



## SCIENTIFIC COLLECTING LAWS AND REGULATIONS

Although this document contains excerpts from the Fish and Game Code, and/or the California Code of Regulations, Title 14, it is the permittee's responsibility to know and obey all laws and regulations in effect while he/she is collecting. This document does not provide complete coverage of all scientific collecting laws and regulations. Changes to either code may occur at any time during the year.

Any discrepancies between this document and the codes(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.

### California Code of Regulation Excerpts

#### § 650. Scientific Collecting Permits: permits to take or possess wildlife for scientific, educational, and/or propagation purposes.

(a) **General Provisions.** Except as otherwise authorized by the Fish and Game Code or regulations adopted pursuant thereto, it shall be unlawful for any person or entity to take and/or possess live or dead wildlife, or parts thereof in any part of the State of California, for scientific, educational, and/or propagation purposes except as authorized by a permit issued by the department pursuant to this Section. It shall be unlawful for any person operating under a permit issued pursuant to this Section to violate any authorizations, conditions, or terms of the permit, or otherwise fail to comply with, or violate, this Section.

(1) The department may issue permits, subject to the conditions and restrictions determined by the department, which authorize and limit the kind and number of wildlife that may be taken or possessed, the type of equipment and methods to be used, the time and seasons for take, and the geographic locations where take may occur.

(2) Authorized Individual(s) shall carry in their possession a valid, government-issued form of identification at all times when conducting any take and/or possession activity authorized in a permit issued under this Section. The only acceptable forms of identification are driver's licenses or other photo identification cards issued by a U.S. state, a Native American tribe for its member, or an international passport. An identification card from a college, university or school is not a valid form of identification.

(3) In compliance with Section 1054.2 of the Fish and Game Code, Authorized Individual(s) shall carry in their possession the permit, including any amendments to the permit, and a current List of Authorized Individuals, at all times when conducting any activity authorized in a permit issued under this Section. Such permit documents shall be shown upon request to any person authorized to enforce the Fish and Game Code.

(4) Permits are non-transferable between Permitholders.

(5) The commercial sales, trade, or barter of wildlife taken or possessed pursuant to this Section is prohibited. Personal or human consumption of wildlife taken pursuant to this Section

is prohibited, unless specifically allowed by conditions of the permit, or as exempt pursuant to subsection 650(u).

Educational programs approved by the department are not considered commercial or consumptive activities. Wildlife taken and possessed by biological supplier businesses shall not be used for human consumption or commercial purposes, and shall only be taken and/or possessed for scientific or educational purposes when requested by a researcher or educator.

(6) A permit issued pursuant to this Section is required for any activity conducted for scientific, educational, or propagation purposes that directly or incidentally takes, possesses, injures, or damages wildlife within any Marine Managed Area, Marine Protected Area, or Special Closure, including installation of scientific equipment or sensors for studying or tracking wildlife or monitoring oceanographic conditions, as specified in Section 632 of these regulations.

(7) Any permit issued pursuant to Section 650 of these regulations (operative 7-18-1996) prior to October 1, 2018 shall be valid until the expiration date listed on the permit. All amendments and renewals following the effective date of these regulations shall comply with the procedures established in this Section, and those forms listed in subsection 703(c) of these regulations.

(b) **Definitions.** For the purposes of this Section, the following definitions apply:

(1) "Anadromous Waters" means those waters defined in Section 1.04 of these regulations.

(2) "Authorized Individual" means the Permitholder, the Principal Investigator, or any other person approved by the department to conduct any permitted activity(ies) independently of the Principal Investigator, and who is named or covered on the permit's List of Authorized Individuals (LAI).

(3) "Display" means to place or locate wildlife, or the nests of wildlife, so that public viewing is allowed.

(4) "Education" means formal academic instruction, informal interpretive programs, cultural or ceremonial activities, or other educational programs.

(5) "Entity" means a non-profit, or for profit, public or private organization, institution or affiliation, state, local, or federal agency, or Native American tribe.

(6) "Executive Signatory" means the principal officer or responsible party on an Entity permit, having the legal or other authority to act for, or bind the Entity. The Executive Signatory may designate or change the Principal Investigator on an Entity permit when necessary, subject to approval by the department.

(7) "Field Assistant" means a person who may assist with activities authorized by a permit issued under this Section, but may only do so while under the direct supervision of an Authorized Individual.

(8) "Finfish" means those fish defined in Section 1.46 of these regulations.

(9) "Humane" in the context of taking and/or possessing, or conducting procedures on live wildlife, means utilizing methods that involve the least possible degree of pain and suffering practicable to the animal(s) involved, and possession of wildlife under healthful conditions.

(10) "Inland Waters" means those waters defined in Section 1.53 of these regulations.

(11) "Marine Waters" means the Ocean and San Francisco Bay District as defined in Section 27.00 of these regulations, and including salt water and/or brackish estuaries, lagoons, and river mouths.

(12) "Marking" means the placement of any device or identifying information on or in an animal, or physical alterations to the animal or carcass for identification and/or tracking purposes.

(13) "Nest" means a site or a structure built, maintained or used by an animal that is occupied by eggs, nestlings, or young, or is otherwise essential to the survival of a juvenile animal.

(14) "Non-native" means those species of wildlife, as defined by this Section, that are not native to California, including species previously established in the state by the aid of humans.

(15) "Part" includes, but is not limited to, biological samples collected from an animal, bones, skin, scales, fins, fur, bird feathers, and raptor pellets, consistent with Section 80 of the Fish and Game Code.

(16) "Permitholder" means the Entity to whom an Entity permit is issued, or the person to whom an Individual permit or Student permit is issued.

(17) "Person" means an individual.

(18) "Possession" means the temporary or permanent retention, transportation or relocation of live or dead wildlife (i.e., carcasses or specimens) and the parts thereof.

(19) "Principal Investigator" ("PI") means a person approved by the department to be the primary person responsible for overseeing the permitted activities. In the case of an Entity permit, the PI is designated by the Permitholder; in all other cases the PI is the same as the Permitholder. The PI also:

(A) Leads and provides supervisory oversight for scientific, education, or propagation activities under the authorizations, conditions, and terms of the permit;

(B) Has specific expertise in proposed and/or permitted wildlife taxonomic groups, including species/ subspecies identification and the use of scientifically accepted study methods and survey protocols;

(C) Is fully responsible for proposal development, securing all appropriate permits and landowner permission, project planning, training all Authorized Individuals and Field Assistants or other person(s) operating under the permit, maintaining quality control measures, knowing all activities that are occurring in the field, and taking appropriate action to respond to any wildlife injuries or mortalities resulting from permitted activities;

(D) Has the primary responsibility for compliance with all permit authorizations and conditions, and is the primary point of contact for department inquiries for the permit; and

(E) Provides adequate supervision of all persons working under a permit, including Authorized Individuals independently conducting certain or all permitted activity(ies), and ensures that any Field Assistants are directly supervised by Authorized Individuals.

(20) "Procedures" includes measurement, weighing, experimental manipulation, surgical or medical techniques conducted on wildlife, including, but not limited to, anesthesia, gastric lavage, marking, collection of wildlife parts or products thereof, or other procedures as determined by the department.

(21) "Propagation" means captive breeding, captive rearing, and other activities that help sustain or increase wildlife populations for scientific, conservation, management, or educational purposes.

(22) "Pursue" means to follow, chase, or otherwise target wildlife with the intent to catch, capture, possess, kill, mark, or conduct one or more procedure(s) on said wildlife.

(23) "Research" means scientific investigation, and may include educational components such as training. Research also includes surveys or inventories to assess the potential for, or to monitor actual project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations.

(24) "Science" means basic research, or applied research.

(25) "Take" includes all activities listed in Section 86 of the Fish and Game Code, as well as collecting, handling, marking, manipulating or conducting other procedures on wildlife, whether wildlife are released, or retained in possession.

(26) "Wildlife" means and includes all life stages of any native and non-native organism in the following plant and animal taxonomic groups, including carcasses, specimens, and/or parts thereof:

(A) "Amphibian" means any animal in the taxonomic class Amphibia;

(B) "Anadromous fish" means those finfish defined in Section 14 of the Fish and Game Code;

(C) "Bird" means any animal in the taxonomic class Aves;

(D) "Inland non-anadromous fish" means finfish that occur in inland waters that are not anadromous;

(E) "Invertebrate" means any animal in taxonomic invertebrate phyla, including:

1. Terrestrial and vernal pool invertebrates: invertebrates that occur on land above mean high tide of marine waters, including aquatic insects in the aerial life stage and those aquatic invertebrates that occur only in vernal pools or other ephemeral waters that support vernal pool invertebrates, but do not normally support finfish;

2. Aquatic invertebrates: invertebrates that occur in inland waters, other than vernal pools or other ephemeral waters that support vernal pool invertebrates; and

3. Marine invertebrates: invertebrates that occur below mean high tide in marine waters.

(F) "Mammal" means any animal in the taxonomic class Mammalia, excluding marine mammals listed in Section 4500 of the Fish and Game Code, and wild, feral, or undomesticated burros pursuant to Section 54 of the Fish and Game Code;

(G) "Marine algae and plants" means any seaweed belonging to the members of the red, green, or brown taxonomic divisions of algae and any marine vascular plant, including, but not limited to, seagrasses listed in Section 30.10 of these regulations;

(H) "Marine fish" means anadromous or non-anadromous finfish that occur in marine waters; and

(I) "Reptile" means any animal in the taxonomic class Reptilia.

(c) **Purposes of Permit.** Permits issued pursuant to this Section shall meet one or more of the purposes described below and defined above.

(1) Science, the results of which achieve either, or both, of the following:

(A) Contribute to the knowledge of wildlife biology, and/or related biological, ecological, or environmental fields;

(B) Provide research and/ or management data important or necessary to promote the protection, conservation, or management of natural resources of this State.

(2) Education, which includes, but is not limited to:

(A) Instruction on the conservation, biology, or ecology of the State's natural resources;

(B) Interpretation of the State's natural history, including its wildlife, and their communities;

(C) Training in methods or techniques that result in the take and/or possession of wildlife in the field or laboratory; or

(D) Other activities that are part of a college level course in wildlife biology, fisheries biology, or general biology and ecology.

(3) Propagation, efforts for which the objective is consistent with Section 1801 of the Fish and Game Code for maintaining biologically sustainable populations, such as:

(A) Captive breeding, captive rearing, and other actions that may not involve captivity to promote successful reproduction as part of a department-approved recovery or conservation plan for a listed species or other species of conservation concern, or for scientific research purposes;

(B) Possessing wildlife in captivity for scientific research or monitoring, or to gain knowledge of techniques for reproduction, or for use in educational programs consistent with this Section;

(C) Removal of non-native, invasive, or detrimental wildlife to improve or restore ecosystem or habitat conditions, or otherwise enhance the sustainability of native wildlife or other species; or

(D) Management responses necessary to prevent catastrophic wildlife population losses from drought, mudslides, wildfires, disease outbreaks, and other natural or man-made disasters, or to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities.

(d) **Application Review Programs.** Permit applications pursuant to this Section are reviewed and conditioned by the appropriate department permit review program(s) responsible for the following taxonomic groups of wildlife, or their nests and eggs, as specified below:

(1) "Inland Fisheries" program reviews applications for anadromous fish, non-anadromous fish, and aquatic invertebrates taken in inland waters;

(2) "Marine" program reviews applications for marine and anadromous finfish, marine algae, marine plants, and marine invertebrates taken in marine waters;

(3) "Terrestrial Wildlife" program reviews applications for terrestrial and vernal pool invertebrates, amphibians, reptiles, mammals, and birds; or,

(4) If an application requests take and/or possession of wildlife for more than one department review program, more than one review program may process a single application, at the department's discretion, as specified in subsection 650(i)(2).

(e) **Application and Review Procedures.**

(1) Applicants for a permit shall utilize those forms listed in subsection 703(c) of these regulations. Application forms are available on the department's internet web site: [www.wildlife.ca.gov](http://www.wildlife.ca.gov). Applications shall be submitted in an electronic format when available; no handwritten applications shall be accepted. Name(s) of all persons listed on the permit application shall match those on government-issued identification.

(2) Applicants shall provide all relevant and applicable information requested in the forms listed in subsection 703(c) of these regulations for the application to be considered complete. Failure to answer any questions fully or submit any required information may delay the processing of the application, or may result in denial of the application.

(3) Following receipt of an application, the department will determine whether an application is complete within 40

calendar days from the date the application fee clears payment.

(A) If the application is determined to be incomplete, the department will notify the applicant in writing of any deficiencies in the application or information provided. The applicant shall provide any outstanding information or related documents to the department within 30 calendar days of the notification, or the application may be denied.

(B) When the application is determined to be complete, the department will approve or deny the permit within 60 calendar days of that determination, notwithstanding certain pending permits that require notification to the public.

(C) The department shall notify the public at least 30 days prior to issuance of a permit and/or memorandum of understanding that authorizes (a) research study(ies) involving mountain lions (*Puma concolor*) (pursuant to Section 4810 of Fish and Game Code), or authorizes the use of dogs to pursue bears (*Ursus americanus*) or bobcats (*Lynx rufus*) for research (pursuant to Section 3960.4 of Fish and Game Code).

(f) **Permitholder Types.** The department may issue permits pursuant to this Section to the following types of Permitholders:

(1) "Entity permits" may be issued to an eligible Entity in the name of the Entity as the Permitholder. The Executive Signatory of an Entity permit shall designate a PI to oversee all activities conducted under the permit on the Entity's behalf. The Executive Signatory may also apply as the PI on a permit; in both cases, the PI shall be subject to approval by the department. Both the Entity and the PI shall be liable for any violations of this section or any authorizations, conditions, or terms of an Entity permit.

(2) "Individual permits" may be issued in the name of an eligible person who acts as both the Permitholder and PI, and that person is responsible for overseeing all activities conducted under the permit.

(3) "Student permits" may be issued in the name of a student as defined in subsection 650(g)(8). Students shall act as the Permitholder; however, one faculty member affiliated with the student's college or university shall act as a Student Sponsor, as described in subsection 650(h).

(g) **Person(s) and Entity(ies) Eligible for Permit.** Notwithstanding subsection 650(h), the department may issue an Individual permit to the following persons, or an Entity permit to the following organizations, institutions, affiliations, or partnerships among the following, to take and/or possess wildlife for scientific, educational, or propagation purposes:

(1) Employees of local, state, and federal agencies who take and/or possess wildlife in connection with their official duties;

(2) Members of Native American tribes, and these tribes, or their agents and employees;

(3) Employees, contractors, and volunteers at zoological gardens, museums, or aquariums;

(4) Employees, contractors, and volunteers at non-governmental and non-profit organizations, or citizen scientists;

(5) Employees and contractors of private consulting firms, or independent biological consultants;

(6) Employees of businesses, including but not limited to timber and forest management, utilities, biomedical research, and biological suppliers (notwithstanding Section 651 of these regulations);

(7) Faculty, other employees and volunteers at universities, colleges or other educational or academic institutions; and

(8) Students, 18 years of age or older, of collegiate level, enrolled at a university, college, or other academic institution of higher education.

(h) **Required Qualifications.** The following information is required for each Individual and Student Permitholder, PI, and person(s) requested for identification on a permit's LAI as an Authorized Individual:

(1) A statement of qualifications that quantifies and describes experience with requested wildlife and/or similar wildlife. The statement of qualifications shall include:

(A) Approximate number of hours of focused activity in occupied habitat, as well as the approximate number of hours conducting the proposed activities, capture methods, and procedures for each requested wildlife species, wildlife taxonomic group, or similar wildlife taxon;

(B) Locations and dates where the experience was obtained, and the name(s) of persons who provided training;

(C) Any relevant survey, or hands-on training, or experience; and

(D) For PIs only, how responsibilities under subsection 650(b)(19) will be met.

(2) A resume or curriculum vitae (CV) that describes the educational background and wildlife-related experience, including a list of any relevant publications.

(3) Except for when applying as Student Permitholders, current contact information (name, title, affiliation, e-mail address, and phone numbers) for two (2) references (for example, other Permitholders or subject matter experts) who can verify the person's experience with requested wildlife. For new applicants requesting take and/or possession of mountain lion, two letters of recommendation shall be submitted with the application as verifiable documentation, pursuant to Section 4810 of Fish and Game Code.

(4) In addition to the statement of qualifications and resume or CV, when applying as Student Permitholders, the applicant shall have one faculty member affiliated with the student's university or academic institution provide proof of sponsorship of the student via a letter of sponsorship submitted on organization letterhead. Proof of sponsorship by a faculty member shall be in lieu of the two references.

(i) **Permit Use Levels.** Applications for the following permit use levels may be considered for Entity, Individual, and Student Permitholders:

(1) A General Use permit:

(A) May only be issued for activities that may have broad or general temporal and geographic scope, such as general research and education-based activities, involving certain non-invasive or standardized methods and procedures with low levels of accidental injury or mortality, and non-sensitive and/or common wildlife;

(B) May only be issued for select wildlife taxonomic groups under the responsibility of a single department review program (Inland Fisheries, Marine, and Terrestrial Wildlife);

(C) May only be issued with select Authorizations describing pre-determined and/or excluded activities, species, methods, and locations, as specified in the application forms for General Use permits listed in subsection 703(c) of these regulations;

(D) Is required when terrestrial invertebrates covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list (dated June 12, 2017, available at <https://www.wildlife.ca.gov/Licensing/Scientific-Collecting>), hereby incorporated by reference, may be incidentally taken during the course of field activities that are otherwise exempt from a permit, pursuant to subsection 650(u)(5); and

(E) May only be amended pursuant to subsection 650(l)(2).

(2) A Specific Use permit:

(A) May only be issued for an individual study, or a planned undertaking, either of which shall meet the requirements of subsections 650(c) and 650(b)(19) of these regulations. An individual study involves activity(ies) that address specific research question(s), or achieves goals and objectives of defined temporal and geographic scope. A planned undertaking may involve one or more studies, or may involve multiple activities sharing a fundamental scope with unifying goals and objectives;

(B) May be issued for wildlife taxonomic groups under the responsibility of one or more department review programs (Inland Fisheries, Marine, and Terrestrial Wildlife), as determined by the department. The taxonomic groups, conservation status of the species or wildlife, invasiveness of proposed methods or procedures, or proposed locations of studies may result in a planned undertaking being ineligible for a single Specific Use permit, and instead require more than one Specific Use permit, or a combination of General Use and Specific Use permits;

(C) May be issued for wildlife and species, activities, and methods that may or may not otherwise be authorized under a General Use permit, as specified in the application form for Specific Use permits listed in subsection 703(c) of these regulations, and where permit conditions may be developed as appropriate;

(D) May be issued for intentional take and/or possession of terrestrial invertebrates covered on the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority list (dated June 12, 2017, available at <https://www.wildlife.ca.gov/Licensing/Scientific-Collecting>); and

(E) May only be amended pursuant to subsection 650(l)(3).

(j) **List of Authorized Individuals.** It shall be unlawful to conduct any permitted activities, or a portion of activities,

unless those persons are directly supervised (i.e., Field Assistants), or who are named, or covered, on a LAI approved by the department.

(1) For a General Use level permit:

(A) A maximum of eight (8) Authorized Individuals, aside from the PI, may be requested on the proposed LAI, and approved by the department for each "Authorization" for the duration of the General Use level permit.

(B) If eight Authorized Individuals per Authorization (aside from the PI) are not requested with submission of an application fee for a General Use level permit, then after permit issuance, the Permitholder may request an amendment for additional Authorized Individuals up to the maximum of eight on each Authorization. A nonrefundable amendment fee will be assessed as specified in subsections 650(l) and 703(c) of these regulations.

(2) For a Specific Use level permit:

(A) Up to eight (8) Authorized Individuals (aside from the PI) may be requested for approval on the permit's LAI with submission of an application fee for a Specific Use level permit.

(B) If additional Authorized Individuals above eight (aside from the PI) are requested for approval to be named or covered on the LAI for (an) activity(ies), then the applicant shall justify in the application why more than eight Authorized Individuals (aside from the PI) are needed to conduct the proposed activity(ies) for department consideration. An additional fee in the amount of the amendment fee as specified in subsections 650(l) and 703(c) of these regulations shall be submitted to the department for it to consider the request.

(3) A copy of the current LAI shall be in possession of all Authorized Individuals while conducting permitted activities, in addition to the requirements listed in subsection 650(a)(3).

(4) Field Assistants are not required to be named or covered on the LAI, but their names shall be provided to the department during reporting of permitted activities.

(k) **Permit Duration.**

(1) General Use and Specific Use permits for Entity and Individual Permitholders are valid for three (3) years from the date of issuance. General Use and Specific Use permits for Student Permitholders are valid for one (1) year from date of issuance. Issued permits are a public record.

(l) **Permit Updates and Amendments.** Permitholders may request the following types of changes to a permit issued pursuant to this Section with submission of an amendment application using forms listed in subsection 703(c) of these regulations. Applications to amend an existing permit are subject to the same application and review procedures indicated in subsection 650(e). Approved amendments do not change or extend the expiration date of the original permit.

(1) Administrative Updates. Updating contact or affiliation information, or removing Authorized Individuals from the permit's LAI are administrative changes that do not constitute an amendment.

(2) Amendments for General Use level permits. A General Amendment may be requested for eligible changes listed on General Use level amendment forms specified in subsection 703(c) of these regulations. Eligible changes include the Executive Signatory changing a PI on an Entity permit, the addition or exchange of Authorized Individuals on the LAI under one or more Authorizations for both Entity and Individual permits, and the addition of one or more new Authorizations within the same permit for all Permitholder types. The amendment request will be reviewed by the appropriate department review program upon payment of the General Amendment fee specified in subsections 650(m) and 703(c) of these regulations, and may be approved or denied at the department's discretion.

(3) Amendments for Specific Use level permits. A Specific Amendment may be requested for eligible changes listed on the Specific Use level permit forms specified in subsection 703(c) of these regulations. Eligible changes include the Executive Signatory changing a PI on an Entity permit, the addition or exchange of Authorized Individuals on the permit's LAI for both an Entity and Individual permit, and the amendment of Specific Use permit information for all Permitholder types. Specific Use permit information includes the proposed number and kind of wildlife to be taken or possessed, activities, methods, procedures, timeframe, and location. The amendment request will be reviewed by the appropriate department review program(s) upon payment of the Specific Amendment fee specified in subsections 650(m) and 703(c) of these regulations, and may be approved or denied at the department's discretion.

(4) New permit. Any amendment request to an existing General Use permit that requires more than eight Authorized Individuals per Authorization (aside from the PI), or requests Authorizations for taxonomic groups requiring review by a different department review program, shall require the appropriate new General Use permit application be submitted pursuant to subsections 650(d) and (e), and payment of fees pursuant to subsections 650(m) and 703(c) of these regulations. Any amendment or change request to an existing Specific Use permit that changes the fundamental scope, or goals and objectives of the original permit shall require a new permit application be submitted pursuant to subsections 650(d) and (e), and payment of fees pursuant to subsections 650(m) and 703(c) of these regulations.

(m) **Permit Fees.** An applicant for a new permit, an amendment to an existing permit, or a request for permit renewal shall submit the appropriate completed application/renewal forms for General or Specific Use permits, or General or Specific amendment forms along with the appropriate nonrefundable fees and timeframe to pay such fees, as specified in subsection 703(c) of these regulations.

(n) **Permit Conditions.** The Permitholder, all Authorized Individuals, and Field Assistants shall comply with all permit authorizations, conditions, or other terms of the permit, including "Standard Conditions for All Scientific Collecting Permits" incorporated by reference in subsection 703(c) of these regulations for every permit, as well as any additional conditions required by the department. The department may

modify the authorizations, conditions, or terms of a permit at any time.

(o) **Department Notification Prior to Conducting Field Work or Activity.** Student Permitholders, and the PI, or any Authorized Individual on an Entity or Individual permit, shall notify the department at least 36 hours, but not more than 14 calendar days prior to conducting permitted take and/or possession activity(ies) in the field, unless otherwise specified in the conditions of the permit. All fields on the notification form specified in subsection 703(c) of these regulations shall be completed, and the completed form shall be sent electronically to department law enforcement and other department contacts, as specified in the conditions of the permit.

(1) Field activities that may occur sequentially over more than one day, but within a 14-day period, or that follow a set schedule of up to a 14-day period, may be covered under a single notification, unless otherwise specified in the conditions of the permit. If field activities may span longer than a consecutive 14-day period, individual notification forms shall be re-submitted to the same contacts listed in the permit conditions every 14 days.

(2) Any change to the notification information provided for any permitted activity requires submission of a revised notification form following the timeframes specified in subsection 650(o).

(p) **Reporting Requirements.**

(1) Each Student Permitholder, or the PI on an Entity or Individual permit, shall report all wildlife taken and/or possessed within 30 days following the expiration of the permit, or upon submitting a renewal application, whichever comes first, or as required by the Authorizations or conditions in the permit. Even if the permit will not be renewed, each Student Permitholder, or Entity or Individual PI shall submit a final report to the department.

(2) The department shall require reporting in the format specified in subsection 650(p)(2)(A), and may require one or more of the following formats specified in subsection 650(p)(2)(B) through (F):

(A) A mandatory reporting form in an electronic format available on the department's website specified in subsection 703(c) of these regulations, carried in possession during activities with permit documents consistent with subsection 650(a)(3), or in a paper or electronic format with the same required information fields. If no activities were conducted, or no wildlife were taken and/ or possessed during the permit period, the Permitholder shall indicate on the mandatory report(s) that no wildlife or specimens were taken and/or possessed;

(B) A written report as specified in the conditions of the permit;

(C) Electronic data in a format specified by the department;

(D) Submissions for special animals and plants tracked by the department's California Natural Diversity Database;

(E) Transfer of possession of live or dead wildlife as outlined in subsection 650(q); and

(F) As otherwise required in writing by the department.

(3) Failure to submit required information or reports shall result in revocation of an existing permit, and may result in denial of subsequent applications by that Permitholder, or may result in denial of future approval as a Permitholder or Authorized Individual on other permits, pursuant to subsection 1002(m) of the Fish and Game Code.

(q) **Possession and Transfer of Wildlife.** It shall be unlawful for any person to possess any live or dead wildlife for the purposes of this Section, unless the person can provide documentation of lawful take and possession upon request by any employee of the department.

(1) Live wildlife may only be possessed, for purposes of this Section, with a valid permit or written authorization issued by the department. No live wildlife held, possessed, or displayed may be released to the wild for any purpose without written authorization by the department. Live wildlife may be transferred only as specified in the permit or written authorization, but shall be accompanied by the completed custody form as specified in subsection 703(c) of these regulations.

(2) Accidentally killed or legally acquired dead wildlife that are salvaged, or otherwise possessed under a permit issued pursuant to this Section, may be transferred only as specified in the permit or in subsection 650(q)(3). Persons or entities receiving dead wildlife taken or possessed pursuant to this Section may be named as Authorized Individuals on the permit's LAI itself, and when a copy of the permit accompanies the dead wildlife, this shall serve as documentation of lawful taking and possession of said wildlife.

(3) Even if the recipients are named or covered on the permit, a completed custody form as specified in subsection 703(c) of these regulations, in lieu of a permit, shall document and accompany the transfer of all dead wildlife taken or possessed under this Section, at all times, including during transport and shipment; this shall serve as documentation of lawful taking and possession of said wildlife. Subsequent transfers of such dead wildlife to another recipient shall also be documented and accompanied by the completed custody form specified in subsection 703(c) of these regulations, and that form shall include all prior transfers. Reporting of such transfer via the custody form shall occur as specified in the original Permitholder's permit conditions as the donor, as required by the custody form for reporting by a subsequent recipient acting as a donor, or as required for reporting under subsection 650(p).

(4) Eligible entities as defined in subsection 650(g) engaged in scientific study, education, or propagation of wildlife that are open to the public for viewing of wildlife specimens may possess, accept donations of, or exchange between organizations, such specimens lawfully taken or possessed pursuant to this Section without obtaining a separate permit. A copy of the permit under which the animal was taken, or a custody form as specified in subsection 703(c) of these regulations, shall accompany such wildlife. This exemption shall not apply to wildlife taken pursuant to other codes or regulations, including any candidate, threatened,

endangered, or fully protected species, or wildlife taken under a hunting or fishing license.

(5) The above entities shall comply with all other local, state, and federal laws and regulations pertaining to permitting of wildlife taken, possessed, and displayed.

(6) The department may direct disposal of dead wildlife, wildlife accidentally taken by motor vehicle, or and wildlife taken incidental to an otherwise lawful activity.

(r) **Permit Denial.** The department, in its sole discretion, may deny a permit application, a portion of a permit application, or decline an application to amend or renew a permit, including for the reasons set forth in this subsection.

(1) Circumstances for denial, as determined by the department, include:

(A) The applicant has failed to comply with an authorization, condition, or term of the permit, the provisions of this Section, or failed to comply with any related provision of the Fish and Game Code or regulations adopted pursuant thereto;

(B) The applicant has failed to disclose required material information, or has made false statements as to any material fact, in connection with an application;

(C) The department finds that the applicant is not qualified to conduct the proposed activities;

(D) The department determines that issuing the permit is or is not in the best interest of a wildlife resource, is not necessary to benefit wildlife, or that the application needlessly duplicates previously documented scientific research;

(E) The proposed take and/or possession of wildlife does not meet the requirements of this Section and related sections of the Fish and Game Code, or the purpose of the submitted application proposed take does not meet the scientific, educational, or propagation purposes described in subsection 650(c);

(F) The proposed take and/or possession of wildlife could compromise the health or condition of targeted wildlife proposed to be taken, or those wildlife that may be taken incidentally, or potentially threatens the sustainability of a wildlife population(s);

(G) The applicant has not provided required information or related documents for the department to determine whether the application is complete, pursuant to subsection 650(e); and

(H) The applicant has failed to submit information or reports required by this Section, pursuant to subsection 1002(m) of the Fish and Game Code, or by a previously held permit.

(2) The department shall notify the applicant in writing of the denial action, and within 30 days of applicant's receipt of notification of the denial, the department shall describe the reasons for the denial, as well as the applicant's right to request reconsideration of the department's action.

(s) **Permit Revocation, Suspension, or Modification by the Department.** The department, in its sole discretion, may

revoke, suspend, or unilaterally amend or modify a permit, including for the reasons set forth in this subsection.

(1) The department shall revoke an existing permit if the Permitholder fails to comply with the reporting requirements of this Section, or the conditions of the permit, pursuant to subsection 1002(m) of the Fish and Game Code.

(2) The department may suspend, revoke, or modify any permit issued pursuant to this section for any of the following reasons:

(A) The required fees have not been received by the department within timeframes specified in subsection 703(c), or elsewhere in these regulations;

(B) Failure to comply with the authorizations, conditions, or terms of the permit, or failure to comply with any related provision of the Fish and Game Code or any regulation adopted pursuant thereto;

(C) A change occurs in the laws or regulations that prohibits the continuation of the permitted take and/or possession activity; or

(D) If in the department's sole assessment, wildlife is vulnerable, or the wildlife that is the subject of the permit declines to the extent that continuation of the permitted activities would be detrimental to the sustainability of the affected population.

(3) The department shall notify the Permitholder of any permit revocation, suspension, or modification action in writing, and within 30 days of applicant receipt of notification, the department shall send electronically and via certified mail the following information: the name of the Permitholder, any permit identification number(s), a description of the reasons for the revocation, suspension, or modification, any action(s) necessary for the Permitholder to correct any deficiencies, the required disposition of wildlife, and the Permitholder's right to request reconsideration of the department's action.

(t) **Requests for Reconsideration.** Any Permitholder who receives a notice of revocation, suspension, or modification of their permit, or a notice of denial of their permit application for a new permit, or permit renewal or amendment, may submit a written request for reconsideration to the department no later than 30 calendar days following the date of the notification, and shall set forth the reasons for the requested reconsideration. The department shall consider any information submitted with the request, and within 60 calendar days may, in its sole discretion, reverse or amend its decision, including based upon a mistake of fact, a mistake of law, or because the Permitholder takes corrective actions pursuant to new permit conditions or an agreement direction from the department.

(u) **Exemptions.** The following activities do not require a permit pursuant to this Section:

(1) Federally recognized tribes and their members possessing accidentally killed or legally acquired dead wildlife that is not a big game, rare, threatened, endangered, or fully protected species.

(2) Entities or persons performing monitoring activities for dreissenid mussels in waterbodies or water supply systems as defined in Sections 672(a)(10) and (11) of these

regulations under a department-approved Dreissenid Mussel Control Plan pursuant to subsection 672.1(a), or a department-reviewed Prevention Program pursuant to subsection 672.1(b) of these regulations.

(3) Routine water or sediment sampling for chemical, bacterial, or other analyses as required by government regulation or mandate when aquatic, freshwater, or benthic invertebrates, or other wildlife are not being targeted. This exemption does not apply for the following activities in marine waters:

(A) Sediment sampling in eelgrass beds, kelp forests, or Marine Managed Areas, Marine Protected Areas, or Special Closures pursuant to subsection 632(a)(9) of these regulations, and for Rockfish Conservation Areas described in sections 27.20 through 29.85 of these regulations.

(B) Water sampling within Marine Managed Areas, Marine Protected Areas, or Special Closures pursuant to subsection 632(a)(9) of these regulations.

(4) The take or possession for scientific, educational, or propagation purposes, if it is authorized in another approval issued by the department, such as in a permit issued under the Natural Community Conservation Planning Act.

(5) Take or possession of terrestrial and vernal pool invertebrates for scientific, educational, or propagation purposes, if those invertebrates are not:

(A) Listed on the California Terrestrial and Vernal Pool invertebrates of Conservation Priority list (dated June 12, 2017, available at <https://www.wildlife.ca.gov/Licensing/Scientific-Collecting>), or

(B) Those invertebrates that occur only in vernal pools, or occur in other ephemeral waters that support vernal pool invertebrates, but do not normally support finfish.

(6) Take or possession of terrestrial plants, and freshwater plants and algae. Persons wanting to take or possess rare, threatened, and/or endangered plant species shall obtain a scientific, educational or management permit, pursuant to Section 786.9 of these regulations, or sections 1900 et seq. or 2080 et seq. of the Fish and Game Code.

NOTE: 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 597, Penal Code

Section 36602 and Section 36710, Public Resources Code

## HISTORY

1. New subsection (a)(8) filed 1-16-74; effective thirtieth day thereafter (Register 74, No. 3). For prior history, see Register 70, No. 50.



2. Repealer and new section filed 7-16-81; effective thirtieth day thereafter (Register 81, No. 29).

3. Order of Repeal of last sentence of first paragraph of subsection (g) and subsection (l) filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

4. Repealer and new section filed 6-18-96; operative 7-18-96 (Register 96, No. 25).

5. Amendment of section heading, repealer and new section and amendment of Note filed 5-1-2018; operative 10-1-2018 (Register 2018, No. 18).

## Fish and Game Code Excerpts

### **§1002. Issuance of Permits to Take or Possess Game for Specified Purposes**

(a) The department may issue permits, subject to restrictions and regulations that the department determines are desirable, to take or possess, in any part of the state, for scientific, educational, or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibians, reptiles, or any other form of plant or animal life.

(b) The department may issue a permit that is valid for 36 months from the date of issuance on the payment of a nonrefundable application fee of one hundred dollars (\$100) and a permit fee of three hundred dollars (\$300), as adjusted under Section 713.

(c) Notwithstanding subdivision (b), the department may issue a permit without fee that is valid for 12 months from the date of issuance to authorize only the banding of birds and the exhibition of live or dead wildlife specimens by public zoological gardens, scientific, or educational institutions.

(d) (1) The department may issue a special student permit that is valid for 12 months from the date of issuance on the payment of a nonrefundable application fee of twenty-five dollars (\$25) and a permit fee of fifty dollars (\$50), as adjusted under Section 713, to any student in a school of collegiate level or a commercial fishing class who is required by an instructor to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public.

(2) All fish taken under permit for a commercial fishing class student shall be taken in accordance with state law, except that Sections 7850, 7880, and 7881 do not apply. All fish taken under a permit for a commercial fishing class student may be sold only to a person licensed to receive fish from commercial fishermen as provided in Section 8032 or 8033 or donated to a charitable institution. All funds received from the sale of the fish shall be used solely for the support of commercial fishing classes.

(e) It is not necessary for the holder of the permit to have a sport fishing or hunting license to collect any fish, amphibian, reptile, aquatic animal or plant, bird, or mammal for scientific, educational, or propagation purposes in this state.

(f) Nothing in this section authorizes any act which violates Section 597 of the Penal Code.

(g) A permit under this section does not authorize the taking of fish or mammals from the ocean waters of this state which are within the boundaries of any city if the city has filed with the department an objection to the taking.

(h) The adjustment of the nonrefundable application fee and permit fees pursuant to Section 713 that are specified in subdivisions (b) and (d) shall be applicable to permits issued on or after January 1, 2013.

(i) The department, by regulation, may adjust the amount of the fees specified in subdivisions (b) and (d) as necessary to fully recover, but not exceed, all reasonable administrative and implementation costs of the department relating to those permits.

(j) No permit under this section is required for species listed as threatened or endangered pursuant to the California Endangered Species Act, when an entity holds a valid permit or memorandum of understanding for the subject species and the proposed activities, issued pursuant to Section 2081.

(k) No permit under this section is required for fully protected species listed in Section 3511, 4700, 5050, or 5515 if the entity holds a valid memorandum of understanding issued by the department for the subject species and proposed activities, in accordance with the respective section.

(l) A permit or amendment issued pursuant to Section 1002 is not transferable between individuals or entities.

(m) If a permit holder fails to submit information or reports required in a permit, the department shall revoke an existing permit, and may decline to issue a permit to that person or entity in subsequent years.

### **§1002.5 Permits for Scientific Purposes; Approval of Temporary Employees and Volunteers; Fees**

(a) The department may issue a permit pursuant to Section 1002 to an appropriate public, private, or nonprofit entity, or a person, as determined by the department, in the name of a principal scientific investigator or the permitted entity or person.

(b) The department may approve individual temporary employees or volunteers to work under the permit, after receiving notification from the permittee. The permittee shall have adequate supervision over any temporary employees or volunteers approved to work under the permit.

(c) A permittee that allows a temporary employee or volunteer to work under a permit without approval from the department in accordance with this section is subject to Section 12000.

(d) The department shall charge a fee pursuant to subdivision (b) of Section 1002 for the issuance of a permit authorized by this section. If the department determines that the costs to issue a permit authorized by this section are greater than the costs to issue a permit pursuant to Section 1002, the department may charge a permit fee in an amount that is greater than the amount imposed by subdivision (b) of Section 1002 to recover those additional costs.

(e) The department may amend a permit issued under this section, including, but not limited to, the addition or removal of individual temporary employees or volunteers working under the permit, on the payment of a nonrefundable application fee of one hundred dollars (\$100), as adjusted under Section 713 or regulations adopted by the department.

**§1003. Shipment, etc. of mammals taken under research permit.**

Mammals, birds, and the nest and eggs thereof, fish and eggs thereof, reptiles, mollusks, crustaceans, or any other form of plant or animal life taken under the provisions of such a scientific or propagation permit may be shipped or transported anywhere within or without the state if prior written approval is obtained from the department and each such shipment is accompanied by the name, address, and permit number of the person holding the scientific or propagation permit.