

Appendix C. Specific Responses to Comments – Scientific Collecting Permits, Amended ISOR

Commenter Name, Format, Date	Comment	Department Response
<p>Responses to Comments received during the Public Re-Notice period August 14 to August 31, 2017. <i>Comments are paraphrased from the commenters for succinctness</i></p>		
<p>1 David Gutoff Email dated 8/14/2017</p>	<p>1-a. Marine toxicity tests are run every month testing effluent from sewerage treatment plants using the sporophylls of <i>Macrocystis</i>. Under the new regulations, sporophylls are not allowed to be collected.</p>	<p>1-a. CDFW thanks Mr. Gutoff for his comment on sporophylls collection and would like to clarify that only under the Marine General Use Permit are the collection of <i>Macrocystis</i> sporophylls prohibited. You can still be authorized to collect sporophylls under a Specific Use Permit.</p> <p>Please also refer to General Responses 2.1 and 2.2 to the Original proposed ISOR; Appendix A) regarding the difference between the General and Specific Use permits, and what is allowed under each.</p>
<p>2 Kevan Urquhart Senior Fisheries Biologist, Monterey Peninsula Water Mgmt District Email dated 8/14/2017</p>	<p>2-a. [Subsection 650(u)] CDFW should clarify or add similar language to that on pages 34 and 35 of the ISOR as provided for plants to clarify that State or Federally listed terrestrial invertebrates are not exempt from federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) permitting, even if it appears CDFW is exempting them from needing a SCP.</p>	<p>2-a. Refer to General Response 2.1 (to the Original Proposed ISOR; Appendix A) regarding permitting for species not covered by a SCP (i.e., CESA-listed species). Additional clarification is not needed for such referenced species, considering many terrestrial invertebrates that are federally listed are included on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017), and thus continue to require a SCP. Further, Standard Condition L as noted on form DFW 1379d - Standard Conditions for all SCPs highlights that the amended proposed regulations do not relieve a SCP Permitholder or applicant of the responsibility to comply with any other federal, tribal, state or local law or regulation.</p>
<p>3 William Tyson Email dated 8/14/2017</p>	<p>3-a. A retired state and Army medical entomologist, the commenter disagrees with a method to obtain money from scientists, and alleges that [subject of the email: form DFW1379 GWA] removes science from the field to make more money for CDFW, with no scientific reasoning. The commenter has collected insects for over 45 years across the world and in California, and plans to do so without a silly permit.</p>	<p>3-a. These comments are not related to the regulations amended as stated within the 15-day continuation notice on the proposed Section 650 regulations, and therefore are not addressed. Further, the stated concern with regards to taxonomic scope in invertebrate permitting may have been addressed with the Amended ISOR (1st re-notice), as outlined in General Response 1.1 (to the Original Proposed ISOR; Appendix A).</p>
<p>4 Kevin Lafferty UC Santa Barbara Email dated 8/14/2017</p>	<p>4-a. The commenter states he has had a SCP for the last few decades, and alleges that the SCP should not be more onerous than recreational or commercial collecting. The commenter states ways the permit process could be less onerous:</p> <ol style="list-style-type: none"> 1. make permits longer in duration; 2. exempt water, plankton, and sediment collection under 10L, 3. exempt collection that are legal by sport fish license (subsection 650(a)); 4. modernize notification (by text message); 5. make amendments to add species and individuals to the List of Authorized Individuals (LAI) easier; 	<p>4-a. Several comments by this commenter are not related to the regulations amended as stated within the 15-day continuation notice on the proposed Section 650 regulations, and therefore are not addressed.</p> <ol style="list-style-type: none"> 1. Permit duration is set by statute; discussed in the Original Proposed ISOR. 2. CDFW has provided clarification of the locations of where 10 L volumes of samples that are allowed to be kept under the Marine General Use permit (form DFW 1379GM). Refer to page 47 of the Amended ISOR, and section 4c (pages 6-7) of the Marine General Use application. 3. The regulations guiding sport fishing were used as the basis for the Authorizations for the Marine and Inland Fisheries General Use permit applications, as justified on pages 40-45 of the Original Proposed ISOR. 4. Notification to CDFW Law Enforcement is discussed in General Response 4 (to the Original Proposed ISOR; Appendix A).

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	<p>6. clarify needs for federal scientists and federal lands and</p> <p>7. exempt catch and release unharmed.</p>	<p>5. General and Specific Amendments were discussed in the Original Proposed ISOR.</p> <p>6. This is not explicitly addressed within the scope of the proposed regulations.</p> <p>7. The streamlined General Use permit was created for non-special status species with low impact methods, while a Specific Use permit (form DFW 1379S) would be necessary for study-specific information involving take involving special status species and more invasive methods. The General Use includes catch and release –for certain taxonomic groups – refer to forms Inland Fisheries - DFW 1379GF, Marine – form DFW 1379GM, and Terrestrial Wildlife – form DFW 1379GW). Refer also to the Original Proposed ISOR.</p>
<p>5</p> <p>Robert Zuparko</p> <p>Essig Museum of Entomology, UC Berkeley, and Cal Academy of Sciences</p> <p>Email dated 8/14/2017</p>	<p>5-a. There are taxonomic errors in the document California “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” published with the Amended ISOR package. Under the Order Hymenoptera, the species in the genera Metapogon, Paracoenia and Raphiomidas belong to the Diptera, while Orovelia belongs in the Hemiptera. Under the Order Diptera, the species in the genera Argachrysis, Bombus, Ceratochrysis, Chrysis, Cleptes, Dufourea, Eucerceris, Euparagia, Habropoda and Hedychridium all belong in the Order Hymenoptera.</p>	<p>5-a. CDFW thanks Dr. Zuparko for identifying these taxonomic errors. The specified corrections to the invertebrate taxonomy on this list have been made to the final regulatory package (Final Statement of Reasons – FSOR).</p>
<p>6</p> <p>Phil Ward</p> <p>Professor of Entomology, UC Davis</p> <p>Email dated 8/14/2017</p>	<p>6-a. The commenter endorses the amendments to the proposed regulations for SCPs as it relates to collection of arthropods. CDFW has the gratitude of the commenter and many entomological colleagues for exempting from needing a SCP the collection of most terrestrial invertebrates, and thanks CDFW for listening to their concerns.</p>	<p>6-a. Support noted for the proposed exemption in the Amended ISOR for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).</p>
<p>6</p> <p>Phil Ward, con’t.</p>	<p>6-b. The commenter recommends the above referenced prioritized invertebrate list be available on the CDFW website so it can be found using search engines.</p>	<p>6-b. Comment noted – as noted in subsection 650(i) and elsewhere in the finalized Section 650 regulations, the prioritized invertebrate list will be published on the CDFW website at https://www.wildlife.ca.gov/Licensing/Scientific-Collecting</p>
<p>7</p> <p>Christopher Quock</p> <p>Email dated 8/16/2017</p>	<p>7-a. The document outlining the intent of these revisions to the SCP process primarily addresses the need to streamline the evaluation and logistics of implementing of SCPs.</p> <p>Expand permit and oversight requirements to include additional groups of organisms, like arthropods, and to all propagation activities, as noted by the highlighted text in Title 14, Section 650(a) still seem counterintuitive.</p>	<p>7-a. The intent of the proposed regulations changes are outlined on pages 86-89 of the Amended ISOR. As stated in General Response 1.2 (to the Original Proposed ISOR; Appendix A), it has always been under CDFW’s purview and within its authority to require a SCP for scientific, educational, and propagation activities involving terrestrial, aquatic (e.g., freshwater and vernal pools) and marine invertebrates. Thus permitting for arthropods is not a recent change in our operating procedures. Refer to General Response 1 (to the Original Proposed ISOR; Appendix A) regarding CDFW’s approach to invertebrate permitting, and specifically General Response 1.1 regarding the proposed</p>

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		<p>exemption for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).</p> <p>In regards to propagation activities, the definitions provided in subsections 650(b)(21) and 650(c)(3) are necessary to provide clarity to the stakeholders in regards to CDFW’s interpretation, application and scope of “propagation” activities under FGC Section 1002, and because the current regulations are silent on the meaning of propagation.</p>
<p>7 Christopher Quock, con’t.</p>	<p>7-b. Are individuals who create attractive improvements for regulated wildlife that naturally occur on, or near, their private property for the purposes of education, or take/possess wildlife on private property, now subject to the new SCP regulations? This is in reference to the added regulatory text “in any part of the State of California” under subsection 650(a), which appears to remove ambiguity about private property.</p>	<p>7-b. The Legislature provides CDFW the authority to issue SCPs in “...any part of the state...” pursuant to FGC subsection 1002(a), and current regulations allow for CDFW to authorize the areas where take of wildlife may occur. Because of the prior referenced statute and FGC 711.7 and 1802 which state that the CDFW is the trustee of the state’s fish and wildlife resources and that the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, and native plants, and the habitat necessary for biologically sustainable populations of those species, the CDFW has historically required SCPs for the take or possession of wildlife anywhere in California, including up to three miles offshore, when such take or possession is for scientific, educational, or propagation purposes. Therefore, the proposed jurisdiction of permitting authority for scientific, educational and propagation purposes in the proposed SCP regulations does not differ from current practice.</p> <p>As noted in General Response 1.4 (to the Original Proposed ISOR; Appendix A) regarding the audience engaged in invertebrate or insect collection, CDFW encourages people and organizations to engage students, children, citizen scientists and other members of the public by conducting habitat restoration activities and creating wildlife sanctuaries, including but not limited to restoring or revegetating habitat with regionally or locally appropriate native plants preferred by terrestrial arthropods and other invertebrates. People may conduct assessments of terrestrial invertebrates prior to revegetation, followed by subsequent invertebrate inventory and monitoring using passive visual survey techniques, provided that such activities are conducted from a distance and do not result in take or possession of marine invertebrates, freshwater invertebrates, vernal pool invertebrates and taxa covered on “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list.</p>
<p>7 Christopher Quock, con’t.</p>	<p>7-c. Would specimens legally taken under the revised language of Title 14, Section 650(u)(7), as in the case of preserved insect collections, be illegal to sell, barter, or transfer under the revised language of Title 14, Section 650(a)(5) if they have species that become listed on a later version of the California “Terrestrial and Vernal Pool Invertebrates of Conservation Priority”?</p>	<p>7-c. The referenced subsection, where the California “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list is referenced, has been re-numbered to subsection 650(u)(5) with the proposed regulations.</p> <p>It is currently not legal to sell, barter or otherwise use any invertebrates or any other wildlife for commercial activities, and the same restriction will continue to apply for invertebrates that are not considered “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” and exempt from the permitting</p>

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		<p>requirement of the proposed regulations. Such commercial activities are strictly prohibited under the authority of SCPs, as noted in subsection 650(a)(5) of the proposed regulations (refer also to pages 14 and 73 of the Amended ISOR). The permit exemption for terrestrial invertebrates (refer to subsection 650(b)(26)(E)) that are not considered “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” is limited to scientific, educational and propagation purposes.</p> <p>Pursuant to FGC Section 201, the Fish and Game Commission (Commission) lacks authority to regulate commercial activities involving natural resources except as specifically identified in statute and/or regulations. However, the CDFW has determined that it lacks authority to issue permits or allow take of terrestrial invertebrates for commercial purposes within existing state law, , including those taxa exempted from SCPs under 650(u)(7) of the proposed regulations.</p>
<p>7 Christopher Quock, con’t.</p>	<p>7-d. Would an insect collection be illegal for an entity or individual to display at a booth for educational purposes?</p>	<p>7-d. Insect collections used for educational display purposes would only be required for taxa that occur in freshwater and vernal pool environments, and for taxa covered on the “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list, pursuant to the final proposed SCP regulations. Insects exempt from SCPs pursuant to Section 650(u)(5) of the proposed regulations could legally be displayed for educational purposes without a permit regardless of the affiliation.</p>
<p>7 Christopher Quock, con’t.</p>	<p>7-e. Would curiosity and natural history stores already in legal possession of inventories containing preserved displays or live organism traders and biological suppliers who collected organisms exempted by Title 14, Section 650 (u)(7) be legally liable if those species both become listed on a later version of the California “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” and if such inventories are preserved or kept in such a manner so as to be of potential educational value to a buyer?</p>	<p>7-e. Refer to Specific Response 7-c above. Regardless of whether the invertebrates are exempt from SCPs for scientific, educational and propagation purposes covered by Section 650(u)(5) of the proposed regulations, nothing in the current or final proposed SCP regulations authorizes commercial take or possession of invertebrates or any other wildlife.</p>
<p>7 Christopher Quock, con’t.</p>	<p>7-f. The California “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list, identified in the highlighted text of Title 14, Section 650 (7)(a) is well-intentioned but overly-broad, considering the fees and regulations associated with SCPs.</p> <p>It includes some species that many businesses and people work with, such as monarch butterflies, which are still sold by some butterfly houses, and many people have</p>	<p>7-f. As referenced in Specific Response 7-a above, and General Response 1.1 (to the Original Proposed ISOR; Appendix A), CDFW has reduced the perceived hardship by reducing the number of species (approximately 303 species or genera) or habitats (vernal pools) where collection of terrestrial invertebrates continues to require a SCP, as listed on the “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list. This list is extremely narrow in scope compared to the overall diversity of terrestrial invertebrate species, and includes the rarest and most vulnerable species in California that deserve attention from CDFW. Whether or not business illegally use terrestrial invertebrates for commercial activities is not the subject of these regulations – refer to Specific</p>

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	<p>planted milkweed host plants on their private properties for them to potentially use.</p> <p>How will this affect the commercial activities of butterfly houses and backyard growers, especially given the added text in Title 14, Section 650 (a), "...in any part of the State of California?"</p>	<p>Response 7-c, above. Refer also to Specific Response 7-b (above) with regards to people with milkweed.</p>
<p>7 Christopher Quock, con't.</p>	<p>7-g. The list includes many taxa, like the Obscure bumble bee, that are hard for many people to positively discern from similar-looking species without some degree of handling or close interaction.</p> <p>Even photographing these creatures for proper identification, such as the collecting of stock images to possibly use in field guides or educational pamphlets, often requires getting up close to them or taking a voucher for a positive ID by a specialist.</p> <p>I think the incorporation of databases by groups like the Xerces Society and IUCN into government lists is a good trend for general conservation planning and policy.</p>	<p>7-g. Comment noted. If a species on this prioritized list is targeted for take or possession for scientific, educational, or propagation purposes, a Specific Use permit (form DFW 1379S) would be required, pursuant to subsection 650(i)(2), and as justified on page 23 of the Amended ISOR.</p> <p>CDFW agrees that incorporation of those species of conservation priorities from groups such as Xerces Society, IUCN and others facilitates discussion with CDFW for tracking of data for such species.</p>
<p>7 Christopher Quock, con't.</p>	<p>7-h. The commenter doesn't think focusing on expanding SCP regulations and fees to include with relatively abundant or stable populations within their known ranges is the most effective method of conserving them.</p> <p>Rules protecting and expanding vernal pools and other suitable habitats seem like better areas to focus on for some of the invertebrates that aren't listed under CESA or Federal ESA.</p> <p>Except in rare cases, human collectors are thought to generally have less of an impact than other environmental hazards (Fox 2013). If a species is definitely known to be threatened to a point where even low-scale collecting or disturbance could cause its local extinction, it would be more appropriate to conduct conservation efforts through CESA and list it there for clarity rather than on a separate document under a new category.</p> <p>Those who interact with wildlife already have to learn how to recognize and avoid FESA and CESA listed species. Creating another larger list of regulated species that's subject to change every few years, and which includes</p>	<p>7-h. As noted in Specific Response 7-a (above), CDFW is not expanding the SCP regulations and fees to new invertebrate taxa, and in fact, the creation of the "Terrestrial and Vernal Pool Invertebrates of Conservation Priority" list removes the SCP requirement for tens of thousands of invertebrate taxa from the SCP required list compared to the current procedures. CESA and federal ESA listing process are important laws for the conservation and protection of native wildlife, however, those processes are addressed outside these regulations for scientific, educational and propagation purposes.</p> <p>As mentioned in General Response 1-4, any person who is planning to collect specimens should take advantage of information sources to educate themselves in the identification of local insects, including federally-listed and candidate species and subspecies, in order to avoid those taxa. It is not an unreasonable request by CDFW for people to know which sensitive or listed invertebrate species are covered by the "Terrestrial and Vernal Pool Invertebrates of Conservation Priority" list and may not be collected without an SCP, and if any local study locations occur in the ranges of such sensitive species.</p>

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	taxa not listed in CESA or FESA, could be confusing for students and amateur naturalists.	
7 Christopher Quock , con't	7-h. The commenter believes the list should either be (1) narrowed among those terrestrial invertebrates capable of dispersing themselves outside of vernal pool habitats to only include FESA and CESA species if still used in the context of SCP regulations, or (2) kept intact if applied instead to regulations overseeing the protection of habitats hosting listed species from activities that would transform those environments into unusable states for such organisms, along with expansion of these sensitive or rare habitats.	7-h. Comment noted. As noted on Specific Response 7-a , the creation of the “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list removes the SCP requirement for tens of thousands of invertebrate taxa from the SCP required list compared to the current procedures. CESA and federal ESA listing process are important laws for the conservation and protection of native wildlife, however, those processes are addressed outside these regulations for scientific, educational and propagation purposes.
7 Christopher Quock , con't.	7-j. It appears that several members of the Hymenoptera may have been erroneously listed as members of the Diptera in this document.	7-i. Comment noted; the taxonomic corrections have been made, as noted in Specific Response 5-a (above).
8 Brennen Dyner Email dated 8/20/2017	8-a. Would taking and preserving unprotected insects for recreational purposes now be exempt from needing a SCP? This doesn't seem to be explicit in the amended regulations. Recreational collection supports or can become one of the listed exceptions when trying to document the biodiversity of an area.	8-a. As noted in Specific Response 7-a (above), a SCP is required for the targeted take of the 303 species or genera or habitats (vernal pools), as listed on the “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list, thereby collection of non-prioritized invertebrates for scientific, education and propagation purposes would not require a SCP. Refer to General Response 1.4 (to the Original Proposed ISOR; Appendix A) regarding the audience engaged in invertebrate or insect collection and prioritization of CDFW resources for enforcement.
9 Robert Lane Professor Emertius, Dept. of Environmental Science, Policy & Management, UC Berkeley Email dated 8/21/2017	9-a. The commenter thanks CDFW for the amendments made to the regulatory package [with the Amended ISOR] To address concerns from the entomological community, and has nothing more to add. The commenter spoke with affiliates at the Essig Museum of Entomology, who are also grateful and relieved that CDFW listened to the concerns voiced.	9-a. Support noted for the proposed exemption in the Amended ISOR for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).
10 Cristina Gonzales Coastal Band Chumash member	10-a. The commenter is a member of a non-federally recognized tribe, where the proposed regulations specify consideration for federally recognized tribes. The changes [referencing tribes in the Amended ISOR] affect non-recognized tribes who also tie to California ecosystems. The ties to wildlife are traditional, ceremonial or spiritual, and should stay that way, unless changes are made so	10-a. As noted in the justification for subsection 650(u)(1) of the Amended ISOR (pages 33-34), certain tribal take and acquisition of wildlife is independent of traditional, ceremonial or spiritual purposes, and based on the federally recognized tribe's ability to regulate wildlife take by its members within its reservation, outside of state jurisdiction.

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	Email dated 8/22/2017	federally recognized tribes can hunt and collect wildlife for no tribal purpose, equating to no difference between tribal and non-native people in possession of wildlife.	
10	Cristina Gonzales , con't.	10-b. The commenter recommends changing language in subsection 650(u)(1) for tribal exemption from “federally recognized tribe” back to “Native American tribe”, and remove specificity that possession of wildlife need not be for traditional, ceremonial, or spiritual purposes.	10-b. Federally recognized tribes exercise certain jurisdiction and governmental powers over activities and tribal members within their territories. Application of the Fish and Game Code to a federally recognized tribe and its members within the tribe’s reservation is limited under Fish and Game Code section 12300. 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. This change 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.
11	Greg Tatarian Biological Consultant, Wildlife Research Associates Email dated 8/25/2017	11-a. The proposed changes to the SCP regulations will add complication, cost, and uncertainty to an overburdened permitting system that unfairly penalizes biological consultants. Also, we do not understand how an already complex permitting system will be relieved by creating a new system that will place CDFW in the role of determining which research can be conducted, and in what locations throughout the state.	11-a. The proposed changes in the revised regulations are intended to address several concerns from the stakeholder community, as outlined on page 87-89 of the Amended ISOR, and the package is overall expected to address the problems with the existing permit structure identified in Table 1 of the ISOR (see pages 9-10). Refer to page 10 of the Amended ISOR regarding streamlining when implemented online, and improvements in efficiencies. CDFW does not believe that the proposed changes to the regulations will add long-term complication, unreasonable costs, or uncertainty that will outweigh the benefits outlined on page 89-90 of the Amended ISOR. Furthermore, as noted in General Response 2.2 (to the Original Proposed ISOR; Appendix A), CDFW does not agree that environmental consultants will be unfairly penalized. Lastly, as determined by the Legislature’s enactment of section 2001, CDFW currently plays a role in regulating research in California if it involves the possession or take of wildlife, and the proposed changes to the regulations will not significantly change CDFW’s role in this regard.
11	Greg Tatarian , con't	11-b. The distinction between the two types of permits remains unclear, and subject to interpretation and misunderstanding which could result in significant delays in permitting, and large costs for multiple permits that may be required.	11-b. CDFW is aware of some stakeholder concerns that the new permitting structure is confusing and may result in delays to permit issuance. To address such concerns, CDFW plans to revise webpages and provide guidance information to the affected stakeholder group. CDFW’s desire is that the online application will also include a tutorial function that guides applicants through the process – together, these items should prevent significant permitting delays. The structure enacted by the Legislature has also led to some confusion. The SCP statute was amended effective January 1, 2013, and as a result, the operating procedures for SCPs were changed to allow both Individual <i>and</i> Entity SCPs, in addition to continuing the Student permit. The Entity permits allowed organizations to apply for a permit and cover multiple people to work independently, whereas before, any person working independently would need their own SCP. This singular change in the type of permit options has been a source of confusion for applicants in the last several years.

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<p>11 Greg Tatarian, con't</p>	<p>11-c. Sections 650(i)(1) and (2) of the proposed regulations have been amended, and it appears that: Activities permitted under a General Use permit are not included in a Specific Use permit, and Specific Use permits are targeted to specific localities, specific species, specific research questions, goals, or objectives. Thus, two permits are needed for those who conduct activities with both common and sensitive, special-status or listed species. The commenter suggests that Specific Use SCPs include all activities covered under a General Use SCP.</p>	<p>11-c. Refer to General Response 2.1 (to the Original Proposed ISOR; Appendix A), which discusses that both a General and Specific use permit will not always be required. As detailed under General Response 2.2 (to the Original Proposed ISOR; Appendix A), a Specific Use permit or amendment are anticipated to be able to cover activities that the General Use would otherwise cover. All General Use SCP authorizations will not be automatically covered under a Specific Use SCP, because this may result in permittees being authorized for wildlife species and activities that they did not request, have no intent of working with and/or are not qualified to be working on. However, applicants could request to cover the same or similar authorizations covered by a General Use SCP within a Specific Use SCP, and two permits may not necessarily be needed as noted in Specific Response 55-f (to the Original Proposed ISOR; Appendix B).</p>
<p>11 Greg Tatarian, con't</p>	<p>11-d. The Specific Use permit requires information (e.g., new project site locations) that is unknown to a biological consultant for the entire three year permit term at the time of the application, which may result in either an incomplete permit, or denial by CDFW.</p> <p>The amended language does not provide enough specificity for the approval or denial of <u>amendments</u>, simply relying on CDFW's discretion.</p>	<p>11-d. Refer to Specific Response 55-a and 55-d (to the Original Proposed ISOR; Appendix B).</p> <p>In regards to the criteria for approvals and denials, the current regulations lack specific guidance, except that permits may be issued to take wildlife for scientific, educational or propagation purposes, and permits can be revoked, suspended or declined for failure to comply with the provisions of a permit or the regulations. The proposed regulation changes provide much more detail in regards to application review procedures, and criteria for denial and revocation in Section 650(r) and (s) but remains a reflection of current practices. It is important to note that because we issue permits for a broad variety of wildlife species, activities and methods, it is difficult to outline every single criteria for approval or denial, therefore we must create generalized standards. Whereas, for other types of CDFW permits or licenses (e.g., hunting license and deer tag), the authorized species and methods are narrow in scope, and the qualifications requirements are tailored as a result. The proposed regulations provide much more specificity than the current regulations, and provide a good framework for applicants to understand the type of information needed to take wildlife pursuant to an SCP.</p>
<p>11 Greg Tatarian, con't</p>	<p>11-e. The proposed language changes to Section 650(l)(4) are unclear in regards to what type of fundamental change will triggers a new Specific Use permit, and who would determine the extent of the change - the biologist or CDFW.</p>	<p>11-e. The wording in Section 650(l)(4) has not changed significantly from the originally proposed regulation changes, except the wording "..., or goals and..." have been added to the sub-section.</p> <p>As noted on page 8 of the Amended ISOR, "...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 Principal Investigator (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." Some examples of fundamental scope changes were added to pages 23-25 of the Amended ISOR. Applicants will have the opportunity to determine and justify the fundamental</p>

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		scope of a permit, and whether or not a proposed PI can provided adequate supervision of all people proposed to be working independently under a permit – CDFW will provide guidance to applicants. CDFW review biologists will determine if a new application would result in a new permit and whether an amendment application would result in either an amended (existing) permit or a new permit.
11 Greg Tatarian, con't	11-f. The CDFW law enforcement and other CDFW contacts should be conducted prior to conducting field surveys, however, the proposed changes in the revised ISOR and regulations would unreasonably limit, restrict, or prevent this type of opportunistic or contemporaneous sampling that is often conducted in the field by consulting biologists when conducting general habitat assessments.	11-f. General Response 4 (to the Original Proposed ISOR; Appendix A) discusses the history, as well as necessity and requirements pertaining to Notification of Field Work or Activity (form DFW 1379b). Refer also to Specific Response 11-g below.
11 Greg Tatarian, con't	11-g. What will CDFW do with the flood of notifications that would ensue? Is there a database to capture, collate and analyze occurrences of all the collection that is and will take place in the State of California? Is CDFW adding this enormous data compilation and management task to an already overburdened system? Why, if one of the stated goals is to reduce and streamline the permitting system?	11-g. As justified on page 29 of the Amended ISOR for subsection 650(o) of the proposed regulations and, as summarized in General Response 4 (to the Original Proposed ISOR; Appendix A), the Notification is required primarily for CDFW Law Enforcement, and secondarily for regional biologists to know who is conducting activities in their region(s) or county(ies). The pre-field work notifications shall be submitted to CDFW Law Enforcement and any other CDFW regional staff identified on the issued permit at least 36 hours ahead of planned activities, rather than 48 hours, as is the current timeframe. Regional notifications that are currently required are faxed to the regional CDFW office, and each region manages and distributes the workload differently. The amended regulations would directly notify the appropriate CDFW regional contacts. The notification is planned for electronic submission, whether by email, or through the online system directly. Recognizing that circumstances related to a particular permit may render notification unnecessary, CDFW amended subsection 650(o) of the regulations to say notifications shall be submitted prior to conducting field work, “unless otherwise specified in the conditions of the permit.”
11 Greg Tatarian, con't	11-h. The proposed changes would establish a new permitholder types for Entity permits, as noted in Section 650(f)(1) of the proposed regulations. The proposed changes and increased time requirements when switching PIs for an Entity could become an issue for consulting firms.	<p>11-h. This comment is not related to the regulations amended as stated within the 15-day continuation notice on the proposed Section 650 regulations, Subsection 650(f)(1) of the proposed regulations did not change as part of the first 15-day re-notice period, but is addressed as follows.</p> <p>The role of the Executive Signatory for an Entity reflects an improvement from current regulations, operative 7-18-1996, and is similar to the role of the Principal Officer for migratory bird and endangered species permits issued by the U.S. Fish and Wildlife Service, or the role of the Responsible Party for National Marine Fisheries Service’s permits in their online system, “authorizations and permits for Protected Species.”</p> <p>As noted on page 15 of the Amended ISOR, the Executive Signatory is the person with the authority to legally act on the behalf of an organization under an</p>

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		Entity permit. As further noted on page 20 and 27 of the Amended ISOR, the Executive Signatory of an Entity permit may request to switch the designated PI to a different PI via an amendment form and fee. This is a significant refinement to the current standard operating procedures, where any change in the PI requires a whole new permit. Thus a new permit would no longer be needed to change the PI of an Entity SCP under the proposed regulations, and only an amendment would be needed to switch PIs. CDFW has chosen to only allow one PI under the Entity permit option due to limitations with the structure of the new SCP database.
11 Greg Tatarian, con't	11-i. Both Greg and Trish have their own long-established career specialty with different taxa, hold their own permits, and are covered on each other's permits. Can they continue maintaining their own SCPs, or do they need to both be covered under one permit?	11-i. Under the proposed regulations, both individuals in your consulting firm may maintain their own Individual permits and be named on each other's List of Authorized Individuals, as is allowed under current operating procedures, or a single Entity permit as long as the PI requirements outlined in Section 650(b)(19) are met. Given the commenters each have different taxa specialties, it may be best to maintain two SCPs, unless one individual had enough experience to be the PI for both taxa specialties, because you will not be able to have two PIs under the proposed permit structure.
11 Greg Tatarian, con't	11-j. The proposed changes require that applicants 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. Is the CDFW implementing a new database of all research studies for all taxa, across all geographic areas and habitats with the new SCP regulations?	11-j. Refer to Specific Response 55-i . The option to provide a study proposal allows the applicant to provide <i>supplemental</i> information that may not be covered in the application questions, but which may be useful to provide justification for a requested activity in one single document rather than fitting information into areas that perhaps do not have an informational field in the application. Yes, CDFW hopes to document research studies and planned undertakings, as indicated by section 4d (executive summary) of the Specific Use application (form DFW 1379S).
11 Greg Tatarian, con't	11-k. Will research study permits be denied if there is overlap and/or duplication of work conducted the same location, and/or for the same species? Will CDFW develop a qualified Board of Scientists to review, and either accept or deny such studies for all taxa in the state? Will this same Board review all amendments and approve or deny? Will there be a guarantee that all amendments will be approved or denied within 90 days? Will there be a review process for denials of applications, either for consulting purposes or specific research studies?	11-j. See Specific Response 55-i (to the Original Proposed ISOR; Appendix B) regarding the proposed SCP database, and to address these same questions from the commenter's first comment letter on the Original Proposed ISOR.
12 Lynn Kimsey Professor and Director, Bohart Museum of	12-a. The commenter thanks CDFW for hearing comments from the entomological community, together with Phil Ward (comment letter 6, above).	12-a. Support noted for the proposed exemption in the Amended ISOR for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).

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Commenter Name, Format, Date	Comment	Department Response
<p>Entomology, UC Davis Email dated 8/25/2017</p>		
<p>13 Kipling Will Associate Professor and Director Essig Museum of Entomology, UC Berkeley Email dated 8/26/2017</p>	<p>13-a. On behalf of the Essig Museum of Entomology, the commenter thanks CDFW for considering ideas and thoughts to the draft regulations. He believes CDFW has balanced the need to protect wildlife while encouraging study.</p>	<p>13-a. Support noted for the proposed exemption in the Amended ISOR for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).</p>
<p>14 Joyce Kleinjan UC Berkeley Email dated 8/28/2017</p>	<p>14-a. The commenter supports exemption of terrestrial Arthropoda.</p>	<p>14-a. As noted in Specific Response 7-a (above), a SCP is continued to be required for the targeted take of the 303 species or genera or habitats (vernal pools), as listed on the “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list, but collection of non-prioritized arthropods for scientific, education and propagation purposes would not require a SCP.</p>
<p>15 Paul Da Silva Dept. of Life and Earth Sciences, College of Marin Email dated 8/28/2017</p>	<p>15-a. The commenter supports amendments exempting terrestrial arthropods, and thanks CDFW for compromising between safeguarding fauna and the need to study it.</p>	<p>15-a. CDFW thanks the commenter for the support. Refer to Specific Response 14-a above.</p>
<p>16 Shannon Bennett California Academy of Sciences Email dated 8/29/2017</p>	<p>16-a. Cal Academy supports the exemption to the proposed Section 650 regulations for the take or possession of terrestrial and vernal pool invertebrates. The concerns of the first comment letter [to the Original Proposed ISOR (Dr. Chris Grinter, letter 84)] are fully addressed by this change.</p>	<p>17-a. CDFW thanks the commenter for the support. Refer to Specific Response 14-a above.</p>
<p>17 Marius Wasbauer Curator of the California State</p>	<p>17-a. The commenter supports the changes to the SCP, allowing collection of terrestrial arthropods for scientific purposes. His publications on Pompiidae would have been hampered as a results of not amending the original proposal.</p>	<p>17-a. CDFW thanks the commenter for the support. Refer to Specific Response 14-a above.</p>

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<p>Collection of Arthropods (retired)</p> <p>Email dated 8/29/2017</p>		
<p>18 Ellen Paul Executive Director, Ornithological Council</p> <p>Email dated 8/30/2017</p>	<p>18-a. The new regulation text in Section 650(i) of the proposed regulations and changes in the permit applications of the revised ISOR are unnecessarily complex/confusing and likely to result in inconsistent interpretation among permit examiners and officials and change over time.</p> <p>An applicant would have to guess which permit type would be appropriate, which would likely lead to additional delay in permit issuance and additional burden on both staff and applicants.</p>	<p>18-a. As outlined on pages 87-89 of the revised ISOR, several changes to the regulation text, Amended ISOR, and forms have been made in response to the first round of public comments, and the changes are intended to provide additional clarity to the regulated community, including the differences between the General Use and Specific Use SCPs. As stated in responses below, additional guidance is under development that is intended to help applicants through deciding which permit use level they might need (i.e., General or Specific Use), and other information that aim to help applicants fill out applications, to further guide applicants to reduce permit processing delays and burden.</p>
<p>18 Ellen Paul, con't.</p>	<p>18-b. There are several issues with the proposed new text and terms for the General Use permit in Section 650(i)(1)(A) of the revised regulations in distinguishing it from the Specific Use application. Certain terms are vague (“broad or general”), and there is no scientific basis to define between broad “temporal and geographic scope.” Both General and Specific Use permits are three year permits, so the impact focus would be on the population, and shouldn’t matter whether a study is only a year in duration.</p> <p>The term “non-invasive” is not defined, where interpretations could include non-subcutaneous insertion of tracking equipment, restraint, or other manners consistent with animal care language.</p> <p>Similarly, “standardized methods,” “non-sensitive,” “common wildlife,” and other terms should be defined. CDFW should propose a list of excluded or included wildlife in the regulations, and be more consistent with term usage.</p>	<p>18-b. The terms of “broad or general temporal and geographic scope,” “non-invasive,” “standardized methods,” “non-sensitive and common wildlife” that are now included in Section 650(i)(1)(A) of the proposed regulations are intended only to describe the content and scope of the General Use SCP authorizations, compared to the Specific Use. Thus this language within subsection 650(i)(1) is not intended to be prescriptive, but rather descriptive to highlight the difference between the two different permit use levels, and point to the respective application forms.</p> <p>The wildlife taxonomic groups (including families, or species excluded as “Prohibited Wildlife”), numbers, activities, methods, and locations that may be authorized on the General Use SCP are contained on the application forms for each review program, which are incorporated by reference under Section 703(c) (i.e., Inland Fisheries – form DFW 1379GF, Marine – form DFW 1379GM, and Terrestrial Wildlife – form DFW 1379GW). Refer also to Specific Response 36-m (to the Original Proposed ISOR; Appendix B).</p>
<p>18 Ellen Paul, con't.</p>	<p>18-c. There are several issues with the proposed new text for the specific use permit in Section 650(i)(2) of the revised regulations.</p>	<p>18-c. Subsection 650(c) is cross-referenced in subsection(i)(2)(A) of the proposed regulations with the Amended ISOR package to clarify that any activity that falls under the purposes covered by the SCP regulations (i.e., science, education and propagation) can be covered by a Specific Use SCP. As</p>

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Commenter Name, Format, Date	Comment	Department Response
	<p>Section 650(c) includes every activity for which a permit may be issued. To illustrate the problem, the commenter provides two bird banding project examples, from banding operations to study of avian taxa along a suture zone – which permits would be required for each example?</p>	<p>explained in Specific Response 18-b, the scope of what can be covered under General Use SCPs is limited in regards to subsection 650(c). For example: captivity of wildlife is not an allowable activity for terrestrial wildlife under a General Use SCP.</p> <ul style="list-style-type: none"> i.) Not enough information is provided in the permit example to give definitive guidance on the appropriate permit type. Both types of banding projects could be covered under a General Use SCP, or both could be covered under a Specific Use SCP, depending on the bird species, capture and marking methods, types of bands and life stage of the birds being studied. See also General Response 2. ii.) As with example i above, not enough information is provided in regards to the bird species intended to be studied to make a definitive determination on the appropriate permit type. Either a General Use SCP or a Specific Use SCP may be needed, however, a combination of multiple types of permits will not be needed if all the work falls under an overarching planned undertaking as defined in Section 650(i)(2) of the revised proposed regulations, which includes the requirement for the PI specifications to be met pursuant to Section 650(b)(19) of the proposed regulations. Refer to Specific Response 36-t (to the Original Proposed ISOR; Appendix B) with regards to future usage of specimens.
<p>18 Ellen Paul, con't.</p>	<p>18-d. Subsection 650(i)(1) - the general use permit includes “research, survey, inventory, monitoring, and other.” The terms survey, inventory and monitoring are undefined, although the term “research” is defined and includes these other words.</p>	<p>18-d. This comment is not related to the regulations amended as stated within the 15-day continuation notice on the proposed Section 650 regulations, but is addressed as follows.</p> <p>The term “research” is broadly defined to cover many activities, in part to avoid having to repetition of “research” and related terms throughout the SCP applications, regulations, permit conditions and associated documents. However, this terminology remains unchanged between the original version of the General Use SCP application and the version in the revised regulations. Refer also to Specific Response 18-g below.</p>
<p>18 Ellen Paul, con't.</p>	<p>18-e. The specific use permit has the same categories. The general use permit allows salvage but the specific use permit allows salvage only in the education category (display).</p>	<p>18-e. The Specific Use SCP application contains the same categories, and we’ve added the definition of research to section 4b.2 from subsection 650(b)(23) to elaborate on the authority to issue SCPs for “scientific” purposes. In addition, in response to many comments from biological consultants, the wording “presence/absence and inventory surveys” have been added as an example under section 4b.1 because those activities are normally not considered under the dictionary definitions for the words “research” and “science.” It’s important to note, however, surveys and inventories are intended to be a subset of “research” for purposes of the section 4a of the Specific Use SCP application, while research can be considered as true research (i.e., dictionary definition) for the purpose of tracking scientific studies in the SCP database.</p>

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		Salvaged for non-educational purposes can be conducted under Specific Use SCPs, provided that “salvage” is selected as an activity under 4f.2) of the application.
18 Ellen Paul, con’t.	<p>18-f. The term “museum collecting” has been added to the general use permit with an example – “salvage for specimens” and “etc,” however, the specific use permit does not include salvage.</p>	<p>18-f. While museum collecting was added to the Terrestrial Wildlife General Use SCP application form, this SCP only allows limited sacrifice of terrestrial wildlife (e.g., non-native species). Therefore, a Specific Use SCP will be required for vouchering any native wildlife for museum collections and any other purpose. Both General Use and Specific Use SCPs may be used to salvage specimens encountered dead in the field, and those specimens may be deposited at a public scientific or educational institution (e.g., natural history museum). The option to salvage specimens is not a clear option on the Specific Use SCP application, however, it will be a selectable activity in the drop-down menu in section 4f.3 of the application.</p>
18 Ellen Paul, con’t.	<p>18-g. OC suggests that CDFW:</p> <ul style="list-style-type: none"> i.) define all terms; ii.) provide a specific list of species for which a specific permit is needed; iii.) provide a specific list of “standardized methods” and all methods that may be used under a general use permit; and iv.) establish criteria for determining which species and which methods, not already listed, should be included under the general use permit or the specific use permit. 	<p>18-g. Responses are as follows:</p> <ul style="list-style-type: none"> i. The current regulations, operative 7-18-1996, do not have any terms defined. During the creation of these new regulations, CDFW determined that only the most essential terms need to be defined in regulations, and all other terms should only require a dictionary definition or rational understanding or common usage for interpretation. ii. A Specific Use SCP is automatically needed for any species, activities and methods that are not covered under the General Use SCP, and in response to your comments, CDFW will be sure to provide guidance information via webpage to provide clarity in this regard and reduce the volume of questions from applicants on this topic. iii. All methods authorized under a General Use SCP can be found on the application itself, and CDFW may help clarify via permit conditions for applicants regarding the allowable methods, as well. iv. As noted above, the methods covered under General Use SCPs are listed on the application. The methods that may be used for Specific Use SCPs will be selected in the dropdown menu located in section 4f.3. in the online version of the application. CDFW has generated a preliminary list of methods that will be available to applicants, however, there will also be an option to request other methods for consideration by CDFW. Any other new methods will be considered and approved by CDFW on a case-by-case basis, provided the methods result in humane treatment of animals when conducted by properly trained and qualified individuals. The available options of methods for Specific Use SCPs will be programmatically updated for the online application as new methods are approved by CDFW.
18 Ellen Paul, con’t.	<p>18-h. The amended ISOR was amended on page 90 in regards to permits to take wildlife on lands under the</p>	<p>18-h. Comment noted; see the changes made to the language on page 91 of the Second Amended ISOR3 in response to your comments. The intent of the text</p>

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	authority of the UC Natural Reserve System and the California State Parks – we suggest this new language be clarified.	addition was to clarify that CDFW is not the only state agency that might issue a permit related to research and authoring take of wildlife in California, and that people may need an another permit (in addition to the SCP), depending on the land ownership (i.e., UC Natural Reserves or State Parks). As noted on form DFW 1379d (Standard Conditions for all SCP holders) circulated with the Original Proposed ISOR, Standard Condition E states the permitholder is responsible to obtain appropriate landowner permission to conduct activities, and Standard Condition L states that the SCP does not relieve the permitholder from complying with any other federal, tribal, state, or local law or regulation, or seek those appropriate permits.
18 Ellen Paul, con't.	<p>18-i. The required frequency for advance notifications outlined in Section 650(o) of the revised proposed regulations and revised Notification of Field Activity form seems unnecessary. Suggest the form be modified to allow the Law Enforcement contacts to opt to either require re-notification only if the locations change after the 14-day notification expires or to accept a single notification if the research will be conducted only at a single location or on private property with the landowner's permission.</p>	<p>18-i. Page 29 of the Amended ISOR states, "This requirement is necessary to ensure that appropriate CDFW staff are notified prior to permitted activities occurring in the field to stay informed as to activities occurring within their counties or region(s)." Refer to General Response 4 (to the Original Proposed ISOR; Appendix A), and Specific Response 11-g above. As noted in Specific Response 11-g, the notification requirements may be modified on a permit-by-permit basis.</p>
18 Ellen Paul, con't.	<p>18-j. The modified notification form now asks for the number of authorized individuals and field assistants for each of the notification periods.</p> <p>We also note that fax machines are becoming an obsolete technology and are often out-of-service or busy. An online form would be better for sending notifications.</p>	<p>18-j. As explained on page 29 of the Amended ISOR and as summarized in General Response 4 (to the Original Proposed ISOR; Appendix A), the Notification includes changes to help make CDFW Law Enforcement's jobs easier. The notification form now asks for the total number of people who will be working in the field (independent researchers <i>and</i> field assistants) for the purpose of accurately identifying groups of researchers in the field for the reasons outlined on page 29, 68 and 69 of the Amended ISOR. Faxes will no longer be required, and that form of communication was identified as an issue with the current notification system. Refer also to Specific Response 11-g above.</p>
19 Brian Banker Email dated 8/31/2017	<p>19-a. Is the "Terrestrial and Vernal Pool Invertebrates of Conservation Priority" list currently operative, and will every butterfly exhibit that features monarch butterflies or gardener that has milkweeds now be required to obtain a SCP?</p>	<p>19-a. Refer to Specific Response 7-a (to the Original Proposed ISOR; Appendix B) in regards to the current SCP regulations for issuing permits for invertebrates – the proposed "Terrestrial and Vernal Pool Invertebrates of Conservation Priority" list is not currently operative, however, SCPs currently more broadly apply to all invertebrates and exhibits. See also Specific Response 7-b (to the Original Proposed ISOR; Appendix B) in response to gardeners attracting invertebrates through habitat restoration and planting activities.</p>
19 Brian Banker Email dated 8/31/2017	<p>19-b. What or who determines whether species are maintained on the "Terrestrial and Vernal Pool Invertebrates of Conservation Priority," removed, or added?</p>	<p>19-b. Refer to General Response 1 (to the Original Proposed ISOR; Appendix A) regarding CDFW's approach to invertebrate permitting, and specifically General Response 1.1 regarding the proposed exemption for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of</p>

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<p>20 Noelle Cremers Director, Natural Resources and Commodities California Farm Bureau Email dated 8/31/2017</p>	<p>20-a. The proposed regulations for Section 650 add unnecessary confusion for researchers in agricultural pest research. The Farm Bureau requests researchers conducting research on invertebrates in an agricultural setting not be required to obtain a SCP.</p>	<p>Conservation Concern list (dated June 12, 2017).</p> <p>20-a. Comment noted. Refer to General Response 1 (to the Original Proposed ISOR; Appendix A) regarding CDFW’s approach to invertebrate permitting, and specifically General Response 1.1 regarding the proposed exemption for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the “California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list” (dated June 12, 2017). This would mean that in general, pests monitored with agricultural pest research would be exempt from needing a SCP.</p> <p>Further, language proposed under subsection 650(u)(3) has been removed (as justified on pages 33-34 of the Second Amended ISOR) regarding the exemption for agricultural pest control activities conducted pursuant to the California Food and Agricultural Code. Statutory and regulatory authorities under which such activities occur are separate from CDFW’s statutory authority to permit the take of wildlife. Subsection 650(u) was re-numbered with the Second Amended ISOR with the removal of this exemption.</p>
<p>20 Noelle Cremers, con’t.</p>	<p>20-b. The Farm Bureau understands persons collecting invertebrates on the “California Terrestrial and Vernal Pool Invertebrates of Conservation Concern” list should have to obtain a SCP. CDFW should clarify that permits are only necessary where the purpose and intention is to collect one of the prioritized species. Researchers with no intent of collecting such invertebrates should not be required to obtain a permit in case they happen to incidentally trap an insect on the list.</p>	<p>20-b. As outlined in the Amended ISOR, justification for subsection 650(i) (pages 22-25), a Specific Use permit would cover the intentional (targeted) take of invertebrates on the “California Terrestrial and Vernal Pool Invertebrates of Conservation Concern” list. When incidental take (by-catch) becomes more regular in frequency, or expected even when not targeting these species when conducting activities that are otherwise exempt from needing a SCP, the General Use would cover the incidental take (by-catch) of the prioritized invertebrates. The General Use application form (DFW 1379GW, Authorization W1) specifies reporting for incidental take (by-catch) of those species on the prioritized list.</p>
<p>21 Cheryl Wilen IPM Natural Resources Extension Coordinator, UC Statewide IPM Program & UCCE Email dated 8/31/2017</p>	<p>21-a. The commenter asks - what is an “agricultural pest control agency?”</p>	<p>21-a. Such reference to an agricultural pest control agency has been removed with the deletion of subsection 650(u)(3) referencing California Dept. of Food and Agriculture activities – refer to Specific Response 20-a above.</p>
<p>21 Cheryl Wilen, con’t.</p>	<p>21-b. Does the need for a SCP apply to native or non-native wildlife, or both, or only for invertebrates on the “California Terrestrial and Vernal Pool Invertebrates of Conservation Concern” list?</p>	<p>21-b. A SCP would be needed for the take of wildlife for scientific, education, and propagation purposes, as defined by subsections 650(b)(26) and 650(c) of the final regulations. For invertebrates specifically, refer to Specific Response 20-b (above), as well as General Response 1 (to the Original Proposed ISOR; Appendix B) regarding CDFW’s approach to invertebrate permitting, and</p>

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Commenter Name, Format, Date	Comment	Department Response
		specifically General Response 1.1 regarding the proposed exemption for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).
21 Cheryl Wilen, con't.	21-c. The commenter understands that collection of most terrestrial insects and molluscs (such as aphids, cockroaches, European brown snail etc. do not require a SCP. However, this is not obvious, and the commenter suggests adding a provision 650(u)(8) similar to that for plants where such common invertebrates do not need a SCP.	21-c. Within subsection 650(u)(5) of the finalized regulations, as renumbered with the removal of two exemptions and justified on pages 33-34 of the Second Amended ISOR, this language is explicit to mean that the definition of “invertebrates” under “wildlife” within subsection 650(b)(26)(E) would mean any invertebrate would fall under the authority of permitting by SCP (as has always been within CDFW authority – refer to General Response 1.2 to the Original Proposed ISOR; Appendix A). However, subsection 650(u)(5) now clarifies that except for the take of the 303 species or genera or habitats (vernal pools), as listed on the “Terrestrial and Vernal Pool Invertebrates of Conservation Priority” list, collection of non-prioritized invertebrates for scientific, education and propagation purposes would not require a SCP.
22 Matthew Gimmel Curator of Entomology, Santa Barbara Museum of Natural History Email dated 8/31/2017	22-a. The commenter voices support for certain amendments to Sections 650 and 703 with regard to invertebrate research and museum collection. The commenter applauds the division of permit into the General and Specific Use level permits.	22-a. Support for the proposed permit structure noted.
22 Matthew Gimmel, con't.	22-b. The commenter appreciates the exemption for take of non-sensitive invertebrates, particularly those that are not listed on the “California Terrestrial and Vernal Pool Invertebrates of Conservation Concern” list.	22-b. Support noted for the proposed exemption in the Amended ISOR for permitting by SCP under subsection 650(u) all terrestrial invertebrates except for those that are covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern list (dated June 12, 2017).
22 Matthew Gimmel, con't.	22-c. The commenter supports addition to the General Use application forms [DFW 1379GF, 1379GW, and respective amendment forms] the category for museum collection, i.e., salvage.	22-c. Support for this category under section 4a of the referenced applications noted.
22 Matthew Gimmel, con't.	22-d. The reduced fee amounts for application, permit and amendment to 44476, \$185.45 and \$61.04 for the General Use permit.	22-d. CDFW appreciates the recognition by the commenter for the reduced fees compared to the current 2017 fees. As noted on page 82 of the Second Amended ISOR, the proposed General Use fees (\$230.10) are 45% lower than the existing 2017 combined fees (of \$421.58), and the Specific Use fees (\$340.70) are 19% lower than the 2017 combined fees.
22 Matthew Gimmel, con't.	22-e. The commenter identifies one issue that could be negative with regards to targeted species with varied life histories (i.e., beetles – Coleoptera), where some are	22-e. For terrestrial coleopterans that are not identified on the California Terrestrial and Vernal Pool Invertebrates of Conservation Concern” list, no SCP would be required. For freshwater and marine coleopteran take, CDFW advises

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	freshwater and some are marine, while others are terrestrial, which seems to mean that three separate permit applications would be required (Inland Fisheries, Marine, and Terrestrial Wildlife). This would not be workable based on the commenter's current projects, perhaps where a cross-program SCP could allow for take across these three programs in one permit.	that the commenter apply for a Specific Use permit, which does allow take across the review programs, though the application requires more specificity. The applicant may also choose to apply for an Inland Fisheries and Marine General Use permits separately and not have to specify the details of requested collections, as long as the applicant can work within the pre-determined methods and limits listed within the Authorizations of each General Use application.
<p>23 Patricia Brown Bat Biologist Email dated 8/31/2017</p>	<p>23-a. Would like to request a statewide Specific Use SCP (currently only available under a General Use permit) for surveys using consistent techniques for bat species that roosts in mines and caves, including for Species of Special Concern, rather than limiting the permit to specific temporal and geographic areas.</p>	<p>23-a. Refer to General Response 2.2 and Specific Responses 55-a and 55-d (to the Original Proposed ISOR; Appendix A).</p>
<p>24 Vanessa Zubkousky-White California Department of Public Health Letter dated 08/31/2017</p>	<p>24-a. The Public Health Marine Biotoxin Monitoring Program requests an exemption from obtaining a SCP for both the phytoplankton and mussel sampling. It is important for the program to be able to collect phytoplankton samples anywhere, including MPAs without restrictions. It would also be beneficial to get an exemption for mussel sampling outside of MPAs.</p>	<p>24-a. At this time, CDFW is unable to fulfil this commenter's request. As noted in subsection 650(a)(6), a SCP is required for take in MPAs, pursuant to FGC Section 2860. CDFW acknowledges that this program is important for the management of fisheries and strives to make the SCP application process as streamlined as possible for the applicant.</p>
<p>24 Vanessa Zubkousky-White, con't.</p>	<p>24-b. Limiting the number of authorized individuals on the SCP impacts CDPH Biotoxin Monitoring Program's ability to collect samples. Along with the five CDPH program staff, there is a large volunteer network for both phytoplankton and shellfish sampling. Currently only a limited number of our volunteers collect under our entity SCP, most collect with their own fishing licenses. The number on the current permit renewal is more than 8 individuals. The program needs flexibility in the number of samplers on the permit order to respond to toxic bloom events.</p>	<p>24-b. Refer to General Response 5 regarding the size of the List of Authorized Individuals and amendments to add additional Authorized Individuals, as well as Specific Response 1-a (to the Original Proposed ISOR; Appendix B).</p> <p>The limit for the List of Authorized Individuals (LAI) of eight people is a soft cap and can be amended through the Specific Use Permit Amendment application for a fee of \$89.28. If a General Use permit, for \$61.04 via the General Amendment.</p>
<p>25 Doug Foster Independent/Teacher Email dated 8/31/2017</p>	<p>25-a. Under the Marine General Use permit, why would the non-lethal sampling of organisms for genetics be counted toward daily and Annual limits?</p>	<p>25-a. This comment is not related to the regulations amended as stated within the 15-day continuation notice on the proposed Section 650 regulations (form DFW 1379GM of the proposed regulations did not change as part of the first 15-day re-notice period), but is addressed as follows.</p> <p>In response to your question regarding non-lethal sampling counting against your annual limits, in most cases when undertaking non-lethal sampling there is associated incidental mortality of organisms. For example, when sampling groundfish for genetic analysis there is accepted associated mortality due to barotrauma. If the numbers of organisms were not suitable to complete non-lethal sampling under a Marine General Use Permit. The more suitable permit in this</p>

Appendix C. Specific Responses to Comments – Scientific Collecting Permits, Amended ISOR

Commenter Name, Format, Date	Comment	Department Response
<p>25 Doug Foster, con't.</p>	<p>25-b. In the Marine General Use Permit, invertebrate section, sea jellies (Scyphozoa) and brittle stars (Ophiuroidea) can be collected, however, sea anemones (Anthazoa), sponges (Porifera) and sea stars (Asteroidea) cannot be collected, can be collected...etc. It is inconsistent that the permit allows the collection of sea jellies and not sea anemones. Would it make more sense to list and restrict the collection of species of concern, instead of trying to list all of the species whose collection would not negatively affect the ecosystem?</p>	<p>case would be the Specific Use Permit.</p> <p>25-b. The Marine General Use Permit invertebrate limits were determined by CDFW biologists internally and reflect species whose collections will be unlikely to affect either ecosystem function of local populations.</p> <p>Collections of sea anemones and sponges are prohibited under the Marine General Use Permit due to damage that can occur to habitats from collections. Anemones and sponges are firmly attached to reef and it difficult to remove organism alive without causing damage to the surround organisms on the reef. Collectors who want live anemones and sponges generally collect live rock with the organism already attached the rock. Live rock collection is also prohibited under the Marine General Use permit.</p> <p>Collections of sea stars are prohibited under the Marine General Use Permit due to the recent sea star wasting disease, which has devastated populations throughout the State. Sea stars are important predators on nearshore reef habitats and CDFW feels greater control of collections provided through the Specific Use Permit is warranted at the time.</p> <p>Refer to Specific Response 23-h (to the Original Proposed ISOR; Appendix B) for more information on species limits under a Marine General Use Permit.</p>
<p>25 Doug Foster, con't.</p>	<p>25-c. For a long-term SCP holder who are in good standing, is it possible that one would not be granted a General Use permit due to the qualifications standard presented in the application?</p>	<p>25-c. It would be unusual and unlikely for CDFW to deny someone with a long history of collecting and following the rules based on their qualifications. However, one could be denied a General Use permit if they intend on using the SCP for other purposes beyond the scope of what the General Use permit authorizes (e.g., for commercial purposes).</p>