatory may request to transfer the permitted activities of that Entity permit to a different PI, subject to approval by the Department. This clarifies for applicants the fundamental difference between an Individual and an Entity permit, where the Entity permit is owned by the Entity, rather than a single individual (as is the case with the Individual Permitholder), and is needed to resolve confusion over how Entity permits have been administered in past years.
- Subsection 650(f)(3) – This subsection is necessary to clarify the function of a Student Permitholder, and the special circumstances governing this permit type authorized by FGC subsection 1002(d)(1), such as the limited duration of this permit type of one (1) year, as well as reduced fees referenced in subsection 650(m). Student Permitholders are exempt from being able to adequately supervise Authorized Individuals on their own LAI, but may directly supervise Field Assistants, consistent with subsection 650(b)(7). However, providing this special permit type for a limited permit duration and discounted fees does not preclude students from applying as an Individual or Entity Permitholder and being able to adequately supervise Authorized Individuals on an LAI, should that ability better meet their needs, and with payment of the Individual and/or Entity permit fees.
- Subsection 650(f) meets Goals 1 (consistency with statutory changes) and 5c (clarify the roles of Permitholders under Individual and Entity permits) of this regulatory proposal.

Section 650, subsection (g). Person(s) and Entity(ies) Eligible for Permit. This subsection describes the persons and the types of organizations, institutions, and/or affiliations that may apply for an Individual, Entity, and/or Student permit. This subsection is necessary to implement the statutory authority granted with the 2012 changes to FGC subsection 1002.5(a) to expand the types of organizations, institutions, affiliations, or partnerships who may apply for an Entity permit. Prior to the change in statute, only California certified small businesses, or AZA accredited institutions were able to apply for Entity permits, though other entities were eligible to apply at the discretion of the Department. However, the Entity permit option did not become widely used until after the 2012 statute change. Individuals or persons who work for the types of organizations listed under this subsection may apply as Individual Permitholders, or the organizations themselves may apply as Entity Permitholders. The proposed subsection reflects the Department's desire to expand

encouragement of scientific, education, and propagation activities to foster research, encourage maintenance of populations, and generate information that will inform the conservation and management of California's wildlife resources. Subsection 650(g)(8), clarifies the eligibility of a Student Permitholder consistent with subsection 650(f)(3).

- Subsection 650(g) meets Goals 1 (consistency with statutory changes) and 5c (clarify adequate supervision) of this regulatory proposal.

Section 650, subsection (h). Required Qualifications. This subsection specifies the qualifications information required for all Permitholder types, and for those persons applying as Authorized Individuals and be named or covered on the permit's LAI. This subsection is necessary to inform applicants of the required qualification details they need to provide in order for the Department to determine eligibility as a Permitholder, and who may be qualified to be named on a LAI as a PI or Authorized Individual, including:

- Subsection 650(h)(1) – specific contents of a “Statement of Qualifications” as one of the required informational items to be submitted as qualifications for a permit. This subsection is necessary for applicants to understand what details should be provided in a Statement of Qualifications to ensure similar information is received from all applicants by all three review programs. **The Statement of Qualifications should include details such as experience with the equipment deployed or utilize to take wildlife, experience is suitable and/or occupied habitat, handling and identification to be able to distinguish co-occurring species in all life stages. Field experience described should include all activities for which an applicant is requesting authorization. Those wildlife or taxonomic groups on the General Use application forms incorporated by reference under Section 703(d) (i.e., DFW 1379GF, GM and GW) described as “Prohibited Wildlife” include special status wildlife of greater conservation concern (e.g., California Species of Special Concern). The proposed species’ conservation status is a factor considered during qualifications and application review, and applicants are expected to demonstrate relevant handling experience with Species of Special Concern and other Prohibited Wildlife, or similar wildlife species, to fulfill qualification requirements.**
- Subsection 650(h)(2) – a provision for a standard resume or *curriculum vitae* (CV) for all proposed PIs and Authorized Individuals, with a publication list (if available) pertinent to the requested activities.
- Subsection 650(h)(3) – contact information for two references able to vouch for the applicant's ability and experience with the requested wildlife for PIs on Individual and Entity permits, and any Authorized Individual(s), exempting **those persons applying as** Student Permitholders from this requirement. This information is necessary for the review programs to contact references, should there be any questions about the experience or qualifications listed in the documents provided by subsections 650(h)(1) and (2) above for each person listed in the application. This subsection also specifies two letters of

recommendation are necessary to implement requirements for “verifiable documentation” of the minimum one year of experience required for research activities with mountain lions permitted via the SCP, pursuant to FGC Section 4810.

- Subsection 650(h)(4) – continues an existing requirement for a **person applying as a** Student Permitholder to have a faculty or academic sponsor, and for that sponsor to provide a letter of sponsorship with the Student’s application (in lieu of two references). This subsection is necessary for Student applicants to understand they have a different requirement to complete the qualifications information than Individual and Entity Permitholders. The ability to attach and upload a letter of sponsorship in the online application system would take the place of a faculty sponsor’s wet signature, as is the case on the existing application.
- Subsection 650(h) meets itemized Goal 5b (improve direction for applicants) of this regulatory proposal.

**Section 650, subsection (i). Permit Use Levels.** This subsection defines the new General Use and Specific Use permit use levels that are proposed to streamline permitting for certain wildlife taxonomic groups, activities, methods, procedures, etc. This subsection also states that permit use levels apply to all Permitholder types, and lays out the rules for their use. This subsection is necessary because it articulates to applicants the differences between the General Use and Specific Use permits, including the scope and nature of the activities that can be applied for under each level. This subsection also clarifies whether the permit is restricted to a single review program defined in subsection 650(d), or is applicable across the three review programs, and how permits may be amended as specified in subsection 650(l) of this regulatory proposal. This is important because combined with the application forms incorporated by reference in subsection 703(d) of this regulatory proposal, the proposed permit use levels partition the structure in a way that will ensure the collection of appropriate information from the applicant for use by the Department to review for completeness and content. Consistent with subsection 650(e), this approach would allow the Department to determine whether to approve with conditioning, or deny the permit. Specifically, this subsection serves to:

- Subsection 650(i)(1) – address a top comment received during pre-notice outreach for the Department to provide a streamlined permit (as specified in itemized Goal 5d of this regulatory proposal), **and to meet implementation of a new permit structure as described under Goal 2 of this regulatory proposal.** General Use level permits are intended to authorize qualified persons to conduct general inventory, survey, and monitoring activities for certain science, educational, and propagation uses with pre-determined wildlife taxonomic groups which fall under the responsibility of a single review program (Inland Fisheries, Marine, or Terrestrial Wildlife), involving common species and low risk methods, at small to large geographic scales (local to statewide). Such taxonomic groups and numbers, methods, locations, and disposition (etc.) are grouped by “Authorizations,” and are listed on separate forms per review program: Inland Fisheries (Authorizations F1-F3 on form DFW 1379GF), Marine (Authorizations

M1-M3 on form DFW 1379GM), and Terrestrial Wildlife (Authorizations W1-W6 on form DFW 1379GW), as detailed under subsection 703(d) below. The methods proposed for authorization are designed to safely capture live animals, and have a low chance of causing incidental harm or injury to wildlife when conducted correctly. Certain non-invasive procedures, as well as sacrifice of certain types of wildlife or non-native animals, and salvage of dead wildlife may be allowed. Authorized Individuals shall be knowledgeable about the range, distribution, and identifying characteristics of the requested wildlife taxonomic groups, and trained in how to effectively avoid and/or modify capture equipment to minimize take or potential impacts to non-target wildlife. **The General Use permit also accommodates for incidental by-catch or other take of certain special status terrestrial and vernal pool invertebrates during field activities that are otherwise exempt from needing a SCP, pursuant to subsection 650(u)(7) (take, even if for scientific, education and propagation purposes, of those terrestrial invertebrates that are not listed on the “California Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list, dated June 12, 2017, or any later amendments).** The General Use permit is necessary to try to accommodate those Permitholders whose goals or objectives in taking wildlife do not have a defined temporal or geographical scope, but who have in the past requested the Department grant the flexibility to be able to take wildlife, given they meet required qualifications, or provide more frequent reporting of their activities.

- Subsection 650(i)(2) – provide a permit for individual study proposals, or planned undertakings that involve those wildlife taxonomic groups, **Prohibited Wildlife or other species, activities, procedures, or methods or locations** not otherwise covered by the General Use permit. Specific Use permits may involve individual research studies or proposals with a more defined temporal and geographic scope than General Use permits, ~~so long as the~~ **for a planned undertaking is where multiple studies or activities are** unified in scope. As detailed on form DFW 1379S, the Specific Use Permit may be issued for a particular study or planned undertaking involving wildlife taxonomic groups under the responsibility of one or more Department review programs. With appropriate justification and qualifications, Specific Use permits may authorize take **and/or possession** activities including, but not limited to, more sensitive taxonomic groups or species, more intrusive activities, or more technical procedures requiring greater expertise than a General Use permit. **The Specific Use permit would also cover targeted (intentional) take and/or possession of prioritized terrestrial and vernal pool invertebrates, as established on a list published by the Department (the “California Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list).**

An example of how studies or planned undertakings could be broken down under a Specific Use level permit **for the Inland Fisheries review program** is as follows: a fisheries biologist seeks to meet compliance with federal monitoring requirements for outmigrating juvenile salmonids by monitoring a trap on a creek that needs to be checked at regular hourly intervals, because fish are captured on an ongoing basis (e.g., a rotary screw trap). The biologist is required to take fin clip samples of several of

the salmonids caught in order to assess genetic variation of the outmigrating stock to meet federal monitoring requirements. Another part of the applicant's application included a request to conduct fin clip sampling (same procedure) of a non-anadromous fish species captured via a seine net in the same or nearby watershed for the purpose of examining genetic variation of the species' population. The goals or objectives of this second fin clip sampling are unrelated to those for the first (salmonid screw trap monitoring). In this scenario, a separate Specific Use level application may be required due to different objectives or reasons the two studies are being conducted.

**An example of how studies or planned undertakings could be broken down under a Specific Use level permit for the Marine review program is as follows: a marine biologist seeks to understand larval dispersal via genetic sampling of three species of marine fishes utilizes a hook and line method for capturing the target marine fish, takes fin clips, and is conducting the study along California's coastline. The marine biologist may also be interested in studying biomass of kelp forests within Marine Protected Areas to assess habitat suitability for the abalone fishery, using quantitative kelp collection methods that differ from those for the fish. The goals and objectives of the biomass study are unrelated to those for the fish larval dispersal study, and thus a separate Specific Use permit may be required.**

**An example of how studies or planned undertakings could be broken down under a Specific Use level permit for the Terrestrial Wildlife review program is as follows: an environmental consultant who conducts general survey inventorying, and/or presence-absence surveys at several locations across the state for multiple contract projects and clients. While a majority of the species and/or taxonomic groups may be able to be surveyed for under the General Use permit without specifying target species, capture and release numbers, and specific locations, there may be "Prohibited Wildlife" species that may direct the applicant to needing a Specific Use permit. Each contract project or client would not necessarily need its own Specific Use permit, but rather those activities that fall under a unifying scope, requesting similar species and/or taxonomic groups, risk level of methods or procedures, or proposed locations may be grouped under a single permit. For instance, general capture, handle, and release of reptiles for general presence-absence surveys statewide may be permitted on a single Specific Use permit, given sufficient detail is provided in the application and all application fields are complete. Changes or amendments to add new species and/or taxonomic groups, methods, procedures, and locations under this unifying theme could then be made via Specific Use amendment to the permit. On the other hand, if a study intends to identify disease transmission of a tick vector of rodents associated in desert ecosystems where the fundamental scope, as well as the species, methods, procedures and locations differ from those for presence-absence surveys for reptiles, a separate Specific Use permit may be required. The Department would also evaluate the Principal Investigator's ability to meet the requirements of adequate supervision of all persons proposed to work under the permit, pursuant to subsection 650(b)(19), in determining whether a study or planned undertaking might be grouped or split for a Specific Use Permit.**



- Subsection 650(i) meets Goals 2 (revise permitting structure to improve efficiency), 4 (update application forms) and 5d (provide a streamlined permit) of this regulatory proposal.

Section 650, subsection (j). List of Authorized Individuals. This subsection describes the role of an Authorized Individual as defined in subsection 650(b)(2), and provides guidance for the LAI to be included in an Individual or Entity permit. This subsection also clarifies that Permitholders of the special one-year Student SCP are not eligible to supervise Authorized Individuals under the Student permit. This subsection is necessary because it addresses a popular comment received during pre-notice outreach for the Department to clarify its interpretation of the term “adequate supervision” under FGC subsection 1002.5(b). The proposed change specifically serves to:

- Subsection 650(j)(1) – clarify for applicants that a maximum of eight (8) persons, aside from the PI, may be approved as Authorized Individuals on an LAI for each Authorization under a General Use level permit. The eight establishes a maximum number of Authorized Individuals per Authorization (only for the General Use level permit), whereby the total allowable number of Authorized Individuals on a General Use permit depends on the number of Authorizations for each Department review program (Inland Fisheries – three; Marine – three, and Terrestrial Wildlife – six, as detailed on proposed General Use application forms DFW 1379GF, GM and GW, respectively). If all potential eight Authorized Individual “slots” per Authorization are not requested at the time of application for a General Use level permit, after permit issuance an amendment would be required to name or identify additional Authorized Individuals to the LAI of an Authorization. This change is needed to help meet Goal 1 of this regulatory proposal to recover reasonable Department costs to conduct reviews of qualifications and applications.

Following the 2012 changes to FGC subsection 1002.5(a), the conversion of multiple Individual Permitholders to an Entity Permit at a single affiliation led to attrition in Department revenue for those Individual permits, i.e. allowed for applicants to request large numbers of Authorized Individuals for approval (as many as 28 persons on one application) for the same application and issuance fees as those applications requesting fewer Authorized Individuals (or none at all). Examination of a portion of Entity permits issued in license years 2013-2015 showed an average of 7.9 Authorized Individuals requested per permit, **with approximately 65% of examined permits listing eight or fewer Authorized Individuals, and only 7% listing 20 or more Authorized Individuals.** This supports the proposed number of eight (8) Authorized Individuals, aside from the PI (equating to nine total) to be included in the base application and permit issuance fees for Individual and Entity Permits at both General and Specific Use levels (Student Permitholders do not have a LAI). This approach helps resolve the disparity in fees and Department review effort by providing regulatory guidance on how fees will be assessed for Authorized Individuals. The General Amendment fee to add additional Authorized Individuals up to the maximum of eight for each Authorization with the application and permit (issuance) fees

balances the applicant's needs to adequately supervise additional persons working under a PI on a permit with the Department's effort spent reviewing and approving the qualifications for those Authorized Individuals.

- Subsection 650(j)(2) – help applicants understand that unlike the General Use level permit, the soft cap of eight (8) persons as Authorized Individuals applies to the permit in its entirety, not each Authorization (i.e. eight people may be included with the application and permit fee on the LAI for a Specific Use level permit, but a General Use level permit with two Authorizations maxes at 16 persons on the LAI). Unlike the for the General Use, if more than eight Authorized Individuals are requested at the time of application for a Specific Use level permit, or after permit issuance, -an additional fee in the same amount as the amendment fee would be required to add additional Authorized Individuals to be named or covered on the LAI beyond the initial eight for the permit. The Specific Amendment fee to add additional Authorized Individuals beyond the initial eight requested balances the applicant's needs to adequately supervise additional Authorized Individuals working under a PI on a permit, with the Department's effort spent reviewing and approving the qualifications for those Authorized Individuals. This change is needed to help meet Goal 1 of this regulatory proposal.
- Subsection 650(j)(3) – clarifies that a copy of the current LAI shall be in possession of all Authorized Individuals while conducting permitted activities, in addition to the permit documents, as specified in subsection 650(a)(3). This subsection is needed to let applicants know what documents shall be in their possession when conducting permitted activities.
- Subsection 650(j)(4) – informs applicants that Field Assistants, as defined in subsection 650(b)(7), are not required to be named or covered on the LAI. This change is needed to reduce the volume of paperwork carried in the field, and to make it clear that the Authorized Individual or PI is responsible for providing direct supervision over the activities conducted by Field Assistants. However, this subsection does require Field Assistants to be named during reporting so that the Department can track their field experience for future permitting purposes.
- Subsection 650(j) meets Goals 1 (consistency with statutory changes), 2 (revising permit structure to improve efficiency), and 5c (clarify adequate supervision), and 5g of this regulatory proposal.

Section 650, subsection (k). Permit Duration and Renewal. This subsection specifies the period for which the different types of permits are valid, and provides guidance for applicants wishing to renew their permits prior to the expiration date. This subsection serves to:

- Subsection 650(k)(1) – implement the 2012 statutory changes that increased the permit duration for Individual and Entity Permitholder types from 24 to 36 months. Student permits remain the same at a 12 month (one year) duration. **Pursuant to the California Public Records Act, issued SCPs are public records, and their related applications may be subject to public disclosure under this Act, or other applicable law.**

- Subsection 650(k)(2) – clarify confusion in previous years over the ability of Permitholders to continue permitted activities when all reporting requirements are up to date, a renewal application is submitted at least 30 days prior to permit expiration, and additional written authorization is received from the Department. This is important to inform Permitholders that permitted activities can continue, provided the permit is in good standing (none of the circumstances warranting denial, suspension, or revocation have been identified), and clarifies that the application review procedures, and time period referenced in subsection 650(e), are applicable for renewals.
- Subsection 650(k)(3) – make explicit to applicants that any proposed amendments or changes with the renewal application submitted would not be valid until the Department has had opportunity to review the renewal application pursuant to application and review procedures identified in subsection 650(e). This clarification is important to ensure applicants understand the existing permit may continue until the Department takes action on a renewal application, with or without a proposed amendment.
- Subsection 650(k) meets Goals 1(consistency with statutory changes) and 5b (improve direction for applicants).

Section 650, subsection (l). Permit Updates and Amendments. This subsection specifies the type and nature of amendments that are eligible for General Use and Specific Use permits. In addition, this section describes the circumstances that warrant application for a new permit instead of amending an existing permit, and refers to the same application and review procedures identified in subsection 650(e). This subsection is necessary to implement the statutory changes to FGC subsection 1002.5(e) regarding types of allowable permit amendments, and establishing amendment fees. In addition, it meets itemized Goal 5e (streamline permit amendments) of this regulatory proposal addressing a pre-notice outreach comment to provide applicants options for simple and more complicated amendments separately. This subsection serves to:

- Subsection 650(l)(1) – inform applicants that administrative changes to a Permitholder's profile (such as updating an email or mailing address, phone number, affiliation name, etc.), and/or the removal of any Authorized Individuals from a permit's LAI who are no longer working under the permit are not considered amendments and do not require the payment of any fees. These types of changes simply serve as a notification update to the Department.
- Subsection 650(l)(2) – inform applicants the circumstances under which a General Amendment is allowed (i.e., only for General Use permits). This subsection alludes to subsection 703(d) where eligible requests to amend an existing General Use level permit shall incur a flat amendment fee. These types of amendment requests include the ability for the Executive Signatory on an Entity permit to change a PI, add or exchange Authorized Individuals on the LAI of each Authorization for Entity and Individual Permitholders, or for any Permitholder to request a new Authorization within the same General Use level permit. A separate, reduced fee for a General Amendment compared to

amendments for Specific Use is warranted due to the maximum capacity of eight Authorized Individuals allowed per Authorization to be exchanged during an amendment, and the pre-authorized activities under each Authorization. This subsection is necessary to simplify the amendment process for applicants by identifying the eligible amendment requests with payment of a separate, flat amendment fee for the General Use level permit.

- Subsection 650(l)(3) – inform applicants the circumstances under which a Specific Amendment is allowed (i.e., only for Specific Use permits). This subsection alludes to Title 14, subsection 703(d) where certain eligible requests to amend an existing Specific Use permit incur a flat amendment fee. The amendment requests are similar to those as for General Use, with the exception of adding or exchanging Authorized Individuals on the LAI of the permit itself, rather than by Authorization. A higher fee for a Specific Amendment is warranted due to the ability to change or add the activities on the permit, including the kind and number of wildlife to be taken, methods, procedures, seasons, or locations – or changes that do not alter or change the fundamental scope or objectives of the permit. As with the General Amendment, this subsection clarifies for applicants eligible amendment requests for an higher flat amendment fee relative to General Use, when amended activities more sensitive in nature may require greater review.
- Subsection 650(l)(4) – disclose to applicants the circumstances that would trigger the need for a new permit, rather than an amendment to an existing permit. For General Use, amendment requests to request additional Authorized Individuals above the eight Authorized Individuals per authorization allowed, or requests for wildlife taxonomic groups requiring review by a different review program, trigger a new General Use level permit. For Specific Use, a new permit application is required when proposed amendments would fundamentally change the scope or objectives of the original permit. This change is necessary to maintain the relationship between permits that are “person-based” (i.e., the General Use), and permits that are more study-or research proposal-based (i.e., the Specific Use). This approach avoids the permit and take tracking issues associated with including multiple studies or activities under a single permit, and allows the Department to better recover the costs it incurs in reviewing and issuing permits involving more sensitive species, methods, procedures, etc. This subsection is necessary because it helps applicants understand when they can consider amending an existing permit, and when the Department would require a new permit.
- Subsection 650(l) meets Goals 2 (revise permitting structure to improve efficiency) and 5e (streamline permit amendments) of this regulatory proposal.

Section 650, subsection (m). Application and Permit Fees. This subsection makes it clear that applications for new permits, amendments, or renewals of existing permits shall be submitted using the appropriate application forms, including the appropriate fee(s) in subsection 703(d) of these regulations. This subsection is necessary to inform applicants of the regulatory section where the forms are incorporated by reference, the form names, and the appropriate fees for three Permitholder types,

two permit use levels, and their respective amendment fees.

- Subsection 650(m) meets Goals 3 (revise fee structure) and 5e (streamline permit amendments) of this regulatory proposal.

Section 650, subsection (n). Permit Conditions. This subsection specifies that all persons named or covered on a permit (i.e., all Authorized Individuals) and any individuals that may be assisting with permitted activities under direct supervision (i.e., Field Assistants) are required by this regulation to comply with all permit authorizations, conditions, or other terms of the permit. The “Standard Conditions for all Scientific Collecting Permits” (form DFW 1379d) is applicable to all General Use and Specific Use permits issued pursuant to this Section, and is incorporated by reference in subsection 703(d) of these regulations, to be reproduced onto all issued (printed) permits. This subsection also specifies that the Department may amend the authorizations, conditions, or terms of a permit at any time. These changes may be necessary to respond to new information, incidental injury or mortality over the authorized limits, or changes in environmental conditions caused by fire, drought, disease, natural disaster, or other reasons. This subsection is necessary to ensure that all persons operating under a permit understand that they are required to not only comply with the specific conditions on the permit, but also the Standard Conditions included on all issued SCPs.

- Subsection 650(n) meets itemized Goal 5b (improve direction for applicants) of this regulatory proposal.

Subsection 650(o). Department Notification Prior to Conducting Field Work or Activity. This subsection outlines the notification Student Permitholders and PIs for Individual and Entity permits, **or any Authorized Individual named on those permits,** shall make to the Department prior to undertaking any permitted activity in the field. The Department received comments during pre-notice outreach to streamline the notification to Department law enforcement and other regional staff in advance of conducting permitted activities. This subsection identifies the notification form incorporated by reference in subsection 703(d) and specifies the timeframe in which the notification shall occur **(at least 36 hours prior to commencing field work or activities),** the frequency of notification for ongoing activities **(every 14 calendar days),** and how Student Permitholders, ~~or PIs,~~ **or other Authorized Individual(s)** should re-submit the notification, if any information submitted with a previous notification requires updating, **and follow the same timeframes as specified within subsection 650(o).** This subsection further makes it clear that specific Department law enforcement and regional staff will be identified or named in the permit conditions specific to the issued permit. This requirement is necessary to ensure that appropriate Department staff are notified prior to permitted activities occurring in the field **to stay informed as to activities occurring within their counties or region(s).** In the past, notifications faxed to the Department’s regional offices have not always been successfully communicated through Department law enforcement’s dispatch, or to regional biologists. This has led to tremendous amounts of unproductive enforcement patrol time responding to CalTIP calls reporting suspicious activity in the field that was actually authorized under an SCP.

The form referenced in subsection 703(d) standardizes the information necessary for a notification, and clarifies for the Permitholder that the appropriate contacts listed in the specific permit conditions will lead to the notification going to the correct law enforcement and other Department staff, depending on the geographic locations (i.e., counties or regions) planned for take activities.

- Subsection 650(o) meets itemized Goal 5f (streamline the notification process) of this regulatory proposal.

Subsection 650(p). Reporting Requirements. This subsection outlines requirements for Student Permitholders and PIs for Individual and Entity permits to report the results of take and/or possession activities, the timeframe for reporting, and the types of reporting formats that will be accepted. This subsection is necessary to ensure that applicants understand the deliverables as part of a permit issued pursuant to this Section, and that they shall comply with all reporting requirements pursuant to FGC subsection 1002(~~m~~). Permitholders who do not end up renewing their permit, or those who did not end up conducting activities resulting in take of wildlife during the duration of their permit, or those Permitholders who do not plan to renew their permit, must all submit a final report. This subsection also identifies a form incorporated by reference in subsection 703(d) as a mandatory form across all review programs (the Mandatory Wildlife Report form, DFW 1379a), and specifies other types of reporting formats that may also be required, depending on whether species taken and/or possessed are considered sensitive and tracked by other Departmental databases (e.g., the California Natural Diversity Database). Reports are required within 30 days following the expiration of the permit, or upon submitting a renewal application, or unless otherwise stated in permit conditions, whichever comes first. This subsection makes it clear that failure to comply with reporting requirements shall result in suspension or revocation of existing permits, and possible denial of future permit applications, pursuant to FGC subsection 1002(m). The proposed language is necessary to improve compliance with reporting requirements, and to provide data in a more standardized format that can be stored and managed in an online reporting database, and used by the Department and others for conservation and management purposes.

- Subsection 650(p) meets itemized Goal 5b (improve direction for applicants) of this regulatory proposal.

Subsection 650(q). Possession and Transfer of Wildlife. This subsection outlines Department requirements and necessary documentation for the take and/or possession of live or dead wildlife (including carcasses and specimens, or parts thereof) under Section 650. Documentation of lawful taking and possession of wildlife shall be provided upon request by an employee of the Department. This requirement is needed to ensure that wildlife is taken and/or possessed only as authorized by the Department. This subsection serves to:

- Subsection 650(q)(1) – clarify that possession of any live wildlife for purposes described in subsection 650(c) requires a permit issued by the Department; however, transfers of all live or dead wildlife for purposes defined in subsection 650(c) should be accompanied by the proposed chain of custody form

incorporated by reference into subsection 703(d). This subsection also makes it clear that release of live wildlife kept in captivity is not allowed without written authorization from the Department. This provision is necessary to control the potential introduction and spread of disease from wildlife that has been kept in captivity.

- Subsection 650(q)(2) – outline the circumstances under which dead wildlife or their parts may be possessed after legally being taken or salvaged pursuant to this Section. Lawful possession of dead wildlife, and/ or parts thereof, may be documented by a valid SCP by any person named or covered on this, or another permit issued by the Department, or a custody form. However, it is intended that documentation of transfer of dead wildlife from a Permitholder or Authorized Individual to another recipient should occur as outlined in subsection 650(q)(3). This provision is necessary because it clarifies that a permit issued pursuant to this Section is not always needed for the salvage or possession of dead wildlife or parts thereof, when the referenced custody form provides evidence of lawful possession.
- Subsection 650(q)(3) – communicate the means by which a transfer of possession may be documented when recipients are not named or covered on the permit. This subsection specifies the form that Permitholders, PIs, or Authorized Individuals shall use to notify the Department of the transfer of such dead wildlife and parts thereof. The custody form serves as the written proof that dead wildlife and/or specimens were lawfully taken and possessed, and shall accompany the transferred specimens or parts thereof. This subsection is necessary because it notifies applicants that the specific conditions for notifying the Department for any transfers via the custody form will be outlined in a given permit.
- Subsection 650(q)(4) – inform applicants that the Entities identified in subsection 650(g) that are open for public viewing of wildlife specimens do not need a specific permit to transfer or accept donations of such specimens, if they have in their possession a copy of the permit under which the animal was taken or salvaged, or the custody form specified in subsection 650(q)(3). This subsection is necessary to reduce needless or duplicative take of wildlife for educational purposes, and to allow maximum research and educational benefits from the take of wildlife authorized by the Department. This is important because it clarifies that such entities or organizations do not need to obtain an SCP to possess, or display, dead wildlife or parts thereof, provided that they maintain records of lawful acquisition and possession. This subsection does not apply to certain wildlife taken under different authorities, or regulations for different purposes; rather, evidence of lawful acquisition pursuant to those respective authorities or regulations would be needed as well.
- Subsection 650(q)(5) – identify to applicants that this subsection does not supersede any other laws and regulations pertaining to the possession of wildlife and/ or parts thereof.
- Subsection 650(q)(6) – clarify that wildlife and any parts thereof taken and/ or possessed under certain circumstances may be disposed at the direction of the

Department.

- Subsection 650(q) achieves itemized Goal 5b (improve direction to applicants) of this regulatory proposal.

Subsection 650(r). Permit Denial. This subsection outlines some of the circumstances under which the Department may deny a permit application, or a portion of an application, or an application to amend or renew a permit. This subsection is necessary as follows:

- Subsection 650(r)(1) – provide eight possible reasons under which the Department may deny some, or all of the requests in an application. This subsection provides transparency and consistency for applicants regarding Department denial of permit applications across the review programs.
- Subsection 650(r)(2) – inform the applicant in writing of the reasons for denial within 30 days of sending notice of denial, and the contents of the denial notification. This closes the loop of communication with applicants or Permitholders who may not have been told in the past why their permit application, or a portion of their permit application (i.e., reviewed by a certain review program), was denied.
- Subsection 650(r) meets itemized Goal 5i of the regulatory proposal addressing a pre-notice outreach comment for the Department to specify the grounds for permit denial.

Subsection 650(s). Permit, Revocation, Suspension and Modification by the Department. This subsection outlines the reasons why the Department may suspend some or all of the privileges authorized by a permit, and/or revoke a permit issued pursuant to this Section. In addition, this subsection outlines the procedures the Department will follow to notify a Permitholder of any potential suspension or revocation action. This subsection is necessary because it meets itemized Goal 5i (clarify grounds for permit suspension or revocation) of this regulatory proposal to ensure that applicants understand the basis for which permits may be suspended or revoked, or when the Department may need to unilaterally modify a permit for management, legislative changes or other considerations. This subsection serves to:

- Subsection 650(s)(1) – cross-reference to subsection 650(p) for reporting, and implement the statutory requirement stated with the 2012 changes to FGC subsection 1002(m) that the Department shall revoke an existing permit, should reporting requirements not be met, and clarify for applicants that future permit applications may be denied, at the Department's discretion.
- Subsection 650(s)(2) – communicate other means by which the Department may suspend, revoke, or modify a permit, which may include failure to submit permit fees within timeframes specified in subsection 703(d), failures to comply with permit authorizations, conditions or terms of a permit, failure to comply with other pertinent laws or regulations related to SCPs, legislative changes affecting the status of affected wildlife, excessive incidental injury or mortality of target and non-target wildlife, or changes in the status of in wildlife populations that may warrant existing take and/or possession authorizations to be rescinded,



evaluated and revised, as necessary.

- Subsection 650(s)(3) – clarify how and within which timeframe Permitholders may expect a notification of permit suspension, revocation, or modification to occur, and the contents of such a notification.
- Subsection 650(s) meets itemized Goal 5i of the regulatory proposal to specify grounds for permit denial, suspension, and revocation.

Subsection 650(t). Requests for Reconsideration. This subsection outlines the procedures a Permitholder shall follow to submit a request for Department reconsideration of the permit suspension, revocation, or unilateral modification by the Department, or to request reconsideration of the Department's denial of an entire, or part, of an application for a new permit, permit renewal, or amendment. The timeframe of 30 calendar days was determined to be sufficient for applicants or Permitholders to prepare a request for reconsideration. This subsection is necessary in order to establish a transparent and timely process for applicants or Permitholders to submit information that could lead the Department to reconsider its decision (within 60 calendar days), or because corrective actions have been taken to remedy the reason(s) for the permit suspension, revocation, or unilateral modification; or the reason(s) for denial of an application. This is important because this approach addresses a pre-notice outreach comment to clarify how requests for reconsideration on permits will be addressed and processed by the Department.

- Subsection 650(t) meets itemized Goal 5i of the regulatory proposal to specify grounds for permit denial, suspension, and revocation.

Subsection 650(u). ~~Exceptions~~Exemptions. The following subsection identifies activities that the Department has determined do not require a permit pursuant to this Section. This subsection is necessary because it notifies the regulated community of specific activities or circumstances that do not trigger the requirement for a SCP. The Department has determined these circumstances do not meet the purposes of science, education, and propagation under FGC Section 1002, or may be authorized through a different permit provided for in the FGC, or fall outside of the jurisdiction of the State. This subsection serves to:

- Subsection 650(u)(1) – clarify that the Department does not require a SCP from a federally recognized Native American tribe or its members for the possession of wildlife or wildlife parts that have been accidentally killed or lawfully acquired, if whether the wildlife is used for traditional, ceremonial, ~~or~~ spiritual, or other purposes. This recognizes that Native American tribes and their members may lawfully take and acquire dead wildlife within California while within the reservation of that tribe, pursuant to Fish and Game Code section 12300. The Department also recognizes that traditional, ceremonial, and spiritual purposes may be broader than the defined purposes of science, education, and propagation. Tribal take and legal acquisition of wildlife under these circumstances is independent of traditional, ceremonial, or spiritual purposes, and instead is based on a federally recognized tribe's inherent power to regulate take of wildlife by its members within its reservation. The

**regulatory clarification recognizes that, because these tribes and their members may acquire and legally take wildlife within their territories in certain situations outside of state jurisdiction, possession of dead wildlife obtained in this manner is exempted from these regulations.**

- Subsection 650(u)(2) – make it clear that surveillance, prevention, **monitoring,** or control activities for mosquitoes or other insect **or invertebrate** vectors for the **sole interest of** protection of public health **pursuant to agreement(s) with the California Department of Public Health** do not need a SCP. This subsection also specifies the circumstances when **the California Department of Public Health, or vector control** agencies or ~~groups~~**districts** coordinating with the California Department of Public Health would need an SCP for scientific research activities falling outside the specified ~~exception~~**exemption** in order to avoid confusion for the regulated community.
- Subsection 650(u)(3) – make it clear that agricultural pest **surveillance, prevention, monitoring as well as** control activities operating under specified Food and Agricultural Code sections **pursuant to agreement(s) with the California Department of Food and Agriculture** do not need an SCP. **This subsection also specifies the circumstances when California Department of Food and Agriculture or a local agricultural pest control agency or district would need an SCP for scientific research activities falling outside the specified exemption in order to avoid confusion for the regulated community.**
- Subsection 650(u)(4) – make it clear that an SCP is not required for take of wildlife for purposes of monitoring for dreissenid mussels, as specified under a Department-approved Dreissenid Mussel Control or a Department-approved Prevention Plan pursuant to subsections 672.1 (a) and (b) of Title 14, CCR regulations. This subsection is needed to inform the regulated community that unless scientific research is conducted in association with monitoring activities, a permit is not needed for the collection, transport, or analysis of dreissenid mussels associated with Department approved control or prevention plans.
- Subsection 650(u)(5) – make it clear that routine water or sediment sampling for chemical, bacterial, or other analyses as required by government regulation or permit do not require an SCP, except if performed in certain sensitive marine habitats, or for certain marine Conservation Areas. This subsection also specifies the circumstances where ~~such~~**sediment and water** routine sampling **are not exempt, and thus** would require an SCP in order to avoid confusion for the regulated community. These circumstances include take activities that target aquatic invertebrates or activities conducted in marine protected areas as specified in subsection 632(a)(9) of Title 14, CCR.
- Subsection 650(u)(6) – clarify that if the Department has authorized the same activity that would be subject to an SCP in another permit (for example, a Natural Communities Conservation Plan pursuant to FGC Section 2835), a separate SCP is not required.
- **Subsection 650(u)(7) – establish an exemption from needing a SCP those terrestrial invertebrates classified under subsection 650(b)(26)(E) that are**

**not covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017, or later amendments), or do not occur in vernal pools or other ephemeral waters that may support vernal pool invertebrates. Accompanying reporting and transfer of possession (custody) requirements are also exempt. This exemption is necessary to inform the regulated community that take and/or possession of only certain terrestrial invertebrates will now require a SCP.**

- **Subsection 650(u)(8) – modify an original provision from the Section 650 regulations (operative 7-18-1996) to include mention that take and/or possession of common terrestrial plants, and freshwater plants and algae do not require a SCP. This provision also clarifies that take of rare, threatened or endangered plants is subject to other statutes and regulations, and directs the regulated community to contact the appropriate Departmental programs to obtain necessary permits under those authorities.**
- Subsection 650(u) meets itemized Goal 5b (improve direction for applicants) of the regulatory proposal.

#### **Title 14, Section 703, CCR**

The following discussion outlines the necessity of this regulatory proposal in relation to the five goals stated above to amend Section 703, Title 14, CCR to add in subsection (d):

**Section 703, subsection (d). Applications, Forms, and Fees for multi-year permits valid at time of issuance.** This new subsection is necessary to accommodate SCPs, which are multi-year permits that are valid from the date of issuance. The new subsection will also accommodate any future fee schedules for other multi-year permits required by the Department. The Department proposes to incorporate SCP application, amendment, and reporting forms by reference and specify General Use and Specific Use permit application and amendment fees for Entity and Individual Permitholders, and lower fees for Student Permitholders within subsection 703(d). Specifically, this subsection serves to:

- Subsection 703(d)(1)(A) – clarify for applicants which fees are non-refundable, when fees are due, refer to other FGC sections for automatic fee adjustments, and state the consequences if fees are not paid in the specified timeframe. This subsection incorporates by reference four SCP permit applications, and lists their non-refundable application and permit fees for issuance: Scientific Collecting Permit, General Use – Application for Inland Fisheries (form DFW 1379GF), Marine (form DFW 1379GM), Terrestrial Wildlife (form DFW 1379GW), and Scientific Collecting Permit, and Specific Use – Application (form DFW 1379S). This subsection is necessary because it informs the regulated community what standardized forms are necessary to apply for an SCP, what the proposed fee amounts are, and makes it explicit to applicants that General Use application and

permit fees apply per review program. This subsection also clarifies for Student Permitholders that they are to use the same application forms as for Entity and Individual Permitholders, but outlines a separate, lower fee structure for payment in ALDS for Student applicants, implementing subsection 650(f)(3). This subsection meets Goal 1 of this regulatory proposal (consistency with statutory changes) by implementing the fee-based modifications made to FGC subsection 1002(a) for a separate non-refundable application fee and issuance fee. It also lists the stages during the application process when the two fee types would need to be paid. These forms are proposed for incorporation by reference because it would be cumbersome, unduly expensive, and otherwise impractical to publish them in Title 14, CCR. These forms are identified by title, form number, and date of publication in subsection 703(d).

- Subsection 703(d)(1)(B) and (C) – incorporate by reference four SCP applications for permit amendments, each respective to the application forms listed in subsection 703(d)(1)(A). As with the application fees, the amendment fees are listed for the Entity and Individual Permitholders for General and Specific Use separate from Student amendment fees. All proposed fee amounts listed in subsection 703(d)(1) are based off Goal 3 of this regulatory proposal, where FGC subsections 1002(i) and 1002.5(d) authorize the Department to adjust fees to fully recover, but not exceed, all reasonable administrative and implementation costs related to those permits. The four remaining forms listed in 703(d)(1)(C) do not incur separate fees, but are incorporated by reference for consistency in their use for all SCPs across the three review programs.
- Subsection 703(d)(1)(A) meets Goals 1 (consistency with statutory changes), 3 (revise fee structure) and 4 (update application forms) of this regulatory proposal.

Additional details regarding program costs used to help determine application, permit (issuance) and amendment fees from a cost recovery perspective are presented in the attached SCP Fiscal Analysis. The fee amounts for General Use application and issuance fees listed in subsection 703(d)(1)(A) are detailed by classification, program, and task in **Table 3**. The combined application and issuance fee amounts for Individuals and Entities correspond to a projected number of permits calculated from past license revenue data and SCP Database routing information. This projection is based on the cost recovery option (Alternative 2D) recommended for the proposed permit structure, as detailed in the attached SCP Fiscal Analysis. Both application and amendment fees for Student Permitholders are maintained at the same dollar amounts as currently stated in FGC subsection 1002(d)(1) for both General and Specific Use level permits.

**Table 3.** Justification for General Use application and permit fees for core SCP staff involved in permit application intake, review and output.

<b>General Use Application Fee</b>					
Personnel Classification	Program	Task Phase	Time (hours)	Hourly rate <sup>1</sup>	Total cost
PROGRAM TECHNICIAN II	LRB	Application Intake	0.50	\$28.36	\$14.18
SUP. PROGRAM TECHNICIAN III	LRB	Application Intake	0.12	\$36.11	\$4.33
SCIENTIFIC AID	MR, WLB, FB	Review for completeness	1.00	\$15.26	\$15.26
Subtotal					\$33.77
Overhead <sup>2</sup>			32.54%		\$10.99
				subtotal	\$44.76
<b>General Use Application Fee Projected cost<sup>3</sup> (Individual &amp; Entity)</b>					<b>\$44.76</b>
<b>General Use Application Fee (Student)</b>					<b>\$25.00</b>
BDB= Biogeographic Data Branch; FB= Fisheries Branch; LRB=License & Revenue Branch; MR= Marine Region; WLB = Wildlife Branch					
<b>General Use Permit Issuance Fee</b>					
Personnel Classification	Program	Task Phase	Time (hours)	Hourly rate <sup>1</sup>	Total cost
SCIENTIFIC AID	MR, WLB, FB	Review for content	1.25	\$15.26	\$19.08
ENV. SCIENTIST (RANGE C)	MR, WLB, FB	Review for content	0.75	\$57.56	\$43.17
SR ENV. SCIENTIST (SPEC)	MR, WLB, FB	Review for content	0.10	\$66.49	\$6.65
RESEARCH PROGRAM SPECIALIST I	BDB	Report verification/ input	1.00	\$51.94	\$51.94
PROGRAM TECHNICIAN II	LRB	Permit Output	0.67	\$28.36	\$19.00
Subtotal					\$139.84
Overhead <sup>2</sup>			32.54%		\$45.50
				subtotal	\$185.34
<b>General Use Issuance Fee Projected cost<sup>3</sup> (Individual &amp; Entity)</b>					<b>\$185.34</b>
<b>General Use Issuance Fee (Student)</b>					<b>\$50.00</b>

<sup>1</sup>employee salary at midrange (includes scientist BU10 MOU 2015-2018), plus benefits at 50.553% (permanent) or 15.3% (Sci Aide)

<sup>2</sup>Overhead per Departmental Accounting

<sup>3</sup>Not yet rounded to nearest \$0.25 per FGC Section 713

These fees do not include any applicable agent handling fees or license buyer surcharges.

**totals General Use Permit (Application and Permit Fee - Individual & Entity)**  
**General Use Permit (Application and Permit Fee - Student)**

**\$230.10**

**\$75.00**

The fee amounts for the proposed Specific Use permit level permit under subsections 703(d)(1)(A) correspond to the new application form DFW 1379S. The fee amount for Specific Use application and issuance fees are detailed by classification, program, and task in **Table 4**. As with the General Use level fees, the combined Specific Use application and issuance fee amounts for Individuals and Entities align with the permit projection and cost recovery alternative recommended in the attached SCP Fiscal Analysis.

**Table 4.** Justification for Specific Use application and permit fees for core SCP staff involved in permit application intake, review and output.

<b>Specific Use Application Fee</b>					
Personnel Classification	Program	Task Phase	Time (hours)	Hourly rate <sup>1</sup>	Total cost
PROGRAM TECHNICIAN II	LRB	Application Intake	0.50	\$28.36	\$14.18
SUP. PROGRAM TECHNICIAN III	LRB	Application Intake	0.15	\$36.11	\$5.42
SCIENTIFIC AID	MR, WLB, FB	Review for completeness	1.50	\$15.26	\$22.89
ENV. SCIENTIST (RANGE C)	MR, WLB, FB	Review for completeness	0.20	\$57.76	\$11.55
Subtotal					\$54.04
Overhead <sup>2</sup>			32.54%		\$17.58
				subtotal	\$71.62
<b>Specific Use Application Fee Projected cost<sup>3</sup> (Individual &amp; Entity)</b>					<b>\$71.62</b>
<b>Specific Use Application Fee (Student)</b>					<b>\$25.00</b>
BDB= Biogeographic Data Branch; FB= Fisheries Branch; LRB=License & Revenue Branch; MR= Marine Region; WLB = Wildlife Branch					
<b>Specific Use Permit Issuance Fee</b>					
Personnel Classification	Program	Task Phase	Time (hours)	Hourly rate <sup>1</sup>	Total cost
SCIENTIFIC AID	MR, WLB, FB	Review for content	1.50	\$15.26	\$22.89
ENV. SCIENTIST (RANGE C)	MR, WLB, FB	Review for content	2.00	\$57.76	\$115.52
SR ENV. SCIENTIST (SPEC)	MR, WLB, FB	Review for content	0.10	\$66.49	\$6.65
RESEARCH PROGRAM SPECIALIST	BDB	Report verification/ input	0.75	\$51.94	\$38.96
PROGRAM TECHNICIAN II	LRB	Permit Output	0.67	\$28.36	\$19.00
Subtotal					\$203.02
Overhead <sup>2</sup>			32.54%		\$66.06
				subtotal	\$269.08
<b>Specific Use Issuance Fee Projected cost<sup>3</sup> (Individual &amp; Entity)</b>					<b>\$269.08</b>
<b>Specific Use Issuance Fee (Student)</b>					<b>\$50.00</b>
<sup>1</sup> employee salary at midrange (includes scientist BU10 MOU 2015-2018), plus benefits at 50.553% (permanent) or 15.3% (Sci Aide)					
<sup>2</sup> Overhead per Departmental Accounting					
<sup>3</sup> Not yet rounded to nearest \$0.25 per FGC Section 713					
These fees do not include any applicable agent handling fees or license buyer surcharges.					
<b>totals Specific Use Permit (Application and Permit Fee - Individual &amp; Entity)</b>					<b>\$340.70</b>
<b>Specific Use Permit (Application and Permit Fee - Student)</b>					<b>\$75.00</b>

The fee amounts for the proposed General Amendment and Specific Amendment fee structure under subsections 703(d)(1)(B) correspond to the form numbers for which amendments can be accepted, as outlined above in the justification for subsection 650(I) above. The amendment fee amounts are detailed by classification, program and task in **Table 5**. The estimated costs for the General and Specific Amendment fees align with the permit projection and cost recovery alternative recommended in the attached SCP Fiscal Analysis.

**Table 5.** Justification for General Amendment and Specific Amendment fees for core SCP staff involved in amendment application intake, review and output.

<b>General Amendment Fee</b>					
Personnel Classification	Program	Task Phase	Time (hours)	Hourly rate <sup>1</sup>	Total cost
PROGRAM TECHNICIAN II	LRB	Application Intake	0.25	\$28.15	\$7.04
PROGRAM TECHNICIAN	LRB	Application Intake	0.12	\$23.31	\$2.80
SCIENTIFIC AID	MR, WLB, FB	Review for content	0.45	\$15.26	\$6.87
ENV. SCIENTIST (RANGE C)	MR, WLB, FB	Review for content	0.35	\$57.33	\$20.06
PROGRAM TECHNICIAN II	LRB	Permit Output	0.33	\$28.15	\$9.29
Subtotal					\$46.06
Overhead <sup>2</sup>			32.54%		\$14.99
				subtotal	\$61.04
<b>General Amendment Fee Projected Cost<sup>3</sup> (Individual and Entity)</b>					<b>\$61.04</b>
<b>General Amendment Fee<sup>3</sup> (Student)</b>					<b>\$25.00</b>
<b>Specific Amendment Fee</b>					
Personnel Classification	Program	Task Phase	Time (hours)	Hourly rate <sup>1</sup>	Total cost
PROGRAM TECHNICIAN II	LRB	Application Intake	0.25	\$28.15	\$7.04
PROGRAM TECHNICIAN	LRB	Application Intake	0.12	\$23.31	\$2.80
SCIENTIFIC AID	MR, WLB, FB	Review for content	0.85	\$15.26	\$12.97
ENV. SCIENTIST (RANGE C)	MR, WLB, FB	Review for content	0.50	\$57.33	\$28.66
SR ENV. SCIENTIST (SPEC)	MR, WLB, FB	Review for content	0.10	\$65.99	\$6.60
PROGRAM TECHNICIAN II	LRB	Permit Output	0.33	\$28.15	\$9.29
Subtotal					\$67.36
Overhead <sup>2</sup>			32.54%		\$21.92
				subtotal	\$89.28
<b>Specific Amendment Fee Projected Cost<sup>3</sup> (Individual and Entity)</b>					<b>\$89.28</b>
<b>Specific Amendment Fee<sup>3</sup> (Student)</b>					<b>\$25.00</b>

FB= Fisheries Branch; LRB=License & Revenue Branch; MR= Marine Region; WLB = Wildlife Branch

<sup>1</sup>employee salary at midrange (includes scientist BU10 MOU 2015-2018), plus benefits at 50.553% (permanent) or 15.3% (Sci Aide)

<sup>2</sup>Overhead per Departmental Accounting

<sup>3</sup>Not yet rounded to nearest \$0.25 per FGC Section 713

These fees do not include any applicable agent handling fees or license buyer surcharges.

## **Forms and Online Implementation**

Eight application and amendment forms, and four other forms proposed for incorporation by reference into subsection 703(d) of this regulatory proposal are provided by Departmental form number. The eight application and amendment forms are proposed to be implemented for electronic entry into the online system, therefore the versions shown for purposes of the regulatory proposal are intended to demonstrate as a “mock up” the content and data fields which would be required of applicants, depending on the type of Permitholder selected, when applying for General and Specific Use level permits. As the application system is under development within the Department, it is difficult to demonstrate the functionality of drop-down menus leading via workflow to the next screen of information, or fields only applicable based on selections made in a previous screen. Therefore, while the application and amendment forms in this regulatory proposal may appear long and redundant, when implemented in an online format with workflow functionality, the required forms and form sections will be more apparent, depending on selections made in previous screens. For instance, Sections 1-3, 5 and 6 are identical on all four application forms, and nearly identical on the respective amendment forms. This is because Sections 1-3 are anticipated to function as the “user profile” for the system to capture demographic information about the applicant, and store it in their online “profile.” Section 4 is vastly different for each of the three General Use and one Specific Use applications, but Sections 5 and 6 are standardized across all applications, because those sections will be utilized the same way across all Permitholders and permit use levels. Thus, while the content is present on all the forms, the overall organization and layout in the online system may be different from what can be seen on the “mocked up” forms in this regulatory proposal.

### **Forms 1-3: Scientific Collecting Permit, General Use – Application**

- ***Inland Fisheries, Form DFW 1379GF*** (New ~~03/01/17~~ 03/01/17)
- ***Marine, Form DFW 1379GM*** (New ~~03/01/17~~ 03/01/17)
- ***Terrestrial Wildlife, Form DFW 1379GW*** (New ~~03/01/17~~ 03/01/17)

The General Use level permit has three application forms, one for each of the three review programs. These three forms are proposed for incorporation by reference into subsection 703(d) regulations for the Individual, Entity, and Student Permitholder types. Three separate forms are necessary for this permit use level to clarify for applicants that the request to take wildlife at the General Use level is separated by wildlife taxonomic groups, which require separate review from each of the three SCP review programs (Inland Fisheries, Marine, and Terrestrial Wildlife). The following Sections of the General Use level permit application are the same for all three forms listed above, and justification for their necessity is provided accordingly.

The field starting with the word “Important” before Section 1 of all General Use permit applications is necessary because it reminds applicants to review the Section 650 regulations and all accompanying permit authorizations prior to completing the application, and informs the regulated community the website location where such information can be found.



**Section 1 – Permit Request.** This section allows the applicant to indicate one of three permit application requests for Forms 1-3 (General Use level permit). An applicant may check “New” for an application for a new permit (whether or not they have an existing permit). An existing Permitholder may check “Renew” to renew an existing permit, by indicating the permit ID to be renewed, and by selecting “renewal with changes” or “renewal without changes” to make certain adjustments to the permit information eligible under Section 650 and subsection 703(d). This section also outlines the reporting requirements for renewals, as well as the non-refundable application fee, and separate permit fee for Entity, Individual, and Student Permitholder applicants. This section is necessary for the applicant to inform the Department by way of checkbox selection of the permit request type for the General Use level permit so that the application can be routed through the correct workflow and directed through the correct fee tracking and permit processing steps.

**Section 2 – Permitholder Information.** This section requires the applicant to identify as one of three Permitholder types. Subsection 2a requests information needed for the Executive Signatory as an applicant for Entity Permitholder type, subsection 2b is for the Individual Permitholder type, and subsection 2c is for the Student Permitholder type. **Students are able to apply as Individual and/or Entity Permitholders with payment of Individual and/or Entity application fees.** The field “Permitholder Affiliation” before Section 2 of all General Use level permits requires an applicant to select (a) category(ies) that best describe(s) the institution or organization that the applicant is affiliated with. This information is necessary because it helps the Department to assess whether the application meets the eligibility requirements pursuant to subsection 650(g), while also allowing the Department to analyze the types of organizations or institutions that commonly use SCPs as part of their work.

*Subsection 2a* requires the Entity applicant’s affiliation and contact information. This information includes a mailing address representing the Entity as an affiliation (i.e., a main office, or regional office address), the preferred mailing address for the Executive Signatory to receive written correspondence from the Department (if differs from the Entity’s mailing address), an e-mail address, and a preferred, as well as an alternate phone number (required in case a Permitholder cannot be reached at their preferred phone number). The ALDS GO ID number is required (if for renewing Permitholders) in order to link the Entity to the payment system in ALDS. A note clarifies that the Executive Signatory may also act as the PI on an Entity permit, and refers the applicant to subsection 3b to fill in details required for PIs in that portion of the application.

*Subsection 2b* requires the Individual applicant’s name and GO ID information to be provided, as well as the same mailing address, telephone and other contact information (e.g., affiliation) as gathered for the Executive Signatory or PI on an Entity permit. The fields for date of birth and government-issued identification are necessary for law enforcement purposes pursuant to subsection 650(a)(2) of the regulatory proposal. The “References” fields gather contact information for two

references, and checkboxes indicating attachment of the statement of qualifications, and resume or CV are necessary to implement subsection 650(h) for applicants to fulfill the qualifications requirements in a consistent, structured manner.

*Subsection 2c* requires information specific to Student Permitholders that has several of the same fields as for Individual Permitholder, but other fields that differ from fields for Entity and Individual Permitholders (i.e., the fields for date of birth and government-issued identification are necessary for law enforcement purposes). This is due to the different workflow for the Student Permitholder type. For instance, additional information is requested about the student's affiliation to include the University or academic institution's Department and research Group, and the type of degree pursued (e.g., Master's, or Bachelor's). This information is necessary because it can be used to track multiple student permits from the same university or Department, and can be used to assess the types of research emphases that use SCPs. Other information, including student qualifications (i.e., resume or CV, and statement of qualifications pursuant to subsection 650(h)) are required in subsection 2c, as well as the requirement for the Student's sponsor to provide a letter of sponsorship. This information is necessary because it contributes to the Department's evaluation of the student application through a different workflow from the Entity and Individual Permitholder application.

In summary, *Subsections 2a-2c* are necessary because they provide the Department with information on who is requesting the permit, tracks the affiliation or organization type or category to assess eligibility for a permit pursuant to Section 650(g), and gathers the details needed for the Department to contact Permitholders over the phone, or to mail or e-mail them correspondence relating to their permit. This section also is necessary to direct the application through different workflows depending on the Permitholder type checked under subsections 2a, 2b, and 2c.

*Section 3 – Qualifications and Proposed List of Authorized Individuals.* *Subsection 3a* of the General Use application includes the qualifications requirements pursuant to subsection 650(h) for the Entity and/or Individual Permitholder, and any proposed Authorized Individuals requested with application submission (Student qualifications are required under subsection 2c of the General Use application).

*Subsection 3b* field is only for Entity Permitholders. This subsection serves for Departmental approval or denial of the PI on the LAI (if the same, or different from the Executive Signatory listed in Section 2a of the application), and like the Individual Permitholder (who also serves as the PI), requires the specific affiliation and contact information, including mailing address and physical addresses, e-mail address, preferred and alternate phone numbers. The fields for date of birth and government-issued identification are necessary for law enforcement purposes, as for Individual and Student Permitholders. The references fields gather contact information for two references, and checkboxes indicating attachment of the statement of qualifications, and resume or CV are necessary to implement subsection 650(h) for applicants to fulfill the qualifications requirements in a

consistent, structured manner.

*Subsection 3c* requires the same contact information and similar details on affiliation as for a PI in subsection 3b for Departmental approval or denial of each person proposed as an Authorized Individual, and to gather government-issued identification, references, and qualifications information for each. This subsection provides information fields for the eight Authorized Individuals included for each Authorization with the application and permit fees for Entity and Individual Permitholders, pursuant to subsection 650(j), **and reminds applicants that eight Authorized Individuals may be approved per Authorization at any given time.** This subsection is necessary for the Department to evaluate the proposed Authorized Individuals for approval or denial, to be named or covered on the permit's LAI, to fulfill the identification requirements pursuant to subsection 650(a)(2), and implement the qualifications requirements pursuant subsection 650(h) of this regulatory proposal.

*Subsection 3d* requires applicants to indicate whether other Permitholders (i.e., PIs) or Authorized Individuals are related to the proposed activities in the application. These may be other Permitholders or colleagues at the same affiliation collaborating on activities occurring by general wildlife surveys and/or monitoring, or for a particular study that is planned within the authorizations granted by a General Use level permit. This subsection is necessary because it provides a means to link the application at hand to other pending applications, or approved permits for general surveys or a particular study, in order to cross-reference reported take with other PIs or Authorized Individuals. This is critical in order for the Department to track take numbers by multiple persons and methods in the same geographic area, while also allowing the Department to follow the number of Permitholders working in a given area for potential future land access or other law enforcement concerns (i.e., notification requirements pursuant to subsection 650(o)).

**Section 4 – see justification Tables 6-8 for Section 4 for the General Use level form.**

**Table 6.** Justification for the Inland Fisheries review program for the General Use level permit application, Section 4.

Inland Fisheries (Form DFW 1379GF, new <del>03/01/17</del> <b>01/01/17</b> )	
Sub-section	Subsection name and justification
Section 4 (overall)	<b>General Use Permit Information – Inland Fisheries</b> The field “Purpose and Activities” before Section 4a is necessary because it articulates the purpose, intention, and nature of the permitted activities allowed under the Inland Fisheries General Use level permit, which the applicant justifies in subsections 4a-4c.
4a	<b><u>Purpose of Permit.</u></b> Requires the applicant to indicate via checkbox the purpose(s) sought for the Inland Fisheries General Use permit. Two purposes allowed under an Inland Fisheries General Use permit are education and science. This information is necessary for the Department to determine the application is eligible for a permit pursuant to subsection 650(c), and clarifies for applicants that those or similar propagation activities described by subsection 650(c)(3) are not

	approved under an Inland Fisheries General Use permit, unless otherwise stated by Inland Fisheries Authorizations in subsection 4c.
4b	<p><b><u>Justification of Use.</u></b> Requires the applicant to justify the use of the permit. Answers to four questions are required to summarize the purpose and use of the permit to take inland fisheries species, <b><u>and provide some background on the intended locations of activities</u></b>. This information is necessary because it allows the Department to evaluate the details for the proposed use of the permit, matching this justification with the checked purpose above in subsection 4a. A checkbox follows (“Review of Species Information”) that requires the applicant to acknowledge that they have reviewed, <b><u>or will have reviewed</u></b>, Department, or other available resources on sensitive wildlife species that may occur within locations they intend to take wildlife. This information is necessary for the applicant to acknowledge they are familiar with the potential for incidental by-catch of sensitive species within the locations planned for take. This is critical to help the applicant understand that the take of certain sensitive species (e.g., Candidate, Threatened, or Endangered species under CESA, or Fully Protected species) is authorized separately from the SCP (i.e., via a Memorandum of Understanding) pursuant to other FGC sections.</p>
4c	<p><b><u>Inland Fisheries Authorizations.</u></b> This subsection provides the Inland Fisheries Authorizations (F1-F3) that applicants can request individually, and that may be approved under the Inland Fisheries General Use permit. This section informs the applicant of the conditions that must be met for each Authorization, and makes it clear for enforcement which acts are lawful under these three Authorizations. Instructions follow the subsection 4c header to direct applicants on how to select Authorizations, and how to prepare the LAI based on the Authorized Individuals requested in subsection 3c. The instructions also articulate eight Inland Fisheries Conditions applicable to all Inland Fisheries General Use permits, <b><u>and clarify certain reporting considerations, depending on the wildlife taken (i.e., benthic macroinvertebrates following Department-approved protocols)</u></b>. These eight Conditions are necessary because they are universal to any one of the Inland Fisheries Authorizations F1-F3, and they may address certain questions that the applicant may have up front (e.g., frequency of reporting, methods and equipment allowed under an Inland Fisheries General Use permit, etc.). Two other fields follow the header in subsection 4c:</p> <ul style="list-style-type: none"> <li>• The field “Proposed Authorized Individuals” following each authorization F1-F3 allows an Entity or Individual applicant to request Authorized Individuals entered from subsection 3c for approval and naming by the Department on the LAI to work under that particular Inland Fisheries Authorization. This field is necessary for applicants completing this information to provide a draft LAI in a consistent format for the Department’s approval or denial of each Authorized Individual under each Authorization F1-F3 requested.</li> <li>• The field “Measures Minimizing Harm of Wildlife” following <i>each Authorization F1-F3</i> allows the applicant to explain how they plan to avoid incidental by-catch of non-target species, and minimize harm to targeted wildlife. This field is necessary because as the managing agency for the public trust, the Department requires applicants for an agreement, permit or other authorization to be cognizant of the potential effects a planned activity may have on wildlife resources and their habitats, and gives applicants an opportunity to voluntarily implement additional measures they identify, and that are most compatible with their planned activities. Implementing measures to avoid and minimize potential</li> </ul>

	harm, injury or mortality of non-target wildlife, or harm of targeted individuals or their populations minimizes potential environmental effects.
Authori- zation  <b>F1</b>	<b>Inland Fisheries Authorization F1 – Freshwater Invertebrates</b> This Authorization is necessary to inform the applicant of the means for which authorization of take and/or possession of freshwater invertebrates under the General Use level can occur. This section provisions the take of the freshwater invertebrates taxonomic group, including activities, methods and equipment, limits, disposition, protocols, and locations under an Inland Fisheries General Use permit. The regulations guiding sport fishing were used as the basis for Authorization F1, but allowances for scientific take involving primarily capture and release, and limited sacrifice for purposes of <u>freshwater or other benthic invertebrate</u> identification, are lifted to follow Department-approved protocols, or accommodate studies requiring population-level evaluation by means which might otherwise be prohibited under a sport license. Precautions for inland fish that may be captured incidentally are important for applicants to understand that to prevent predation or mortality (e.g., by crayfish), cessation of certain methods would be required. Prohibited <del>species</del> <u>Wildlife</u> include those species that may be managed under specific regulations or laws, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit.
Authori- zation  <b>F2</b>	<b>Inland Fisheries Authorization F2 – Non-Anadromous Fish</b> This Authorization is necessary to inform the applicant of the means for which authorization of take and/ or possession of non-anadromous fish under the General Use level can occur. This section provisions the take of the non-anadromous fish taxonomic group, including activities, methods and equipment, limits, disposition, protocols, and locations under an Inland Fisheries General Use permit. The regulations guiding sport fishing were used as the basis for Authorization F2, but allowances are made for scientific take for capture, limited handling and release, in accordance with Department-approved protocols, or for identification and assessment purposes by means which might otherwise be prohibited under a sport license. Prohibited <del>species</del> <u>Wildlife</u> include those species that may be managed under specific regulations or laws, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit. This authorization articulates necessary measures when using the methods and equipment to minimize potential impacts to non-anadromous fish, including potential suspension or cessation of activities until Departmental coordination has occurred. Limits are applied based on sampling frequency and sampling location for population surveys to document diversity, and to ensure Permitholders remain within an acceptable range of tolerance of take when compared to the potential take allowed under a sport license (i.e. 10 individuals of a single species, or no more than 40 individuals of all fish species taken, sampled at locations greater than 100 meters apart, at intervals no less than one week apart). Size restrictions were lifted in order to accommodate studies requiring animals within size classes or reproductive cycles that would otherwise be prohibited under a sport license. Seasonal restrictions include avoidance of anadromous waterbodies during spawning season(s) of anadromous fish for any given sampling effort or location.
Authori- zation	<b>Inland Fisheries Authorization F3 – Anadromous Fish</b> This Authorization is necessary to inform the applicant of the means for which authorization of take and/ or possession of anadromous fish under the General

<b>F3</b>	<p>Use level can occur. This section provisions the take of the anadromous freshwater fish taxonomic group, including activities, methods and equipment, limits, disposition, protocols, and locations under an Inland Fisheries General Use permit. The regulations guiding sport fishing were used as the basis for the Authorization F3, but allowances are made for scientific take for capture, limited handling and release for identification and assessment purposes by means which might otherwise be prohibited under a sport license. Prohibited <del>species</del><u>Wildlife</u> include those species that may be managed under specific regulations or laws, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit. Anadromous fish are particularly sensitive, and so certain methods and equipment allowed under Authorization F2 are not listed in allowances in Authorization F3. This authorization articulates necessary measures when using the methods and equipment to minimize potential impacts to anadromous fish, including potential suspension or cessation of activities until Departmental coordination has occurred. Limits are applied based on sampling frequency and sampling location for population surveys to document diversity, and to ensure Permitholders remain within an acceptable range of tolerance of take when compared to the potential take allowed under a sport license. Size restrictions were lifted in order to accommodate studies requiring animals within size classes or reproductive cycles that would otherwise be prohibited under a sport license. Seasonal restrictions include avoidance of anadromous waterbodies during spawning season of anadromous fish for any given sampling effort or location.</p>
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**Table 7.** Justification for the Marine review program for the General Use level permit application, Section 4.

Marine (Form DFW 1379GM, new <del>03/01/17</del> <u>07/01/17</u> )	
<b>Sub-section</b>	<b>Subsection name and justification</b>
Section 4 (overall)	<p><b>General Use Permit Information – Marine</b></p> <p>The field “Purpose and Activities” before Section 4a is necessary because it articulates the purpose, intention and nature of the permitted activities allowed under the Marine General Use level permit, which the applicant justifies in subsections 4a-4c.</p>
4a	<p><u>Purpose of Permit.</u> Requires the applicant to indicate via checkbox the purpose(s) sought of the Marine General Use permit. Two purposes allowed under a Marine General Use permit are education and science. This information is necessary for the Department to determine the application is eligible for a permit pursuant to subsection 650(c), and clarifies for applicants that those or similar propagation activities described by subsection 650(c)(3) are not approved under a Marine General Use permit, unless otherwise stated by Marine Authorizations in subsection 4c.</p>
4b	<p><u>Justification of Use.</u> Requires the applicant to justify the use of the permit. Answers to four questions are required to summarize the purpose and use of the permit to take marine wildlife. This information is necessary because it allows the Department to evaluate the details for the proposed use of the permit, matching this justification with the checked purpose above in subsection 4a. A checkbox follows (“Review of Species Information”) that requires the applicant to acknowledge that they have reviewed, <u>or will have reviewed</u>, Department, or other available resources on sensitive marine wildlife species that may occur</p>

	<p>within locations they intend to take marine wildlife. This information is necessary for the applicant to acknowledge they are familiar with the potential for incidental by-catch of sensitive species within the locations planned for take. This is critical to help the applicant understand that the take of certain sensitive species (e.g., Candidate, Threatened, or Endangered under CESA, or Fully Protected species) is authorized separately from the SCP (i.e., via a Memorandum of Understanding) pursuant to other FGC sections.</p>
4c	<p><u><b>Marine Authorizations.</b></u> This subsection provides the Marine Authorizations (M1-M3) that applicants can request individually and that may be approved under the Marine General Use permit. This section informs the applicant of the conditions that must be met for each Authorization under a Marine General Use permit, and makes it clear for enforcement which acts are lawful under these three Authorizations. Instructions follow the subsection 4c header to direct applicants on how to select Authorizations, and how to prepare the LAI request based on the Authorized Individuals requested in subsection 3c. The instructions also articulate <del>six</del><u>seven</u> Marine Conditions applicable to all Marine General Use permits. These <del>six</del><u>seven</u> Conditions are necessary because they are universal to any one of the Marine Authorizations M1-M3, and they may address certain questions that the applicant may have up front (e.g., frequency of reporting, whether seagrasses are allowed under a Marine General Use permit, <u>or whether plankton or water samples may be taken consistent with subsection 650(u)(5), in what locations and by what methods,</u> etc.). Two other fields follow the header in subsection 4c:</p> <ul style="list-style-type: none"> <li>• The field “Proposed Authorized Individuals” following each Authorization M1-M3 allows an Entity or Individual applicant to request Authorized Individuals entered from subsection 3c for approval and naming by the Department on the LAI to work under that particular Marine Authorization. This field is necessary for applicants completing this information to provide a draft LAI in a consistent format for the Department’s approval or denial of each Authorized Individual under each Marine Authorization M1-M3 requested.</li> <li>• The field “Measures Minimizing Harm of Wildlife” following <i>each authorization M1-M3</i> allows the applicant to justify how the authorized methods and equipment will avoid incidental by-catch of non-target species, and minimize harm to targeted marine wildlife. This field is necessary because as the managing agency for the public trust, the Department requires applicants for an agreement, permit or other authorization to be cognizant of the potential effects a planned activity may have on wildlife resources and their habitats, and gives applicants an opportunity to voluntarily implement additional measures they identify, and that are most compatible with their planned activities. Implementing measures to avoid and minimize potential harm, injury or mortality of non-target wildlife, or harm of targeted individuals or their populations minimizes potential environmental effects.</li> </ul>
<p>Authori- zation</p> <p><b>M1</b></p>	<p><b>Marine Authorization M1 – Marine Fishes</b></p> <p>This Authorization is necessary to inform the applicant of the means for which authorization of take and/ or possession of Marine fishes under the General Use level can occur. This section provisions the take of the marine fishes taxonomic group, including activities, <del>prohibited species</del><u>Prohibited Wildlife</u>, methods and equipment, daily and annual limits, size and season restrictions, disposition and locations under a Marine General Use Permit. The regulations guiding sport fishing were used as a starting point for Authorization M1, such as daily limits,</p>

	locations, methods, and the <del>prohibited species</del> <b>Prohibited Wildlife</b> . In many instances, daily limits were increased to a reasonable amount, but annual limits were applied to ensure Permitholders remain within an acceptable range of tolerance of take when compared to the potential take allowed under a sport license (i.e. 10 daily limits allowed under this regulation versus 365 daily limits that are possible under a sport license). Prohibited <del>species</del> <b>Wildlife</b> include those species that may be managed under other specific regulations or laws, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit. Size and seasonal restrictions were lifted in order to accommodate studies requiring animals within size classes or reproductive cycles that would otherwise be prohibited under a sport license.
Authori- zation  <b>M2</b>	<b>Marine Authorization M2 – Marine/ Tidal Invertebrates</b> This Authorization is necessary to inform the applicant of the means for which authorization of take and/ or possession of marine invertebrates under the General Use level can occur. This section provisions the take of the marine/ tidal invertebrate taxonomic group, including activities, <del>prohibited species</del> <b>Prohibited Wildlife</b> , methods and equipment, daily and annual limits, size and season restrictions, disposition and locations under a Marine General Use Permit. The regulations guiding sport fishing were used as a starting point for Authorization M2, such as daily limits, locations, methods, and <del>prohibited species</del> <b>Prohibited Wildlife</b> . In many instances, daily limits were increased to a reasonable amount, but annual limits were applied to ensure Permitholders remain within an acceptable range of tolerance of take when compared to the potential take allowed under a sport license (i.e. 10 daily limits allowed under this regulation, versus 365 daily limits that are possible under a sport license). Prohibited <del>species</del> <b>Wildlife</b> include those species that may be managed under other specific regulations or laws, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit. Size and seasonal restrictions were lifted in order to accommodate studies requiring animals within size classes or reproductive cycles that would otherwise be prohibited under a sport license.
Authori- zation  <b>M3</b>	<b>Marine Authorization M3 – Marine Algae</b> This authorization is necessary to inform the applicant of the means for which authorization of take and/ or possession of marine algae under the General Use level can occur. This section provisions the take of the marine algae taxonomic group, including activities, <del>prohibited species</del> <b>Prohibited Wildlife</b> , methods and equipment, daily and annual limits, size and season restrictions, disposition and locations under a Marine General Use Permit. The regulations guiding sport fishing were used as the basis for Authorization M3. Prohibited <del>species</del> <b>Wildlife</b> include those species that may be managed under other specific regulations or laws, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit. An annual limit was applied to reduce the potential for the Permitholder to exceed taking more than may be necessary under normal circumstances.

**Table 8.** Justification for the Terrestrial Wildlife review program for the General Use level permit application, Section 4.

Terrestrial Wildlife (Form DFW 1379GW, new <del>03/01/17</del> <b>07/01/17</b> )	
Sub-section	Subsection name and justification



Section 4 (overall)	<p><b>General Use Permit Information – Terrestrial Wildlife</b></p> <p>The field “Purpose and Activities” before Section 4a is necessary because it articulates the purpose, and intention and nature of the permitted activities allowed under the Terrestrial Wildlife General Use level permit, which the applicant justifies in subsections 4a-4c. <u><b>This field also clarifies that a General Use permit covers non-routine by-catch or other take of vernal pool invertebrates, or those invertebrates covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list (dated June 12, 2017, or any later amendments) even during certain activities that are otherwise exempt from permitting (pursuant to subsection 650(u)(7)). When by-catch becomes more routine, the applicant should either amend the General Use, apply for a Specific Use permit (when the take becomes targeted), or see if another Department permit type would be appropriate.</b></u></p>
4a	<p><u><b>Purpose of Permit.</b></u> Requires the applicant to indicate via checkbox the purpose(s) sought for the Terrestrial Wildlife General Use permit. The three purposes allowed under a Terrestrial Wildlife General Use permit are science, education and/or propagation. This information is necessary for the Department to determine if the application is eligible for a permit pursuant to subsection 650(c), and clarifies for applicants that limited activities described by subsection 650(c) are allowed under a Terrestrial Wildlife General Use permit, unless otherwise stated by Terrestrial Wildlife Authorizations in subsection 4c.</p>
4b	<p><u><b>Justification of Use.</b></u> Requires the applicant to justify the use of the permit. Answers to four questions are required to summarize the purpose and use of the permit to take terrestrial wildlife. This information is necessary because it allows the Department to evaluate the details for the proposed use of the permit, matching this justification with the checked purpose above in subsection 4a. A checkbox follows (“Review of Species Information”) that requires the applicant to acknowledge that they have reviewed, <u><b>or will have reviewed,</b></u> Department, or other available resources on sensitive wildlife species that may occur within locations they intend to take wildlife. This information is necessary for the applicant to acknowledge they are familiar with the potential for incidental by-catch of sensitive species within the locations planned for take. This is critical to help the applicant understand that the take of certain sensitive species (e.g., Candidate, Threatened, or Endangered under CESA, or Fully Protected species) is authorized separately from the SCP (i.e., via a Memorandum of Understanding) pursuant to other FGC sections.</p>
4c	<p><u><b>Terrestrial Wildlife Authorizations.</b></u> This subsection provides the Terrestrial Wildlife Authorizations (W1-W6) that applicants can request individually and that may be approved under the Terrestrial Wildlife General Use permit. This section informs the applicant of the conditions that shall be met for each Authorization under a Terrestrial Wildlife General Use permit, and makes it clear for enforcement which acts are lawful under these six Authorizations. Instructions follow the subsection 4c header to direct applicants on how to select Authorizations, and how to prepare the LAI based on the proposed Authorized Individuals requested in subsection 3c. The instructions also articulate five Terrestrial Wildlife Conditions applicable to all Terrestrial Wildlife General Use permits. These five Conditions are necessary because they are universal to any one of the Terrestrial Wildlife Authorizations W1-W6, and they may address certain questions that the applicant may have up front (e.g., methods and locations, <del>prohibited species</del><u><b>Prohibited Wildlife, circumstances for reporting,</b></u> etc.). Two other fields follow the header in</p>

	<p>subsection 4c:</p> <ul style="list-style-type: none"> <li>• The field “Proposed Authorized Individuals” following each authorization W1-W6 allows an Entity or Individual applicant to request Authorized Individuals entered from subsection 3c for approval and naming by the Department on the LAI to work under that particular Terrestrial Wildlife Authorization. This field is necessary for applicants completing this information to provide a draft LAI in a consistent format for the Department’s approval or denial of each Authorized Individual under each Terrestrial Wildlife Authorization W1-W6 requested.</li> <li>• The field “Measures Minimizing Harm of Wildlife” following <i>each Authorization W1-W6</i> allows the applicant to justify how the authorized methods and equipment will avoid incidental by-catch of non-target wildlife, and minimize harm to targeted wildlife. This field is necessary because as the managing agency for the public trust, the Department requires applicants for an agreement, permit or other authorization to be cognizant of the potential effects a planned activity may have on wildlife resources and their habitats, and gives applicants an opportunity to voluntarily implement additional measures they identify, and that are most compatible with their planned activities. Implementing measures to avoid and minimize potential harm, injury or mortality of non-target wildlife, or harm of targeted individuals or their populations minimizes potential environmental effects.</li> </ul>
<p>Authori- zation</p> <p><b>W1</b></p>	<p><b>Terrestrial Wildlife Authorization W1 – <del>Vernal Pool and Terrestrial and Vernal Pool</del> Invertebrates</b></p> <p>This Authorization is necessary to inform the applicant of the means for <del>which</del> authorization of take of the terrestrial <u>and vernal pool</u> invertebrates taxonomic group(s). Terrestrial invertebrate taxonomic group(s) include all invertebrate life stages that occur on land <u>above mean high tide</u>, including aquatic invertebrates in their adult aerial life stage, <u>and</u> aquatic invertebrates <del>in that occur only in ephemeral vernal pools, and invertebrates above mean high tide in coastal marine environments or in other ephemeral waters that support vernal pool invertebrates, but do not normally support finfish.</del> This section states that qualified individuals may be authorized to conduct surveys and monitoring activities which involve capturing, handling, and releasing an unlimited number of non-<del>special status species of prohibited terrestrial vernal pool</del> invertebrates throughout California, and clarifies this is authorized only for identification and documentation for scientific, educational and limited propagation purposes.</p> <p>All authorized surveying and capture methods of hand and net allow for selective target of live invertebrates, and would ensure no undue disturbance of the authorized <del>species</del> invertebrates and any non-target and native wildlife would occur, when properly implemented by qualified individuals following standard scientific practices. Prohibited wildlife species include those species that may be managed under other specific regulations or laws (i.e., any species listed as threatened or endangered), <u>are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list</u>, or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit. <u>Authorization W1 covers the incidental by-catch or other take of those terrestrial and vernal pool invertebrates listed on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list, even during the course of field activities that are otherwise exempt from needing a permit (pursuant to subsection 650(u)(7)).</u></p>

	<p>Though some invertebrates may be taken in accordance with regulations guiding sport fishing, species, method and location restrictions under Authorization W1 of the General Use level permit are minimal in order to accommodate scientific studies or educational work throughout the year, and because the nature of the activities and methods under this authorization are not expected to have any measurable effect on terrestrial invertebrate populations. This section also explains that such types of permit requests for terrestrial invertebrates are of least concern in the wide spectrum of wildlife research, a shortened review period and correspondingly lower permit fees are warranted under the General Use level permit. <b><u>Special consideration for reporting is mentioned for incidental by-catch of those species on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list.</u></b></p>
<p>Authori- zation</p> <p><b>W2</b></p>	<p><b>Terrestrial Wildlife Authorization W2 – Amphibians</b></p> <p>This Authorization is necessary to inform the applicant of the means for which authorization of take of the amphibian taxonomic group can occur. This section states that qualified individuals may be authorized to conduct surveys and monitoring activities which involve capturing, handling, measuring, marking, and releasing an unlimited number of non-sensitive species of amphibians, and clarifies this is authorized only for identification and documentation for scientific, educational, and limited propagation purposes.</p> <p>The capture methods of hand and dip net allow for selective target of live amphibians, and would rarely lead to incidental harm or injury of any non-target and native wildlife when properly implemented by qualified individuals following standard scientific practices. Authorization W2 clarifies that the approved procedure of temporary marking using standard non-toxic, non-invasive methods for mark-recapture research is allowed only when animals cannot otherwise be identified by natural markings, and when marks would not burden individuals, or make them vulnerable to predation. Prohibited wildlife species include sensitive species (i.e., Department-designated amphibian Species of Special Concern), or those species that may be managed under other specific regulations or laws (i.e., Candidate, Threatened, or Endangered species under CESA, or Fully Protected), or due to sensitivities to disturbance, would only be considered for take under a Specific Use level permit (i.e., amphibian eggs).</p> <p>This authorization specifies the means by which non-native or invasive amphibians (e.g., bullfrogs- <i>Lithobates catesbeianus</i>) may be removed from the wild to reduce potential competition, or detrimental effects on native, or sensitive wildlife. Though some amphibians may be taken in accordance with regulations guiding sport fishing, species, method and location restrictions under Authorization W2 of the General Use level permit are minimal in order to accommodate scientific studies or educational work throughout the year, and because the nature of the activities and methods under this Authorization are not expected to have measureable effects on amphibian populations. This section also explains that because such types of permit requests for amphibians are of least concern in the wide spectrum of wildlife research, a shortened review period and correspondingly lower permit fees are warranted under the General Use level permit.</p>

<p>Authori- zation</p> <p><b>W3</b></p>	<p><b>Terrestrial Wildlife Authorization W3 – Reptiles</b></p> <p>This Authorization is necessary to inform the applicant of the means for which authorization of take of the reptile taxonomic group can occur. This section states that qualified individuals may be authorized to conduct surveys and monitoring activities which involve capturing, handling, measuring, marking, and releasing an unlimited number of non-sensitive species of reptiles, and clarifies this is authorized only for identification and documentation for scientific, educational and limited propagation purposes.</p> <p>The capture methods of hand, dip net, lizard nose, snake tongs, and snake hook allow for selective target of live reptiles, and would rarely lead to incidental harm or injury of any non-target and native wildlife when properly implemented by qualified individuals following standard scientific practices. Authorization W3 clarifies that the approved procedure of temporary marking using standard non-toxic, non-invasive methods for mark-recapture research is allowed only when animals cannot otherwise be identified by natural markings, and when marks would not burden, or make them vulnerable to predation. Prohibited wildlife species include sensitive species (i.e., Department-designated reptile Species of Special Concern), or those species that may be managed under other specific regulations or laws (i.e., Candidate, Threatened, or Endangered species under CESA, or Fully Protected), or due to sensitivities to disturbance, would only be considered for take under a Specific Use level permit (i.e., reptile eggs).</p> <p>This authorization specifies the means by which non-native or invasive reptiles (e.g., red-eared sliders - <i>Trachemys scripta</i>) may be removed from the wild to reduce potential competition or detrimental effects of those species on native, or sensitive wildlife. Though some reptiles may be taken in accordance with regulations guiding sport fishing, species, methods and location restrictions under Authorization W3 of the General Use level permit are minimal in order to accommodate scientific studies or educational work throughout the year, and because the nature of the activities and methods under this authorization are not expected to have measureable effects on reptile populations. This section also explains that because such types of permit requests for reptiles are of least concern in the wide spectrum of wildlife research, a shortened review period and correspondingly lower permit fees are warranted under the General Use level permit.</p>
<p>Authori- zation</p> <p><b>W4</b></p>	<p><b>Terrestrial Wildlife Authorization W4 –Mammals</b></p> <p>This Authorization is necessary to inform the applicant of the means for which authorization of take of the mammal taxonomic group can occur. This section states that qualified individuals may be authorized to conduct surveys and monitoring activities which involve capturing, handling, measuring, marking, and releasing an unlimited number of non-sensitive species of small mammals, and clarifies this is authorized only for identification and documentation for scientific, educational, and limited propagation purposes.</p> <p>The capture methods of appropriately-sized box or cage live-traps are specified to selectively target small mammals and preclude capture of medium-sized mammals or carnivores, and would rarely lead to incidental harm or injury of any non-target and native wildlife when properly implemented by qualified individuals following standard scientific practices. Authorization W4 clarifies that the approved procedure of marking using standard non-toxic, non-invasive methods</p>

	<p>for mark-recapture research is allowed only when animals cannot otherwise be identified by natural markings, and when marks would not burden, or make them vulnerable to predation. Additional measures, such as Permitholder response to changing conditions and modification of trapping procedures as necessary to minimize stress, injury, or mortality is required under Authorization W4.</p> <p>Prohibited wildlife species include other taxonomic designations aside from the nine small mammal families allowed under Authorization W4, sensitive species (i.e., Department-designated mammal Species of Special Concern), those species that may be managed under other specific regulations or laws (i.e., Candidate, Threatened, or Endangered species under CESA, or Fully Protected), or due to sensitivities to disturbance, would only be considered for take under a Specific Use level permit (i.e., woodrat nests).</p> <p>This authorization specifies the circumstances under which non-native mice and rats in the family Muridae may be removed from the wild. Such removal reduces potential competition or detrimental effects on native, or sensitive wildlife. Species, methods and location restrictions under Authorization W4 of the General Use permit are minimal in order to accommodate scientific studies or educational work throughout the year, and because the nature of the activities and methods under this authorization are not expected to have measurable effects on small mammal populations. This section also explains that because such types of permit requests for small mammals are of least concern in the wide spectrum of wildlife research, a shortened review period and correspondingly lower permit fees are warranted under the General Use level permit.</p>
<p>Authori- zation</p> <p><b>W5</b></p>	<p><b>Terrestrial Wildlife Authorization W5 – Birds</b></p> <p>This Authorization is necessary to inform the applicant of the means for which authorization of take of the bird taxonomic group can occur. This section states that qualified individuals may be authorized to conduct surveys and monitoring activities which involve capturing, handling, measuring, marking, and releasing an unlimited number of non-sensitive species of landbirds, and clarifies this is authorized only for identification and documentation for scientific, educational, and limited propagation purposes.</p> <p>The capture methods of mist nets are specified to selectively capture small landbirds, and limit capture of larger birds such as raptors and waterbirds, and would rarely lead to incidental harm or injury of wildlife when properly implemented by qualified individuals following standard scientific practices. Authorization W5 clarifies that the approved procedure of marking using numbered metal bands from the U.S. Geological Survey for migratory birds or and other government source bands for non-migratory birds for mark-recapture research is allowed only when animals cannot otherwise be identified by natural markings, and when marks would not burden individuals, or make them vulnerable to predation. Some non-target birds incidentally captured would also be allowed to be marked and released, if captured incidentally. Reasonable measures, such as Permitholder response to changing conditions and modify mist-net procedures as necessary to minimize stress, injury, or mortality is required under Authorization W5.</p> <p>Prohibited <del>species</del><u>Wildlife</u> include 14 taxonomic designations specified under Authorization W5, sensitive species (i.e., Department-designated bird Species of</p>

	<p>Special Concern), those species that may be managed under other specific regulations or laws (i.e., Candidate, Threatened, or Endangered species under CESA, or Fully Protected), or due to sensitivities to disturbance, would only be considered for take under a Specific Use level permit (i.e., bird nests and eggs).</p> <p>Species, methods and location restrictions under Authorization W5 of the General Use level permit are minimal in order to accommodate scientific studies or educational work throughout the year, and because the nature of the activities and methods under this authorization are not expected to have measureable effects on bird populations when consistent with any federal authority (e.g., Migratory Bird Treaty Act). This section also explains that such types of permit requests for birds are of least concern in the wide spectrum of wildlife research, a shortened review period and correspondingly lower permit fees are warranted under the General Use level permit.</p>
<p>Authori- zation</p> <p><b>W6</b></p>	<p><b>Terrestrial Wildlife W6 – Salvage</b></p> <p>This authorization is necessary to inform the applicant of the means for which salvage of the Terrestrial Wildlife taxonomic groups can occur. This section states that individuals may be authorized to salvage and possess whole, or parts of dead <del>terrestrial and</del> vernal pool invertebrates, amphibians, reptiles, mammals and birds only for scientific and educational purposes under SCP authority, and specifies how non-salvageable specimens shall be disposed of.</p> <p>Prohibited <del>species</del><u>Wildlife</u> include several taxonomic designations or sensitive species specified under Authorization W6, those species that may be managed under other specific regulations or laws (i.e., big game, mountain lions or Candidate, Threatened, or Endangered species under CESA, or Fully Protected), or due to sensitivities to disturbance would only be considered for take under a Specific Use level permit (i.e., species with nesting site philopatry, such as viable or abandoned eggs or nests).</p> <p>Disposition is specified to make clear to applicants that salvaged specimens shall be deposited at an appropriate scientific or educational institution from any location except for renewable energy facilities in connection with mortality monitoring studies, which may be governed by different regulations or laws. This section also explains that salvage requests are of least concern in the wide spectrum of wildlife research, a shortened review period and correspondingly lower permit fees are warranted under the General Use level permit.</p>

**Section 5 – Other Permits and Environmental Documents.** This section requires the applicant to identify any other permits or environmental documents required by law pertinent to the SCP application to take and/ or possess wildlife. Subsection 5a provides checkboxes for several types of federal permits, subsection 5b for State authorizations or permits, and subsection 5c for other environmental documents or compliance requirements. *Subsections 5a-5c* are necessary because the provided information helps document that the applicant is covered for take under different authorities (whether targeted or incidental by-catch), allows the Department to track the types of environmental compliance requiring SCPs, and facilitates intra- and inter-agency coordination for compliance concerns or issues.

*Subsection 5a* requires the applicant to indicate whether they have permits or authorizations from the federal government related to the take proposed in the permit application. In these instances, species requested in a SCP application for targeted take or incidental by-catch are listed as Threatened or Endangered under the federal Endangered Species Act, or are otherwise protected (i.e., migratory birds, salmonid runs, etc.), and require permits from the appropriate federal agencies. This subsection is necessary to help the applicant understand that a federal permit may be needed for the take they are applying for with the SCP, and provide the Department the opportunity to streamline the conditioning of a SCP by cross-referencing the federal authorizations and conditions, or clarifying them further.

*Subsection 5b* requires the applicant to indicate whether they have permits or authorizations from other state agencies related to the take proposed in the permit application. Methods or equipment used that are indiscriminant enough to result in take of non-target Candidate, Threatened, or Endangered species under CESA, or Fully Protected species as incidental by-catch species, requiring a MOU, or another state agency may require separate permits, depending on the proposed geographic locations for take (e.g., State Parks). This subsection is necessary to help the applicant understand additional state permits may be needed for the take they are applying for with the SCP by cross-referencing state authorizations and conditions, or clarifying them further.

*Subsection 5c* requires the applicant to indicate whether the proposed activities in the SCP application are related or pertinent to federal, or state environmental compliance, or other environmental documents required by law. Environmental compliance frequently involves surveys or assessments for species occurrence involving take to determine potential environmental effects. This subsection is necessary for the Department to evaluate importance of data collection for the purposes of science, or for propagation, or related activities pursuant to Title 14, subsection 650(c), CCR.

*Section 6 – Application Certification.* This section requires the applicant to attest that the information submitted in the application is complete and correct, and that they, a Principal Investigator (if an Individual or Entity permit), and any Authorized Individuals **and all other persons working under the permit** have read and will abide by ~~the certification language~~ **applicable provisions of Fish and Game code and the proposed regulations, and will abide by the issued permit conditions and attachments.** This subsection is necessary because it validates and verifies the information included in the application is complete and truthful, while providing proof to the Department that the applicant understands all related authorities and regulations.

*Instructions for the General Use Application.* The Instruction page at the rear of DFW 1379GF (Inland Fisheries), DFW 1379GM (Marine), and DFW 1379GW (Terrestrial Wildlife) reminds applicants of certain informational items they should be aware of. The

instructions remind applicants of review procedures and timing referenced in Section 650, and provide section-by-section guidance for how to fill out the form. The instructions also remind applicants about reporting requirements, websites or addresses where reports should be sent. Lastly, the instructions also specify the types of payments that may be accepted, and timing for such payments with the non-refundable application and permit (issuance) fee. Standard language that is included on most Departmental licenses, permits or application forms for payment processing through LRB is also included. The instructions themselves outline the form fields, and are necessary to guide the applicant on how to complete the form.

**Forms 4-6: Scientific Collecting Permit, General Use – Amendment**

- ***Inland Fisheries, Form DFW 1379GFA*** (New ~~03/01/17~~03/01/17)
- ***Marine, Form DFW 1379GMA*** (New ~~03/01/17~~03/01/17)
- ***Terrestrial Wildlife, Form DFW 1379GWA*** (New ~~03/01/17~~03/01/17)

The General Use level permit has three amendment forms, one for each of the three review programs. These three forms are incorporated by reference into subsection 703(d) regulations for the Individual, Entity, and Student Permitholder types. Three separate amendment forms are necessary because the structure follows that of the application forms, one for each review program and its Authorizations (DFW 1379GFA for Inland Fisheries; DFW 1379GMA for Marine; and DFW 1379GWA for Terrestrial Wildlife review programs). Thus the General Use Amendment forms are identical in content to the respective General Use Application forms (Forms 1-3 justified above), with the exception of Section 1, which outlines the types of amendment requests. Sections 3, 5, and 6 on the General Use level amendment are the same for all three amendment forms, and each application form. Section 2 is not on the Amendment form, clarifying that this section (Permitholder Information) is not amendable. Section 4 of each amendment form is the same as the respective application form for each review program. Though the three separate amendment forms demonstrate nearly identical information as the respective application forms, and may seem duplicative in content, their necessity has to do with permit and amendment workflow when implemented in an online system. The relationship of having one application for each review program, and its respective amendment form, demonstrates precisely which sections, and which entry fields, may be amended during the amendment process, for each review program's General Use permit. The following sections of the General Use permit amendment form are the same for all three review programs, therefore justification for the necessity of Section 1 is provided as follows.

**Section 1 – Amendment Request.** This section requires the applicant to indicate the type of amendment request or action that they wish the Department to consider for the General Use permit. After indicating the ID of the permit to be amended, four options are available that may direct the applicant to complete the appropriate section of the form, depending on the amending Permitholder type. The flat fee to amend a General Use level permit allows the applicant to select any combination of the four options: an Executive Signatory on an Entity permit requesting to change a



PI (the first check box); Entity and Individual Permitholders requesting to amend the LAI (second check box), from which those Permitholders can apply to each Authorization (fourth check box); and any Permitholder (including Students) requesting to add a new Authorization on the permit (third checkbox). This section is necessary for the applicant to inform the Department by way of checkbox selection of the amendment request type for the General Use level permit, so that the amendment application can be routed through the correct workflow and directed through the correct fee tracking and permit processing steps.

*Section 3 – Qualifications and List of Authorized Individuals.* This section is the same as for Forms 1-3 (General Use level application form). Refer to the justification above.

*Section 4 – see justification Tables 6-8 for Section 4 for the General Use level form.* This section on amendment forms DFW 1379GFA (Inland Fisheries), DFW 1379GMA (Marine) and DFW 1379GWA (Terrestrial Wildlife) are the same as for Forms 1-3 (General Use level application form) (DFW 1379GF, GM, and GW). Refer to the justification above.

*Section 5 – Other Permits and Environmental Documents.* This section is the same as for Forms 1-3 (General Use level application form). Refer to the justification above.

*Section 6 – Application Certification.* This section is the same as for Forms 1-3 (General Use level application form). Refer to the justification above.

*Instructions for the General Use Amendment Application.* The Instruction page at the rear of DFW 1379GFA (Inland Fisheries), DFW 1379GMA (Marine), and DFW 1379GWA (Terrestrial Wildlife) reminds applicants of certain informational items they should be aware of when submitting an amendment application form for a General Use permit. The instructions remind applicants of review procedures and timing referenced in Section 650, and provide section-by-section guidance for how to fill out the form. The instructions also remind applicants about reporting requirements, websites or addresses where reports should be sent. Lastly, the instructions also specify the types of payments that may be accepted, and timing for such payments. Standard language that is included on most Departmental licenses, permits or application forms for payment processing through LRB is also included. The instructions themselves outline the form fields, and are necessary to guide the applicant on how to complete the form.

**Form 7: Scientific Collecting Permit, Specific Use – Application (form DFW 1379S)**  
(New ~~03/04/17~~07/01/17)

The Specific Use level permit has one application form for all three review programs. This form is incorporated by reference into subsection 703(d) regulations for the Individual, Entity, and Student Permitholder types. The necessity of each section of the Specific Use level permit application is provided as follows.

The field starting with the word “Important” before Section 1 of the Specific Use permit application is necessary because it reminds applicants to review the Section 650 regulations and all accompanying permit authorizations, prior to completing the application, and informs the regulated community of the website location where such information can be found.

**Section 1 – Permit Request.** This section allows the applicant to indicate one of three permit application requests for the Specific Use level permit. As with the General Use permit applications, an applicant may check “New” for an application for a new permit (whether or not they have an existing permit). An existing Permitholder may check “Renew” to renew an existing permit, by indicating the permit ID to be renewed, and by selecting “renewal with changes” or “renewal without changes” to make certain changes or adjustments to the permit information eligible under subsection 650(l). This section also outlines the reporting requirements for renewals, as well as the non-refundable application fee, and separate permit (issuance) fee for Entity, Individual, and Student Permitholder applicants. This section is necessary for the applicant to inform the Department by way of checkbox selection of the type of permit request type for the Specific Use level permit so that the application can be routed through the correct workflow and directed through the correct fee tracking and permit processing steps.

**Section 2 – Permitholder Information.** This section is the same as for Forms 1-3 (General Use level application form). Refer to the justification above.

**Section 3 – Qualifications and Proposed List of Authorized Individuals** Subsections 3a-3c and 3e are the same as for Forms 1-3 (General Use level application form) - refer to the justification above for those subsections. Subsection 3d is an additional field not found on the General Use level permit application, due to the justification needed to add more than eight Authorized Individuals, pursuant to subsection 650(l)(3).

*Subsection 3d* requires the same information as for subsection 3c for any Authorized Individuals requested in an application, beyond the eight included in the permit fees. This subsection requires the applicant to justify why more than eight Authorized Individuals are needed to perform the proposed take and/or possession activities requested in the Specific Use level application. This subsection is necessary to implement subsections 650(j) and 650(l)(3), and ensure applicants understand that the request of additional Authorized Individuals for approval by the Department requires additional justification, and payment of a Specific Amendment fee to add additional Authorized Individuals.

**Section 4 – see Table 9 for justification of Section 4, by subsection, for the Specific Use level form.** Each subsection is listed out in the table by subsection number and form fields.

**Table 9.** Justification for each subsection of the Specific Use level application, Section 4.

Sub-section	Subsection name and justification
Specific Use 4a	<p><b><u>Purpose of Permit.</u></b> This subsection requires the applicant to indicate via checkbox the purpose(s) sought of the Specific Use permit: science, education, and/ or propagation. This information is necessary for the Department to determine the application is eligible for a permit pursuant to Title 14, subsection 650(c) CCR, and allows applicants to select the permit use categories eligible for consideration under a Specific Use level permit.</p>
Specific Use 4b	<p><b><u>StudyPermit Information.</u></b> Under this subsection, three fields are required of the applicant to justify the permit application.</p> <ol style="list-style-type: none"> <li>1. <b><u>StudyPermit Scope, Goals and Objectives</u></b> requires the applicant to explain the scope, goals, and objectives of the study, <del>or</del> any hypotheses or research questions addressed with the proposed take and/or possession activities, <b><u>or the scope, goals and objectives of the planned undertaking.</u></b> This information is necessary for the Department to verify consistency of the proposal with subsection 650(i) defining the scope of a permit for a Specific Use level. It also highlights the overall goals of the proposed activities in a separate field, allowing the review program to draw attention to “why” the permit is requested for evaluating its merit.</li> <li>2. <b><u>StudyPermit Need or Benefit</u></b> requires the applicant to ensure how the requested take is justified relative to the three purposes checked in Section 4a, and how it relates to the permit’s purposes pursuant to subsection 650(c). This information is necessary because it allows the Department to evaluate the details the applicant provides for the proposed use of the permit, matching this justification with the checked purpose above in subsection 4a. It also helps the Department to evaluate the application to circumstances warranting the denial of the application, pursuant to subsection 650(r).</li> <li>3. <b><u>Study or Planned Undertaking Timeframe</u></b> asks for an estimated timeframe for the field and/or lab activities of the study <b><u>or planned undertaking,</u></b> from <del>planning of the study through</del> field activities, <del>and lab work and data analysis.</del> This information is necessary for the review program to line up dates on other Departmental permits that might need to be issued (for example, MOUs), and assess whether the permit might be renewed after three years.</li> </ol>
Specific Use 4c	<p><b><u>Background and Past Findings.</u></b> Under this subsection, four fields are required (depending on applicability for the applicant) to provide a backdrop for the permit request with regards to past findings, research needs, and management strategies or environmental documents.</p> <ol style="list-style-type: none"> <li>1. The first field requires the applicant to identify the background documents that have informed the requested activities, <b><u>any survey protocols to be used, literature cited,</u></b> or proposal to fulfill a research need. This information is necessary for the Department to evaluate the merit of the application, and allow a means to receive information on previous or similar research.</li> <li>2. The second field requires the applicant to summarize <b><u>any</u></b> past findings related to the requested activities, and how those findings have shaped the objectives of the study proposed in the application. This information would be required for permit renewals, but would be optional, as applicable to new Permitholders. This information is necessary for the Department to evaluate if any of the proposed activities may be duplicative with activities in permits previously approved by the Department, thereby allowing the Department to evaluate</li> </ol>

	<p>circumstances warranting the denial of the application, pursuant to subsection 650(r).</p> <p>3. The third field requires the applicant to consider how requested activities relate to other projects, or larger research plans. This information allows the applicant to explain other Permitholders who may be conducting related take activities on the same species, or other projects as listed in Section 3e of the application. This information is necessary for the Department to cross-check other permits that might be related to one another, and to see if some Permitholders are proposing take activities that fit under, or make up, a smaller component of larger research plans.</p> <p>4. The fourth field requires the applicant to indicate if there are any other management plans or specific conservation or recovery actions identified in other permits, or environmental documents <b><u>that relate to the study or planned undertaking</u></b>. This information is necessary for the Department to cross-check the proposed take activities to other plans or actions that might be required by law (Section 5 of the application), or as management recommendations by the Department, federal, or other state or local agencies.</p>
Specific Use 4d	<p><b><u>Executive Summary.</u></b> Under this subsection, three fields are required of the applicant to summarize their proposed study (in the format of a scientific publication) for potential sharing of this information in an online system with other researchers, or the interested public.</p> <p>1. <b><u>Study Title</u></b> requires the applicant to provide a title for their study <b><u>or planned undertaking</u></b> that captures the gist of their requested activities. This field mentions the elements that should be included in the title so applicants provide more standardized information for the title. This information is necessary for the Department to compile a list of <del>study title</del> (permitted studies <b><u>or planned undertakings</u></b>) <b><u>by study title</u></b> under the Specific Use level permit in a way that facilitates quick comprehension of the nature of activities permitted.</p> <p>2. <b><u>Abstract</u></b> requires the applicant to provide a summary of their study in <del>the a similar</del> format <del>of to</del> a scientific abstract seen in publications. This abstract format requires a summary of the work the applicant is doing, and pursuant to “Public Information Release” below, would allow the applicant to maintain flexibility of the information shared with other researchers or the interested public (i.e., keeping confidential business or other proprietary information). This field mentions the elements that should be included in the abstract so all applicants provide more standardized information.</p> <p>3. <b><u>Public Information Release</u></b> requires the applicant to indicate if they approve the release of the study title and abstract (Executive Summary) for viewing online by query to interested parties and the public on the Department’s website, or in the online SCP system. Consistent with subsection 650(k)(1), issued SCPs are public record, so Permitholders providing an Executive Summary is one way to share issued permits publicly. Applicants will have the ability to release their preferred contact information to facilitate communication with other interested researchers. This field also implements other statutory requirements whereby applicants for research on mountain lions (<i>Puma concolor</i>) or pursuit of bobcat (<i>Lynx rufus</i>) or bear (<i>Ursus americanus</i>) by dogs for research purposes would be required to release the Executive summary for public viewing. This information is necessary so the Department has the applicant’s permission to release such information.</p>

Specific Use 4e	<p><u><i>Wildlife Taxonomic Groups and Review Programs.</i></u> Under this subsection, the applicant is required to select the wildlife taxonomic groups for which species are requested for take and/ or possession, <u><b>or those taxonomic group(s) or species that could be incidental by-catch (non-targeted) for take.</b></u> This information is necessary <del>to</del> for the Department to identify the review program(s) that the application should be routed to for review, and to identify if there will need to be any concurrent reviews of the application by two or more review programs. <u><b>A note clarifies for applicants the circumstances for which a Specific Use permit is required for the intentional (targeted) take of certain terrestrial and vernal pool invertebrates.</b></u></p>
Specific Use 4f	<p><u><i>Requested Take Activities.</i></u> Under this subsection, eight main fields are required of the applicant to fully identify the nature of the proposed activity(ies) as it relates to wildlife resources. All these fields are necessary for the Department to obtain required information in a consistent and standardized format for more efficient review by all review programs.</p> <p>1. <u><i>Wildlife Groups &amp; Species</i></u></p> <ul style="list-style-type: none"> <li>• The “targeted wildlife” sub-field requires the applicant to identify the species <del>kinds of wildlife</del>, or <u><b>the lowest proposed</b></u> taxonomic levels that are targeted (requested for take) in the application. For each species, or taxonomic level (such as family, genera, species) selected by scientific name, common name, and status are expected to be prepopulated. The applicant will then indicate the requested Life Stage, Sex, and Origin via drop-down lists provided in the online system for each entry.</li> <li>• The “Non-target wildlife” sub-field requires the applicant to identify the species, or <u><b>if the species is unknown, the lowest proposed</b></u> taxonomic levels that are expected to be captured incidentally as by-catch (and thus needing take coverage as well). For each species, or taxonomic level selected by scientific name, the common name and status are expected to be prepopulated, and the applicant will then indicate the requested quantities anticipated for each entry. <u><b>For example, if an applicant is requesting to target larval amphibians (i.e., tadpoles and salamander larvae) in a stream where small fish could occur, and the methods proposed for amphibian capture are not discriminatory enough to avoid incidental fish by-catch, the applicant should acknowledge in the application the fish to the lowest taxonomic level as potential incidental by-catch.</b></u> The field “Measures Minimizing Harm of Wildlife” allows the applicant to justify how the authorized proposed methods and equipment will avoid incidental by-catch of non-target wildlife, and minimize harm to targeted wildlife. This field is necessary because as the managing agency for the public trust, the Department requires applicants for an agreement, permit or other authorization to be cognizant of the potential effects a planned activity may have on wildlife resources and their habitats, and gives applicants an opportunity to voluntarily implement additional measures they identify, and that are most compatible with their planned activities. Implementing measures to avoid and minimize potential harm, injury or mortality of non-target wildlife, or harm of targeted individuals or their populations minimizes potential environmental effects.</li> <li>• The “Review of Species Information” sub-field requires the applicant to acknowledge via checkbox that they have reviewed, <u><b>or will have reviewed,</b></u></li> </ul>

	<p>Department, or other available resources on sensitive wildlife species that may occur within locations they intend to take wildlife. This information is necessary for the applicant to acknowledge they are familiar with the potential for incidental by-catch of sensitive species within the locations planned for take. This is critical to help the applicant understand that the take of certain sensitive species (e.g., Candidate, Threatened, or Endangered under CESA, or Fully Protected species) authorized separately from the SCP (i.e., via a MOU) pursuant to other FGC sections.</p> <p>2. <u>Proposed Take and Possession Activities</u> requires the applicant to describe the nature of the proposed Activities from the wildlife species and taxonomic levels that are filtered down from a previous sub-section in the online application. Other fields, such as Disposition and Details about the proposed Activity are required for the applicant to explain why those activities are requested for their study. This information is necessary in order for the Department to track the types of Activities and the Disposition of the wildlife permitted in the online system, and be able to closely manage those Activities and Dispositions that are of greater concern.</p> <p>3. <u>Proposed Take Methods</u> requires the applicant to detail the Take Method(s) proposed for capture for species or taxonomic level filtered down from a previous sub-section in the online application. Other fields, such as Sampling Season dates, Sampling Frequency, Quantities and Details for each proposed Method are required for the applicant to explain and how the methods will be implemented for the proposed study. This information is necessary in order for the Department to evaluate potential effects of the proposed methods on the well-being of the species/ individuals requested, and knowing seasons and frequency of the proposed sampling will help assess potential risks to the <del>targeted species, or other species that might be present at the same</del> <b>location</b>. This also allows the Department to be able to add specific conditions regarding the deployment of gear and implementation of Methods, and closely manage those Methods and sampling details that are sensitive, or of greater concern.</p> <p>4. <u>Proposed Procedures</u> requires the applicant to detail the Procedure(s) proposed following, or instead of capture for species or taxonomic level filtered down from a previous sub-section in the online application. Other fields, such as Quantities and Details for each proposed Procedure are required for the applicant to explain why and how the Procedures will be implemented. This information is necessary in order for the Department to evaluate potential effects of the proposed Procedures on the well-being of the species/ individuals requested. This also allows the Department to be able to add specific conditions regarding the deployment of gear and implementation of procedures that might be sensitive, or of greater concern.</p> <p>5. <u>Sacrifice of Wildlife</u> requires the applicant to provide detail on Sacrifice, which is a Disposition considered by the Department to be sensitive, because it involves removal of individual organisms from the wild. The applicant is required to justify the Sacrifice proposed for species or taxonomic level filtered down from a previous sub-section in the online application. Other fields, such as Quantities, Life Stage, Sex, and Details for each proposed species requested for Sacrifice are required for the applicant to explain why and how the dispatch or euthanasia will be implemented, and the other means by which</p>
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	<p>dead specimens have been sought out as a first resort for the proposed study. This information is necessary in order for the Department to ensure the applicant has considered options for obtaining wildlife or specimens already dead by another means, before considering removal of individuals from the wild. This information is also important for the Department to consider the request, and add specific conditions regarding the methodology of the dispatch or euthanasia.</p> <p>6. <u>Captivity of Wildlife</u> requires the applicant to provide detail on Captivity, which is a Disposition considered by the Department to be sensitive, because it involves removal of organisms from the wild (to some extent). The following information is necessary for the Department to evaluate the request for Captivity, and ensure the applicant understands that certain precautions will need to be taken for this requested Disposition.</p> <ul style="list-style-type: none"> <li>• The sub-field for “<i>ex situ</i>” Captivity requires the applicant to identify the wildlife requested to take out of the wild, or the wildlife received into possession to be held alive for temporary (i.e., short term, approximately 24 hours or less), long-term, or permanent captivity. Additional documentation is to be provided as instructed under subsection 4f-10 of the Specific Use application. The applicant is required to justify the Captivity proposed by species filtered down from a previous sub-section in the online application. Other fields, such as Quantities, Life Stage, Sex, and Details for each proposed species are required for the applicant to explain why Captivity is requested for their study, the conditions under which wildlife will be held, whether the individuals held are planned for release or reintroduction back into the wild, and how long such individuals are planned to be maintained in captivity. Permanent captivity is interpreted to mean that the requested wildlife are not intended to be released back into the wild. Several questions for the applicant to address under “Details” are critical for evaluation of the captivity request, including coordination with the Department’s Wildlife Investigations Laboratory for concerns about care and treatment of the animals, protocols for holding facilities, feeding and enrichment, and transportation. This information primarily affects taxonomic groups under the “Terrestrial Wildlife” review program. <ul style="list-style-type: none"> <li>○ Two other questions, including the applicant’s plan to <u>sacrifice or humanely</u> euthanize wildlife at the conclusion of the captivity, and intention to captive breed requested wildlife require the applicant to specify the species and quantities planned for each type of captive use of wildlife.</li> <li>○ A third question regarding the applicant’s intent to release animals or their offspring back to the wild is important to address potential concerns for each review program, as indicated by the series of questions that follow that are specific to taxonomic groups that fall under each review program. This information is necessary for the Department to be able to add specific conditions regarding the take from wild and holding in captivity, as well as coordinate any planned releases and disease screening measures for the recipient ecosystem, should release back to the wild be approved.</li> </ul> </li> <li>• The sub-field for “<i>in situ</i>” Captivity requires the applicant to identify the species requested for removal from the wild for temporary captivity, or to be retained or confined in a field setting, in order to be relocated or translocated to a location other than the site of capture, or for reintroduction plans in the</li> </ul>
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	<p>field. Additional documentation is to be provided as instructed under subsection 4f-10 of the Specific Use application. The applicant is required to justify the temporary captivity, relocation, translocation and/or reintroduction proposed for species filtered down from a previous sub-section in the online application. Other fields, such as Quantities, Life Stage, Sex, and Details for each proposed species are required for the applicant to explain how and why the relocation and/ or translocation is proposed to occur. An advisory note for species in the Terrestrial Wildlife review program states coordination or communication from veterinary staff may be required, in order to meet disease testing and/or transport requirements by the Department's Wildlife Investigation's Lab. This also allows the Department to be able to add specific conditions regarding the movement, or planned release locations that might require additional coordination with the applicant.</p> <p>7. <u>Geographic Locations and Description</u> requires the applicant to provide the locations in California planned for take for the proposed activities. The "Details" sub-field for each location is required for the applicant to explain the specific location within <del>a chosen geographic scale</del> <b><u>county-based scale, or by each sampling location(s) or area(s). The more detail provided for locations can streamline permit review. When counties, or more specific locations are not identified or known at the time of permit application (i.e., due to contract work and operating at larger geographic scales), statewide or species' range-wide activities may require a Specific Amendment for consideration when more detailed location information is available.</u></b> This field also provides the option for the applicant to provide (a) point location(s) by GPS coordinates. Specific details depending on watershed or waterbody, and questions for Marine Protected, Marine Managed Areas, Wildlife Areas or Ecological Reserves are required to be addressed in order to evaluate access and take in these preserved areas. This information is necessary for the Department to assess the proposed take locations, and cross-check the requested locations to locations already approved for other Permitholders for the same or other species that overlap in range. This information is also critical for the review programs to know which Department region to route the application to coordination with regional biologists. Regional biologists may need to inform any special conditions for the permit that ensure potential impacts to the local population of species requested are minimized, or for any special considerations on land access.</p> <p>8. <u>Disposition Location of Wildlife Specimens and/or Parts</u> requires the applicant to indicate the locations, including name and address, that dead wildlife and/ or parts thereof are planned to be deposited, if known at the time of application. This information about of the planned scientific or educational institution is necessary in order for the Department to verify the suitability of the institution to possess those wildlife and/ or parts thereof, and for the appropriate purpose of science or education provided for in subsection 650(c). This information is also helpful for the Department to request accession records for wildlife salvaged at such institutions.</p> <p>9. <u><del>Role of Proposed</del> Authorized Individuals' <del>Study Role</del></u> requires the applicant to indicate which of the Authorized Individuals requested for approval in Section 3c from the filtered down list are proposed to conduct each combination of the above species, activities, methods, procedures, etc. filtered down from previous subsections. This information is necessary to ensure that</p>
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	<p>the requested Authorized Individuals can be compared to the Required Qualifications described in Section 3a for the Department to approve or deny the proposed Authorized Individual for that particular request.</p> <p>10. <u>Attach Additional Supporting Documents</u> requires the applicant to attach any supporting documents that have been identified in the above subsections, referenced in Section 5 (Other Permits and Environmental Documents), or others, such as an optional study proposal in scientific format, with literature cited, relevant protocols, or other information requested in this application. This is necessary to provide a place for applicants to upload any other information to supplement the application, in addition to filling out the required details in all the fields, where applicable.</p>
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**Section 5 – Other Permits and Environmental Documents.** This Section is the same as for Forms 1-3 (General Use level application form). Refer to the justification above.

**Section 6 – Application Certification.** This section is the same as for Forms 1-3 (General Use level application form). Refer to the justification above.

**Instructions for the Specific Use Application.** The Instruction page at the rear of DFW 1379S reminds applicants of certain informational items they should be aware of. The instructions remind applicants of review procedures and timing referenced in Section 650, and provide section-by-section guidance for how to fill out the form. The instructions also remind applicants about reporting requirements, websites or addresses where reports should be sent. Lastly, the instructions also specify the types of payments that may be accepted, and timing for such payments with the non-refundable application and permit (issuance) fee. Standard language that is included on most Departmental licenses, permits or application forms for payment processing through LRB is also included. The instructions themselves outline the form fields, and are necessary to guide the applicant on how to complete the form.

**Form 8: Scientific Collecting Permit, Specific Use – Amendment (form DFW 1379SA)**  
(New ~~03/01/17~~07/01/17)

The Specific Use level permit has one amendment form, proposed for incorporation by reference into subsection 703(d) regulations for the Individual, Entity, and Student Permitholder types. The Specific Use Amendment form is identical in content to the Specific Use Application form (Form 7 justified above), with the exception of Section 1, which outlines the types of amendment requests. Sections 3-6 on the Specific Amendment form are the same as for the application form. Section 2 is not listed on the Amendment form, which makes the point that this section (Permitholder Information) is not amendable. Though the separate amendment form with nearly identical information as on the application form for Specific Use may seem duplicative in content, the necessity has to do with permit workflow when implemented in an online system. The relationship of having one amendment form for the one Specific Use level application, demonstrates precisely which sections,

and which entry fields, may be amended during the amendment process for the Specific Use permit. The following sections of the Specific Use amendment form are the same as for the respective application form DFW 1379S, therefore justification for the necessity of Section 1 is provided as follows.

*Section 1 – Amendment Request.* This section requires the applicant to indicate the type of amendment request or action that they wish the Department to consider. After indicating the ID of the permit to be amended, four options are available that may direct the applicant to complete the appropriate section of the form, depending on the amending Permitholder type. The flat fee to amend a Specific Use level permit allows the applicant to select any combination of the three options: an Executive Signatory on an Entity permit requesting to change a PI (the first check box); Entity and Individual Permitholders requesting to amend the LAI (second check box); and the request to amend the Specific Use Permit Information (Section 4 of the Specific Use level application) (third check box). Several checkboxes in the layout of the Specific Use Permit Information require the applicant to pinpoint the exact changes to Section 4 of the permit, so the Department can quickly assess the nature of the requested changes, and the involved review programs can evaluate workload and timing to review the amendment application. This Section is necessary for the applicant to inform the Department by way of checkbox selection of the amendment request type for the Specific Use level permit, so that the amendment application can be routed through the correct workflows, and directed through the correct fee tracking and permit processing steps.

*Section 3 – Qualifications and Proposed List of Authorized Individuals.* This section is the same as for Forms 1-3 (General Use level application form) and Form 7 (Specific Use level application form, DFW 1379S). Refer to the justification above.

*Section 4 – see Table 9 justification for Section 4 for the Specific Use level form.* The Section 4 fields on DFW 1379SA (Specific Use -Amendment) are the same as for Form 7 (Specific Use level application form), with the exception that each subsection and field listed in Table 9 is prefaced with the word “Amended” before the subsection or field name. The necessity for this section on the amendment form is the same as for the application form - refer to the justification above.

*Section 5 – Other Permits and Environmental Documents.* This section is the same as for Forms 1-3 (General Use level application form) and Form 7 (Specific Use level application form). Refer to the justification above.

*Section 6 – Application Certification.* This section is the same as for Forms 1-3 (General Use level application form) and Form 7 (Specific Use level application form). Refer to the justification above.

*Instructions for the Specific Use Amendment Application.* The Instruction page at the rear of DFW 1379SA reminds applicants of certain informational items they should be aware of when submitting an amendment application form for a Specific Use

permit. The instructions remind applicants of review procedures and timing referenced in Section 650, and provide section-by-section guidance for how to fill out the form. The instructions also remind applicants about reporting requirements, websites or addresses where reports should be sent. Lastly, the instructions also specify the types of payments that may be accepted, and timing for such payments. Standard language that is included on most Departmental licenses, permits or application forms for payment processing through LRB is also included. The instructions themselves outline the form fields, and are necessary to guide the applicant on how to complete the form.

**Form 9: Scientific Collecting – Mandatory Wildlife Report (form DFW 1379a)** (New ~~03/04/17~~07/01/17)

The Mandatory Wildlife Report (~~“Report,”~~ or MWR) is a reporting form for all three review programs. This form is incorporated by reference into subsection 703(d) regulations for the Individual, Entity and Student Permitholder types. This PDF version for the regulatory proposal shows all the fields of the spreadsheet version planned to be available on the Department’s website so Permitholders can download the form for recording take in the field. The necessity of each tab on the MWR spreadsheet is provided as follows.

Instructions tab. The “Instructions” tab in the spreadsheet provides ~~six~~nine reminders or clarifications to applicants regarding the requirement and timing to report, pursuant to Title 14, subsection 650(p) CCR. The instructions remind Permitholders of the requirement to submit a report even when no wildlife have been taken or possessed for the duration of the permit (or reporting period), or if take activities occur with other Permitholders, who have already reported the take to the Department (instruction #6). These instructions also remind Permitholders to report any observations or incidental by-catch of Candidate, Threatened, or Endangered species under CESA, Fully Protected, or California Species of Special Concern, or federally listed species, to the California Natural Diversity Database (CNDDDB) and to include such observations on the ~~Report~~MWR (instruction #7). Aside from the reminders, the Instructions also ~~inform~~clarify for Permitholders how lines of data should be reported (under instruction #2, where data can be reporting by grouping combination(s) of individual(s) taken at a single location, by a specific date and age/ life stage, or by a single Take Method category). The clarification under instruction #4 for being able to submit data to the lowest taxonomic level possible helps for taxonomic groups such as invertebrates, which may not be able to be identified within the reporting timeframe down to the species level, and instruction #5 includes an exception to submit data to another state-administered database (i.e., for benthic macroinvertebrate work following established protocols endorsed by the Department). Instruction #6 provides guidance for reporting no activities or take occurred (by checkbox at the top of the form), or when take occurred in conjunction with another Permitholder (by providing their last name and Permit ID) in order to prevent duplication of data. Instruction #8 provides details on reporting any invertebrates targeted,

**or taken incidentally as by-catch on the “California Terrestrial and Vernal Pool Invertebrate Species of Conservation Priority” list.**

**Field Definitions Tab, and Example Tab.** This tab provides a “Field Definitions” table outlining all the data field types, as well as data field names on the MWR, and includes a description of the data for entry by the Permitholder. The data field names are also asterisked to indicate which fields are required, which also shows which fields are optional (or only required for some Permitholders). Under “Example Tab,” a data example helps the Permitholder visualize how the electronic version of the form should work when functional in the spreadsheet or online version, explaining that some data fields provide selectable values from a dropdown menu (e.g., scientific name, Marine Protected Area, County, etc.). Other fields are populated using text or numerical values. This information is necessary for Permitholders to understand the types of data that are required for reporting on this form.

**Report Form Tab.** This tab shows the order of fields for entry from the “Field Definitions” table, and is the tab where data is to be entered. The MWR might be required for use as a trip log by certain Authorizations described for Inland Fisheries, and Marine General Use level permits for more frequent reporting of take. **The Report Form Tab also implements directions given in the “Instructions” tab for how to group data and report when no take and/or possession occurred, or when it occurred in conjunction with another Permitholder.** This tab is necessary to provide a downloadable form for Permitholders to fill out when submitting take data, and to implement reporting requirements in Title 14, subsection 650(p), CCR.

**Submit to CNDDDB Tab.** This table allows for those species tracked by CNDDDB and selected on the “Report Form” to be pre-populated to this tab, so the Permitholder or PI knows which species or records need entry in the CNDDDB Online Field Survey Form. Due to maintenance of information in separate databases by different Divisions in the Department, this tab is necessary to try to flag species as a means to streamline reporting for Permitholders or PIs, and per CNDDDB reporting compliance checks by the Department review programs.

**Form 10: Scientific Collecting – Notification of Field Work or Activity (form DFW 1379b)**  
(New ~~03/01/17~~**03/04/17****07/01/17**)

The Notification of Field Activity is a mandatory form for all three review programs. This form is incorporated by reference into subsection 703(d) regulations for the Individual, Entity and Student Permitholder types. The necessity of each section of the Notification of Field Activity is provided as follows.

**Instructions.** The “Instructions” field in the spreadsheet provides reminders to applicants regarding the requirement and **minimum advance** timing **and notification period** to submit the Notification to the appropriate contacts, pursuant to Title 14, subsection 650(o) CCR.

**Section 1 – Permitholder Information and Notification Contact.** The PI on an Entity or Individual permit, or the Student Permitholder is required to complete this section. This form must be sent to specific Department law enforcement and regional staff named in the permit conditions specific to the issued permit. The “To Department” field provides a field for the applicants to fill in the required law enforcement and/or wildlife officers contact names and emails, as well as regional contact names and emails. This information is necessary to ensure that the form is emailed to the correct Departmental contacts.

**Section 2 – Notification Periods.** This section outlines the information necessary for the Permitholder or PI to report the locations and nature of activities planned for a sampling event. Locations are required to be separated when they fall within separate counties within the same planned sampling timeframe (14-day window, and notification ~~by noon two business days, or 48 hours~~ at least 36 hours ahead of planned activities in the field). Specific location(s), planned time of day, vehicle and vessel identifiers, number of persons planned to be present in the field are all details necessary for law enforcement and/or wildlife officers to be able to verify at a distance the presence of people, and confirm permitted activities in locations that might otherwise be considered questionable for non-Permitholders (e.g., potential poaching, or suspicious behavior that might otherwise be called in to CalTIP). Information about permitted take activities/ sampling events and equipment planned is additional information necessary for law enforcement, and Department regional staff to know which Permitholders are out in the field, which wildlife species are planned for take, and which equipment is planned for use to verify compliance with permitted SCP activities. Notification forms can be sent for multiple notification periods, as necessary to conduct fieldwork.

**Form 11: Transfer of Possession – Chain of Custody (form DFW 1379c)** (New 03/01/17)

The Chain of Custody is one form for all three review programs. This form is incorporated by reference into subsection 703(d) regulations for the Individual, Entity and Student Permitholder types. The necessity of each section of the Chain of Custody is provided as follows.

**Section 1 – Original Permitholder Information.** The custody form serves as the written proof that dead wildlife and/or specimens were lawfully taken and possessed pursuant to SCP authority, and/ or Title 14, Section 650, CCR. The form shall accompany such transferred wildlife, specimens, and/or parts thereof. This section is required to document the original Permitholder’s information under whose authority the wildlife specimen, and/ parts thereof were lawfully taken. This section can be completed by the Permitholder, or Authorized Individual on the original SCP, but the form remains with the transferred wildlife and/or parts thereof (a copy can be made for the original Permitholder’s records). This subsection is necessary to identify the original permission for take or possession of the subject wildlife and/or parts thereof granted by the Department.

*Section 2 – Authority of Original Take.* This section identifies the authority by which the subject wildlife and/or parts thereof were taken or possessed. This form may be used for species under SCP authority, but may be used notwithstanding certain other federal or state authorities that are consistent with Title 14, Section 650, CCR. This section is necessary in order to characterize the authority under which the wildlife and/or parts thereof were lawfully taken.

*Section 3 – **Live, Dead or Salvaged Wildlife, and/or Parts Thereof Information.*** This section details the wildlife, specimens and/or parts thereof that is/are being transferred, including the original location from where the wildlife was taken. Data field for “ID” allows for those Permitholders or recipients to provide a proprietary ID number (e.g., Central Valley Tissue Archive run by the Department) for later reference in publications or accessions. **The species, or the lowest taxonomic level should identify the wildlife being transferred, or a descriptor given regarding the contents of a transferred sample.** The data fields “Sample Type,” “Preservation Type,” and “No.” outline the nature of the part being preserved in order for potential split of the sample for other interested researchers (e.g., fin clips preserved in ethanol might be split for genetic studies by multiple researchers). This information is necessary in order to correctly document the status of the wildlife specimen, and/or parts thereof, and where it came from.

*Section 4 – Custody Transfer No. 1-4.* This section lists the chain of custody, from the first transfer, through subsequent transfers of a wildlife specimen and/or part thereof. Transfers require a signature of the SCP Permitholder, or other state and federal authorities outlined in Section 2 and the recipient to acknowledge the transfer by signature, as well as recipient contact information, should the Department inquire about the transferred wildlife specimen and/or part thereof. Checkboxes allow for indication on whether samples were split and the IDs of the split samples, should an entire “copy” of the samples be transferred to a recipient. Subsequent transfers two through four are optional, and are only needed should another transfer of the same wildlife specimen and/or part thereof occur to a third party. This information functions very similarly to how evidence records or custody forms are laid out in terms of documenting where evidence originated from, who handled it, and its final disposition. In following with this principle, Section 4 information is necessary to complete the chain of custody, pursuant to Title 14, subsection 650(q).

*Chain of Custody Form Instructions.* The Instruction page at the rear of the form reminds Permitholders and other recipients in possession of wildlife and /or parts thereof of the applicable regulation pursuant to Title 14, subsection 650(q) CCR, and SCP Standard Condition N. The instructions provide section-by-section guidance for how to fill out the form, **complete the taxonomic level or species,** and refer to data tables to provide an abbreviated means to document the correct sample(s), and preservation type(s), and supplemental information required for possession transfers for the Department’s Central Valley Tissue Archive. The instructions also clarify for the Permitholder or recipient when reporting of wildlife transfers is required, and

provides an email address where the Chain of Custody form can be sent, if Department contact information is not available from the original Permitholder. These instructions are necessary to guide the Permitholder or recipient through the completion of this form, and remind them of the circumstances of reporting transfers to the Department.

**Form 12: Scientific Collecting – Standard Conditions for All Permits (form DFW 1379d)**  
(New ~~03/01/17~~07/01/17)

The SCP “Standard Conditions for All Permits” (i.e. General and Specific Use SCPs) is a set of conditions that apply to all permits issued by all three review programs. This form is incorporated by reference into subsection 703(d) regulations for all SCPs issued for the Individual, Entity, and Student Permitholder types. The Department developed Standard Conditions for SCPs A-P in response to common concerns heard over the years, and need for Departmental consistency in language and implementation across the three review programs, and other Departmental divisions. The SCP Standard Conditions are required to be carried with permit documents, pursuant to subsection 650(a)(3), and pursuant to subsection 650(n) and will be attached to each General or Specific Use level permit issued, along with other specific authorizations and conditions applied by each review program. These Standard Conditions are necessary to highlight to Permitholders and Authorized Individuals, or other persons named or covered under a SCP, aspects of Section 650 to be aware of while conducting activities (should complete copies of the regulations and/or FGC not be available for reference in the field), while also streamlining law enforcement’s field verification of the permit. The necessity of each SCP Standard Condition is provided as follows.

*Standard Condition A – Possession of Identification.* This condition is necessary to implement subsection 650(a)(2) of this regulatory proposal for the types of government-issued identification carried during permitted activities for law enforcement purposes.

*Standard Condition B – Permit Documents.* This condition is necessary to implement subsection 650(a)(3) of this regulatory proposal for carrying all permit documents during permitted activities, pursuant to FGC Section 1054.2.

*Standard Condition C – Take and Possession Limits/ Allowances.* This condition articulates that the allowances granted in the permit apply across the entire LAI, from the Permitholder through any Authorized Individuals. This is important to articulate that as the legal and responsible authority on a permit, the Permitholder shall keep track of take amongst Authorized Individuals and ensure the take allowances are not exceeded.

*Standard Condition D – Department Lands.* This condition is necessary to ensure coordination with the Department’s Lands Program and Marine Region offices for access to lands or marine areas owned and managed by Department regional offices, unless already completed during the SCP review process.

*Standard Condition E – Landowner Permission.* This condition is necessary to communicate to the Permitholder that the Permitholder is responsible for obtaining any necessary access permissions, depending on land ownership.

*Standard Condition F – Notification of Field **Work or Activity**.* This condition is necessary to implement subsection 650(o) of this regulatory proposal for all Permitholders to use the “Notification of Field **Work or Activity**,” form DFW 1379b (NEW ~~03/01/17~~ **07/01/17**) to notify the Department **law enforcement, and other Department staff**, of planned take activities ~~or sampling~~ in the field.

*Standard Condition G –Reporting Requirements.* This condition is necessary to implement subsection 650(p) of this regulatory proposal for reporting of take, and makes it clear to Permitholders that even if no take and/ or possession activities with any species occurred, a report shall be submitted stating so, **and refers the Permitholder to specific instructions on the MWR (DFW 1379a, NEW 07/01/17).**

*Standard Condition H – California Endangered Species Act and Fully Protected Species.* This condition is necessary to interpret FGC subsections 1002 (j) and (k) with regards to incidental by-catch under a SCP of non-target Candidate, Threatened, or Endangered species under CESA, or Fully Protected species. Consistent with other sections of the General and Specific Use applications mentioned above, this condition specifies the circumstances by which a MOU may be required under the different FGC authorities, relative to species authorized for take by an SCP.

*Standard Condition I – California Natural Diversity Database (CNDDDB).* This condition is necessary to interpret subsection 650(p)(2)(D) of this regulatory proposal for reporting of incidental by-catch, or other take Candidate, Threatened, or Endangered species under CESA, Fully Protected, or California Species of Special Concern. This helps the applicant understand that this reporting requirement is separate from that from the SCP Mandatory Wildlife Report (MWR; form DFW 1379a) due to maintenance of information in separate databases by different Divisions in the Department.

*Standard Condition J – Fishing, Hunting, and Falconry.* This condition is necessary to communicate to applicants that take activities authorized by SCP should occur independently of any other fishing or hunting activities authorized by separate FGC authorities or Title 14, CCR regulations. This is important in order for the Permitholder to lawfully follow the purposes for which take is authorized, depending on the authority, where fishing, hunting, and falconry follow consumptive purposes, and take authorized by SCP follow science, education, and propagation purposes. This condition also helps wildlife officers enforce such purposes during field verifications.

*Standard Condition K – Commercial or Personal Use.* Consistent with Standard



Condition J, this condition emphasizes that wildlife taken by SCP authority shall not be used in any sort of commercial or personal consumptive use in accordance with authorized purposes of science, education, and propagation. This condition also clarifies the uses of wildlife taken by biological supply houses by SCPs, as well as the nature of educational programs for purposes of this regulation, pursuant to Title 14, subsection 650(a)(5).

*Standard Condition L – Other Laws and Permits.* This condition is necessary to communicate to applicants that take and/ or possession activities authorized by SCP do not supersede any other law or regulation, nor relieve or replace any requirement for a federal, tribal, state, or local permit applicable for the take of wildlife that is also authorized via the SCP. This condition also advises applicants that the SCP is not valid unless accompanied by any other required permit(s), serving as a reminder to Permitholders to ensure they have all the necessary permits for the activities authorized by an SCP.

*Standard Condition M – Labeling of Vessels, Vehicles, and Capture Equipment.* This condition is necessary to articulate to applicants that equipment or devices placed in the field for take purposes by SCP authority shall be labeled in order for wildlife enforcement officers to verify their approved use under the permit. This is critical because capture equipment approved for use for scientific (research) purposes under the SCP may be unlawful for any other purpose (e.g., fishing or trapping), so labeling with Permitholder information supports law enforcement's verification of its lawful use. Similarly, vessels shall be labeled by using a banner, sign, or other visible markings for enforcement purposes of lawful presence and take activities in MPAs, and vehicles or aircraft (depending on the nature of their use) may require labeling, as specified in the conditions of that particular SCP. Permit conditions will be set based on the style and type of vessels, vehicles, and aircraft, since not all modes of transportation are the same and could require flexibility in the condition language to ensure the Permitholder can comply.

*Standard Condition N – Transfer of Possession.* This condition is necessary to implement subsection 650(q) of this regulatory proposal describing the transfer of possession, of live and dead wildlife and/or parts thereof taken by SCP authority. This condition reminds applicants that transfer of possession of any live wildlife requires the recipient to have a valid permit issued by the Department, whereas possession of dead wildlife and/or parts thereof may be documented in a separate manner, and describes the form that would be needed for such a transfer (i.e., form DFW 1379c, Chain of Custody, **NEW 07/01/17**).

*Standard Condition O – Release of Wildlife.* This condition is necessary to articulate to applicants that wildlife are to be released after permitted activities at the site of capture, unless otherwise authorized by the Department. Wildlife authorized for removal from the wild (i.e., captivity) require special permission to be returned to the wild. This is critical because wildlife removed from the wild, or held in captivity have the potential to contract, and then transmit infectious disease from a captive

population to wild populations, or among wild populations.

**Standard Condition P – Compliance Inspection.** This condition is necessary to help applicants understand that a Department employee or wildlife officer may accompany a Permitholder or Authorized Individuals during take activities, or inspect premises where live and dead wildlife and/or parts thereof are possessed. This serves to verify that lawful take and/ or possession, and compliance with all pertinent laws and regulations, and collections are maintained according to permit conditions.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

**Title 14, Section 650, CCR:**

Authority cited: Sections 702, 1002, 1002.5, 1003, 1050, 2860, and 4810, Fish and Game Code.

Reference: Sections 14, 22, 33, 45, 51, 54, 56, 79, 80, 86, 88, 89.5, 703.3, 710.5, 711.7, 713, 1001, 1002, 1006, 1008, 1017, 1050, 1050.1, 1050.3, 1050.5, 1052, 1054, 1054.2, 1603, 1700, 1755, 1764, 1801, 1802, 1907, 2000, 2000.5, 2002, 2010, 2012, 2013, 2021, 2080, 2081, 2353, 2582, 2583, 2835, 3007, 3503, 3503.5, 3511, 3960.4, 4004, 4150, 4155, 4700, 4810, 5050, 5515, 8598.3, and 12000, Fish and Game Code.

~~Section Sections 461~~, 482, 5006, ~~6025~~, and 11408, Food and Agricultural Code  
Section 597, Penal Code

Section 116110 and Section 116180(a), ~~Public Health Code~~ Health and Safety Code

Section 36602 and Section 36712, Public Resources Code

**Title 14, Section 703, CCR:**

Authority cited: Sections 713, 1002, 1002.5, 1050, 1053, 1745, 2118, 2120, 2122, 2150, 2150.2 and 2157, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 1053, 1745, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

- (c) Specific Technology or Equipment Required by Regulatory Change:

No specific technology or equipment is required to meet most of the goals of the regulatory proposal for bringing Title 14, Section 650, CCR to be consistent with FGC sections 1002 and 1002.5 with regards to fees, Permitholder roles, increasing the permit duration from two to three years, and other statutory changes from 2012. However, due to the mainstream use by the regulated community of computer and internet technology, the Department wished to coincide the timing of this regulatory proposal with an improved SCP permit structure implemented in an online

application system. It will be expected that applicants for an SCP be able to complete applications incorporated by reference in the appropriate electronic format by the time the proposed regulations are effective. Thus, the forms proposed with this regulatory proposal exhibit the content required of applicants for the online format, as well as some of the workflow functionality by way of indicating data fields (e.g., “Add New Record” signifies a click button would propagate a duplicate field to enter data, or “Filtered Dropdown List” to mean that selections made in previous sections of the application in previous sections would be filtered for field completion later in the online form). Thus whether shown on paper for this regulatory proposal, or implemented in an electronic format, the information requested of all applicants will be the same.

As stated in **Table 1** above, the time saved by Department staff on unpackaging, scanning, and entering scanned files into a database would reduce inefficiencies in the program with an online system. With built-in checks and validations on permit field entries, electronic applications in an online SCP system will facilitate Permitholder contributions electronically to help the Department to make informed management and conservation decisions.

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

A “SCP Fiscal Analysis” (December 2016, and revised June 2017, 17 pages) is attached to support this regulatory proposal, and further details SCP fee history, revenues, workload, and staffing, as well evaluation of two alternatives (Alternative 1 - maintain the existing permit structure, and Alternative 2 - the proposed permit structure) analyzed in the setting of four cost recovery options (A-D).

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Due to the substantial stakeholder group with interest in SCPs and the proposed regulations, the Department conducted a pre-notice public outreach effort starting in late 2012. A public meeting was held at the Resources Building in downtown Sacramento on December 13, 2012 with Department executives and members of the regulated community/ stakeholder group to identify concerns and comments regarding SCP administration and implementation. Outreach efforts were resumed to document stakeholder concerns and thoughts between January and April of 2015, after the 2012 statutory changes to FGC sections 1002 and 1002.5 were in effect. Subsequently, the Department conducted four pre-notice public outreach meetings to solicit broader input from stakeholder groups and the greater regulated community to generate ideas for improvements to SCP administration and implementation, and identify overall issues to be addressed in the rulemaking. The meetings were held on following dates in the following locations, by both remote (webinar) and in-person participants (**Table 10**).

**Table 10.** Summary of SCP pre-notice outreach discussions with the regulated community.

<b>Date</b>	<b>Location</b>	<b>No. Remote participants</b>	<b>No. In-person participants</b>
Dec. 13, 2012 9am-noon	Resources Bldg. Auditorium 1416 9th St, Sacramento CA	44	26
Feb. 19, 2015 1:30-4pm	Resources Bldg. Auditorium 1416 9th St, Sacramento CA	38	19
Mar. 4, 2015 1:30-4pm	Humboldt Area Foundation 363 Indianola Road, Bayside CA	30	18
Mar. 25, 2015 1:30-4pm	20 Lower Ragsdale, Monterey, Suite 100, Monterey CA	7	12
Apr. 1, 2015 1:30-4pm	West Ed, 4655 Lampson Ave, Ste A, Los Alamitos CA	33	22

In addition to public outreach meetings, Department staff attended several scientific conferences between January and April 2015 to spread the word about the pre-notice comment period, and speak with stakeholders about their concerns and issues with the program, including American Fisheries Society (Cal-Neva Chapter), The Wildlife Society (Western Section), Salmonid Restoration Federation, the Interagency Ecological Program, Sandhill Crane Technical Advisory Committee, and others.

The public meetings included a background on the 2012 changes to FGC sections 1002 and 1002.5, concerns already identified with the SCP program, essential rulemaking outcomes and planned improvements, including aspects of proposed permit structure concept (such as a study, or project-based permit – see Section IV below), and the planned phased implementation into an online application and data management system. The meetings included discussions with stakeholders about these ideas.

The Department also solicited written comments or suggestions for electronic submission during the same period of January through April 2015. Over 400 individual comments or suggestions in 52 comment letters or emails were received. Comments were subsequently categorized and rated on frequency of the type of comment, and integrated to the extent feasible into the regulatory proposal, as explained above under Goal 5. Another 50 questions were fielded, or comments provided during the stakeholder meetings.

The most common comment received was to clarify adequate supervision in the regulations, which has been addressed with this rulemaking (itemized Goal 5c). The proposal to lower permit fees for academic and non-profit organizations was the second most common comment, and while a separate fee structure for these organizations was not fiscally feasible from a cost recovery perspective, the combined application and permit fees are proposed to be lower (General Use: \$230.10; Specific Use: \$340.70) than the existing fees of \$421.58 (2017 fees) (Goal 3). The third most common request to improve customer service, and the Department's relationship with applicants and Permitholders is addressed through

increased direction provided for applicants (itemized Goals 5b and 5g). Other pre-notice comments have been incorporated into this regulatory proposal, such as a streamlined permit for certain species (the General Use level permit - itemized Goal 5d), planned online reporting improvements (Goal 2), ~~streamline~~streamlined ~~the~~ addition of Authorized Individuals (itemized Goal 5e), and others.

In development of this regulatory proposal and in consideration of the pre-notice public comments received suggesting such, the Department examined several other scientific collecting licenses or permits by state agencies, as well as the federal government, and the regulations that accompany those processes. This was performed to gauge the relative practicality of the permitting and fee structure under this regulatory proposal, and learn more about some of the issues and concerns that other wildlife agencies face in implementing a special license such as the SCP. For instance, the Department discussed permitting processes with Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, U.S. Fish and Wildlife Service, as well as the National Oceanic Atmospheric Administration (NOAA) with regards to their online permitting system, "Authorization and Permits for Protected Species."

#### **IV. Description of Reasonable Alternatives to Regulatory Action:**

##### **(a) Alternatives to Regulation Change:**

Considering the revenue history outlined in the SCP Fiscal Analysis and the inability following the 2013 fee increase to achieve the previously projected revenues estimated with the 2013 BCP, there is little flexibility for the program to move forward without a considerable overhaul of the SCP permitting structure. Because the proposed changes will restructure the permit itself and the corresponding fee schedule, require new forms, and require permit applicants to follow new procedures, changes in regulations are the only feasible alternative.

However, several different options for the proposed permit structure were discussed amongst SCP review programs and working group, Data Technology Division staff, LRB, and others for programming development and implementation in an online application and data management system, but were ultimately rejected due to considerations in programming costs, reliance on the existing permit structure model, or cost-prohibitive fee structures. Thus implementing a permit structure focusing at the level of the three review programs (Inland Fisheries, Marine and Terrestrial Wildlife) for the General Use, and across all three programs for the Specific Use was supported and agreed upon by involved Department staff to give applicants the greatest flexibility in choosing the permit use level that works for their needs for the take and/or possession of wildlife for science, education, or propagation purposes.

With this in mind, two alternative approaches for a revised SCP permit structure were evaluated, based on Departmental data, intensive internal discussions, and input received during four pre-notice public outreach meetings:

1. “PI-based” SCP structure: This option would maintain the basic permitting structure of the existing SCP structure, where focusing on a person-based permit via a PI for an Entity and Individual permit is maintained (and tracked via the permanent SC ID). This would continue tracking take activities to a single person, rather than to the reason that those activities are being conducted (i.e., a study or planned undertaking). As such, this alternative was rejected due to the Department’s desired outcome to focus on the unit of the permit encompassing take and/or possession activities, with the ability to track such activities at the level of a study, when feasible (as with the proposed Specific Use level permit), rather than at the level of a person. This would have continued permitting of take by SCP on a PI-basis, where permit fees would be attached to a PI, and could include simple activities that are relatively straightforward to permit (e.g., low impact with common species), or a spectrum in between, up to very complicated requests that would continue requiring review from multiple SCP review programs. This alternative was estimated to be the most expensive to program from an IT development perspective, because permits would continue to be incomparable as permitted units in terms of complexity and consistency across the review programs. Lastly, this alternative was not estimated to achieve cost recovery priorities to fund the minimal staff required for SCP review, and would make permit fees exorbitantly high to attempt cost recovery, as identified in the attached SCP Fiscal Analysis. The General Use level permit attempts to maintain a person-based permit for those simple activities that are relatively straightforward to permit.
2. “Project-based” alternate SCP structure: Discussions during the pre-notice outreach period to the regulated community broached the idea of a “project-based” SCP that is currently implemented by certain other state wildlife agencies for their scientific take permitting. This would have entailed permitting of take by SCP to be considered on a project-basis, where permit fees would be attached to a project encompassing a particular set of activities, a study, or a planned undertaking under a PI and their authorized staff, and may only need review from one or two SCP review programs. This alternative was estimated to be the most affordable to build from an IT development perspective for an online application system. However, pre-notice discussion with the regulated community, and comments received on this proposed project-based structure suggested that this concept would work for some Permitholders or members of the regulated community, but not for others. This alternative inspired the Specific Use level permit for some aspects (the desired ability to track wildlife take to a particular set of activities, a study, or a planned undertaking), but it was decided that to retain flexibility for other applicants, that a complete switch to “project-based” permits would not work (i.e., maintaining the General Use as a person-based permit).

(b) No Change Alternative:

Under the no change alternative, the current Section 650 of Title 14 would be retained, but would remain outdated and inconsistent with amended FGC sections 1002 and 1002.5 outlined in Goal 1 of this regulatory proposal. The SCP application would remain in PDF format, and the process for permit application by mail, scanning and importing into the SCP Database for permit review and issuance would remain inefficient and outdated. It is possible that fee revenues under the current permit structure may level out with time, but cost recovery objectives to fund the minimal staff identified by Alternatives 1D and 2D in the SCP Fiscal Analysis would not be achieved. The ramifications of the minimum cost recovery options to maintain the existing permit structure would potentially increase existing SCP application and permit fees by another 97% to fund minimum dedicated staff (from 2017 Individual and Entity fees of \$421.58, jumping to \$808.52, and from Student fees of \$79.32, jumping to \$151.35; refer to Attachment 3 of the SCP Fiscal Analysis). The No Change alternative would not reliably achieve the Department's goal of reviewing and issuing permits within 90-100 days. Departmental SCP review program staff, as well as stakeholder groups, would continue to have biased understandings for the three purposes for which SCPs are issued (science, education, propagation), varied interpretations of definitions and terms used for permit review and issuance, the level of detail for application information requirements and content, interpretation of the concept of adequate supervision, and other differences. The No Change Alternative means that the goals laid out in this regulatory proposal would not be achieved.

(c) Consideration of Alternatives:

In view of current available information, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**V. Mitigation Measures Required by Regulatory Action:**

As an improvement and clarification to Department processes associated with a long standing program whose statutory purpose is related to science, education, or propagation, the Department has determined the regulatory proposal will not have a significant effect on the environment; therefore no mitigation measures are needed.

**VI. Impact of Regulatory Action**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. In general, this regulatory proposal is not expected to result in a significant adverse economic impact on business, because among the potentially affected research institutions, non-profits, aquariums, independent researchers, and educators, only these organizations considered businesses (e.g., environmental consultants, utility companies, timber/ forest management, biomedical research, etc.) involved in wildlife take requiring a SCP may be affected as businesses by the regulatory proposal (most of which reside in California and conduct business here). The proposed fee structure for General and Specific Use level permits provides a streamlined set of options for applicants, and it is expected that some applicants will see a reduction in SCP fees as they might only be working within one permit use level for one taxonomic group (or amongst a single review program, e.g., birds and mammals under Terrestrial Wildlife). For example, the proposed General Use combined application and permit fee for Individual and Entities (\$230.10) is 45% lower than the existing 2017 combined SCP fees (\$421.58). Similarly, the Specific Use combined application and permit fee for Individual and Entities (\$340.70) is 19% lower than the 2017 combined SCP fees.

However, other applicants might see an increase in overall fees because they may need to obtain permits from multiple review programs to conduct their work (i.e., General Use), or for multiple studies or planned undertakings (i.e., Specific Use). The proposed structure represents a change from the current model for the SCP community, and may lead to the need for an estimated 33% of Permitholders to obtain multiple permits for take and/or possession activities, studies, or subsets of work previously approved under a single permit. The majority of these Permitholders fall within environmental consulting and public university categories, while the remainder of the estimated 66% of Permitholders may only need one permit. An estimated 32% of Permitholders in 2011-2014 were in the environmental consulting field, with lower percentages for public health, utilities (3.1%), other businesses and corporations (2.9%). The proposed permit structure triggering the need for more permits could be construed to be a fee increase, but the proposed SCP fees have been crafted with pre-notice public input in mind (while trying to balance basic necessary cost recovery to fund dedicated SCP staff) and are not anticipated to have a significant economic impact on businesses.

- (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:

This regulatory proposal is not expected to result in the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the state. The Department's initial determination that this regulatory proposal will not result in a significant adverse economic impact on business takes into consideration that if multiple SCPs are



needed to conduct take and/or possession activities, studies, or planned undertakings (when one permit sufficed in the past), there is the possibility that businesses are securing contracts to conduct more varied types of work across different taxonomic groups, which in turn requires permitted take of those taxonomic groups. The proposed fee structure for General and Specific Use level permits constitutes a small share of total costs for a business contract or project; therefore, the proposed SCP fees are not anticipated to be sufficient to precipitate any change in the level of business activity.

The proposed action supports the statutory responsibilities of the Department, as stated in FGC Section 1002, to issue permits for take of wildlife. Departmental responsibilities as the trustee agency include management and protection of the state's fish and wildlife resources under FGC Section 1801, which indirectly contributes to benefits to the health and welfare of California residents and the state's environment. This regulatory proposal does not anticipate any benefits to worker safety because the proposed action will not affect working conditions.

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

An estimated 5.9% of Permitholders in 2011-2014 were independent researchers, educators, or self-employed in environmental consulting, research or other fields. In certain cases, representative private persons conduct business requiring take and/or possession activities within one wildlife taxonomic group, or for multiple species within a review program, and thus may not see a significant impact as a result of the proposed fee structure for General and Specific Use level permits, and may see a decrease in fees compared to current (\$421.58). In other situations, private persons may see a need to obtain multiple permits – where in the past an estimated 33% of Permitholders were permitted for more than one activity, study, or a planned undertaking in a single permit, and may now have to obtain multiple permits under the proposed structure. A private person or business may incur positive or negative cost impacts from SCP fees ranging from \$230.10 for Individual and Entities for General Use level permits, to \$340.70 for Specific Use level permits, depending on the nature of the activities requested.

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

None anticipated. Depending on the nature of the take activities requested, any state agency that engages in work to take wildlife requiring a SCP from the Department may experience improved permit turnaround of 90-100 days, and a fee reduction of approximately 19-45%. These may be positive, or negative cost impacts, depending on what activities need to be permitted, but the proposed General Use combined application and permit fee for Individual and Entities (\$230.10) is 45% lower than the existing 2017 combined SCP fee of (\$421.58), and the Specific Use combined application and permit fee for Individual and Entities (\$340.70) is 19% lower than the 2017 combined SCP fees. **For those Permitholders seeking to add more than**

**eight Authorized Individuals (where review of those eight are included in permit fees), the flat Specific Amendment fee of \$89.28 allows the Permitholder to request a number more proposed Authorized Individuals, given Title 14, subsection 650(b)(19). This would bring the Specific Use fees to request more than eight Authorized Individuals to \$429.98, which is slightly higher than the existing 2017 combined SCP fee.**

(e) Nondiscretionary Costs/Savings to Local Agencies:

None anticipated. Depending on the nature of the take activities requested, any local agency that engages in work to take wildlife requiring a SCP from the Department may experience improved permit turnaround of 90-100 days, and a fee reduction of approximately 19-45%. These may be positive, or negative cost impacts, depending on what activities need to be permitted, but the proposed General Use fees (\$230.10) are 45% lower than the existing 2017 combined fees, and the Specific Use fees (\$340.70) are 19% lower than the 2017 combined fees.

(f) Programs Mandated on Local Agencies or School Districts:

None anticipated.

(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 anticipated.

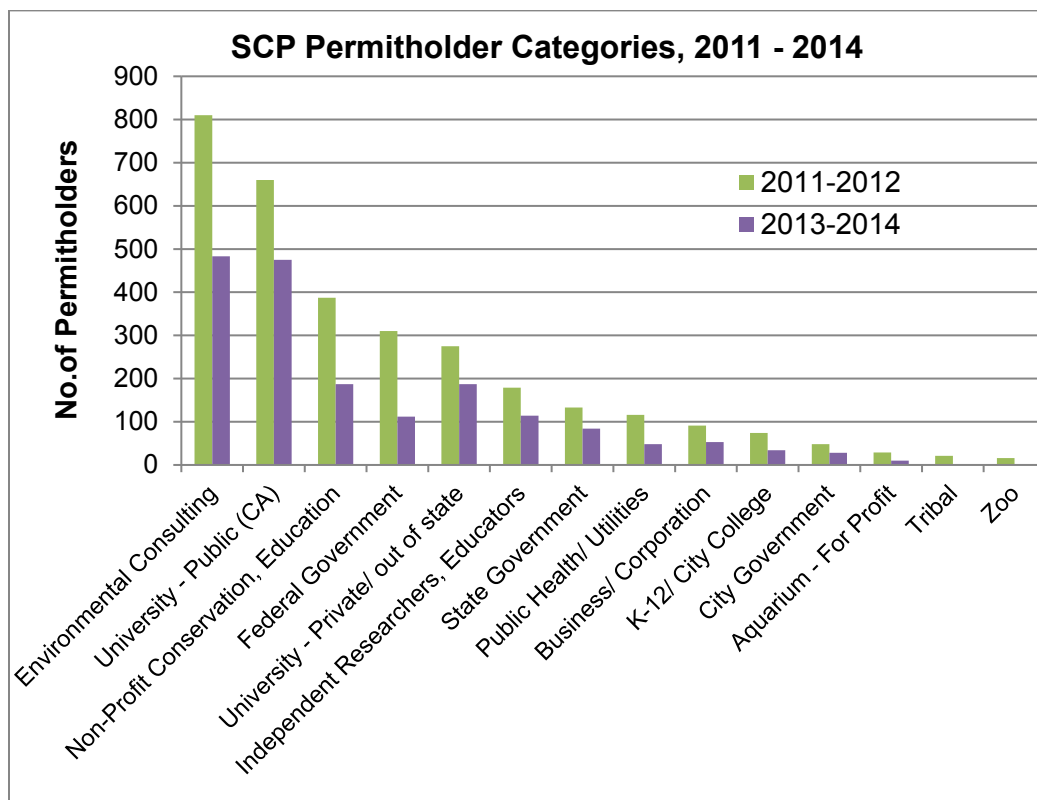
(h) Effect on Housing Costs:

None anticipated.

## **VII. Economic Impact Assessment**

Over the years of 2011-2012, an average of 1,200 applicants submitted approximately 1,450 SCP applications each year. University and college researchers and students comprised the most common Permitholder category, followed by environmental consultants and researchers who prepare legally-mandated environmental documents. Smaller applicant categories included non-profit museums, aquariums, research or conservation institutions, independent researchers, municipal entities, educators and consultants, utility companies, and others. After the 2012 statute change and resultant fee increase in 2013, the average number of applications dropped for all types of applicants (**Figure 1**). While the number of applications dropped, but did not drop more than the rate of price increase, suggesting that the demand for SCPs is rather price elastic, but not highly

elastic. Individuals and Entities are anticipated to continue to pursue permits in the state, as the research work is largely location-dependent.



**Figure 1.** SCP Permitholders by category. The green bars reflect permitholders prior to the changes to the SCP statutes; the purple bars reflect permitholder numbers after 2013 permit fee, and permit duration changes. Source: Department SCP Database. **\*Note: university and academic affiliations are separated out by public institution, private or out of state institution, and further by K-12/ city college. Combined, the university and academic categories comprise the most common Permitholder category observed during this period.**

Declines in permit numbers may be a result of multiple factors (as outlined in the attached SCP Fiscal Analysis): potential deterrent to apply for a permit due to much higher fees, delayed permit processing and issuance time, the shift in permit duration from 24-months to 36-months, and other economy-wide factors that are outside of the Department's control.

The statutory fee increase implemented in 2013 for permits was expected to generate sufficient revenue to cover the dedicated SCP staff required. However, the number of license items sold and total annual revenues have not served to cover program costs (Table 3 in the attached SCP Fiscal Analysis). The declining number of applications and lower revenue since 2014 should be improved with the proposed revisions to the permit and fee structure to provide more permitting options for applicants, who have expressed concerns for permit issuance delays and fee amounts. Remedying issuance time lags may reduce applicants' carrying costs and

allow for a greater number of research studies, or educational or propagation studies or planned undertakings that could in turn support some additional direct and indirect employment.

Department and applicant administrative costs are expected to be reduced with the proposed online application and reporting management system. The proposed permit structure should simplify each permit and reduce delays currently caused by numerous, complicated studies or unlimited numbers of Authorized Individuals covered under a single permit. The proposed permit structure would make approval and issuance timelines more predictable for each incoming application, because activities of similar nature would be grouped, authorized, and conditioned according to permit use level.

The proposed permitting structure constitutes a de-bundling of costs with the creation of smaller fees to recover costs for specific functions. The fee structure is itemized by specific function so that applicants only pay for what their specific study would entail. The General and Specific Use level structure is expected to reduce SCP fees for some applicants as they might only be working within one permit use level for one taxonomic group. However, other applicants might see an increase in overall fees because they might need to obtain permits from multiple review programs to conduct their work. Fees from different permits would then be proportionate to the level of effort the Department expends on reviewing applications and issuing those permits.

The revised permit structure recommended by the Department accommodates stakeholder requests to provide lower fees per permit license item, and streamlines permit review and issuance, thereby reducing permit processing times that should in sum, result in no negative economic impacts. See attached SCP Fiscal Analysis for additional detail.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State: The proposed regulatory action is not anticipated to create a significant amount of jobs or eliminate jobs within the state because it will not increase, and in some instances may decrease, compliance costs along with reductions in application review time.
- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State: The proposed regulatory action is not anticipated to create a substantial number of new businesses, or eliminate existing businesses within the state because it will not increase and in some instances may decrease compliance costs along with reductions in application review time.
- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State: The proposed regulatory action is not anticipated to induce the expansion of businesses currently doing business within the state,

because it will not increase or significantly decrease compliance costs and application review time is expected to be shortened.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents: The Department does not anticipate substantial benefits to the health and welfare of California residents due to the proposed action. However, Departmental responsibilities as the trustee agency include management and protection of the state's fish and wildlife resources under FGC Section 1801, which may lead to some benefits to the health and welfare of California residents and the state's environment.
- (e) Benefits of the Regulation to Worker Safety: The Department does not anticipate any benefits to worker safety as a result of the regulatory proposal because the proposed action will not affect working conditions.
- (f) Benefits of the Regulation to the State's Environment: The proposed regulations are expected to indirectly benefit the state's environment by increasing consistency and efficiency in the issuance of SCPs, and for other reasons listed above in **Table 1**.
- (g) Cost Impacts on a Representative Private Person or Business: The Department does not anticipate increased cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (h) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (i) Nondiscretionary Costs/Savings to Local Agencies: None.
- (j) Programs Mandated on Local Agencies or School Districts: None.
- (k) 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.
- (l) Effect on Housing Costs: None.

## **Informative Digest/Policy Statement Overview**

Fish and Game Code (FGC) sections 1002, 1002.5 and 1003 authorize the California Department of Fish and Wildlife (Department) to issue Scientific Collecting Permits (SCPs) for the take and/or possession of wildlife for scientific, educational, and propagation purposes. The Department currently implements this authority through Title 14 regulations in Section 650, California Code of Regulations (CCR).

Existing regulations allow the Department to issue SCPs to individuals, students, and entities who take wildlife for scientific, educational, or propagation purposes. Due to chronic revenue and staffing shortfalls, the current SCP program has been operating short of the Department's goals. FGC sections 1002 and 1002.5 were amended effective 2013, in part to address funding problems, but instituted other changes affecting permit administration and operation. Assembly Bill 2402 (Statutes of 2012, chapter 559) established a nonrefundable application fee of \$100 and a permit fee of \$300, while extending the permit duration from 24 months to 36 months. While these changes were intended to support dedicated SCP staff within the Department, revenues since the statutory change have been insufficient to support a basic and effective program.

### **Proposed Regulations**

The Department is proposing to strike and replace the existing SCP regulations in Section 650 to overhaul and restructure the SCP program to be consistent with the 2012 statutory changes, update the permitting structure for implementation in an online application system, provide a revised fee schedule that mirrors the proposed permit structure, incorporate by reference the updated SCP application, renewal and amendment forms, and clarify administrative procedures requested by the regulated community to improve the Department's review and issuance of SCPs.

The proposed subsection (a) through (u) changes in the new Section 650 are intended to improve SCP efficiency and implementation by:

- Providing 26 definitions for specific terms used in statute and regulations, and clarifying the three purposes for which the Department may issue SCPs,
- Defining review programs to better align with the Department's organization to improve efficiency,
- Clarifying the information required in permit applications,
- Defining the responsibilities of Permitholders,
- Clarifying the persons and entities that are eligible for permits,
- Describing the role of Authorized Individuals, and the Principal Investigator in providing adequate supervision,
- Clarifying qualifications information to be submitted with the permit application,
- Establishing Marine, Fisheries, and Wildlife General Use Permits for low risk take activities involving common or abundant species,
- Establishing Specific Use permits for take activities associated with individual

scientific, educational, or propagation efforts that are united by a common set of research goals or objectives. Specific Use permits may involve more invasive techniques and/or wildlife species of greater conservation value,

- Describing procedures for renewing existing permits prior to the expiration of the permit term to maintain continuity,
- Describing the process for amendments to General and Specific Use Permits,
- Clarifying the requirements for application forms and fees,
- Clarifying that all individuals named on a permit shall comply with the authorizations, terms and conditions and restrictions of the permit (including standard conditions, which apply to all permits),
- Describing the procedures for notifying the Department prior to conducting permitted activities in the field,
- Clarifying reporting requirements for Permitholders,
- Clarifying required documentation for possession or transfer of wildlife and/or parts thereof,
- Describing the circumstances under which the Department may deny a permit application or a request to amend or renew an existing permit,
- Clarifying permit suspension, revocation, and modification procedures,
- Outlining the procedures for requesting reconsideration following the suspension or revocation of an existing permit, and
- Identifying specific activities and situations that the Department has determined do not require a SCP.

In addition to the above changes to Section 650, the Department is proposing amendments to Section 703 to add a new subsection (d) Applications, Forms, and Fees for Multi-year Permits Valid at the Time of Issuance. Amendments to Subsection 703(d) are proposed to:

- Establish a fee structure for the new General Use and Specific Use permits, including application and amendment fees,
- Provide justification for the proposed fees,
- Identify, and incorporate by reference, the eight application and amendment forms for General Use and Specific Use permits, as well as four forms for reporting, notification, chain of custody, and standard conditions.

**The following changes to the Original Proposed Package address public comments and concern related to permitting take of 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 from 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, revised 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).

## **Benefits of the Proposed Regulations**

The proposed regulations would meet five goals for Department improvements to SCP administration and operation, including update with recent revisions to statute, and provide an improved permit structure that can better meet cost recovery objectives. The regulations would also provide clarity to terms and application procedures which have been interpreted in various ways by stakeholders, and Department review staff, such as understandings for the three purposes for which SCPs are issued (science, education, propagation) and other concepts (e.g., adequate supervision and roles of Principal Investigators and others named or covered under a SCP). The proposed online system will also assist permit applicants by facilitating more rapid issuance of permits to meet Department operating procedures of 90-100 days via improvements planned with the new permit structure and online implementation are outlined in **Table 1** of the Initial Statement of Reasons. In addition, this regulatory proposal includes improvements for permit revocation and suspension, as well as clarity for law enforcement, and notification to regional biologists of planned field activities.

The proposed regulations will result in benefits to fish and wildlife resources through the development of an online application and reporting management system that will improve permit issuance as well as allow the Department to evaluate the potential

effects of multiple researchers working on the same species in the same location. An electronic and online reporting system is planned to facilitate the Department's access and use information collected through SCPs for conservation and management purposes.

### **Consistency and Compatibility with Existing Regulations**

Department staff has conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to authorize the take of wildlife for scientific, educational, or propagation purposes throughout the State of California, however, the University of California Natural Reserve System and California Department of Parks and Recreation are Trustee agencies with authority to authorize take of wildlife on their lands.