

Proposed Regulatory Language

Section 650, Title 14, California Code of Regulations is hereby amended as follows:

§ 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.

. . . *[No changes to subsections (a)(1) through (7)]*

(8) This Section does not apply to the take or possession of threatened, endangered, or candidate species under the California Endangered Species Act, Fish and Game Code section 2050 et seq., or fully protected species under Fish and Game Code sections 3511, 4700, 5050, or 5515, and the Department shall not issue permits pursuant to this Section for any threatened, endangered, candidate, or fully protected species.

(9) Where specified in this section, the “Table 1 - California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List” (Revised January 1, 2024, hereafter referred to as “TVPICP List”) is hereby incorporated by reference, and is available at <https://www.wildlife.ca.gov/Licensing/Scientific-Collecting>.

. . . *[No changes to subsections (b) through (h)]*

(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~~ May be issued for incidental take 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>~~, hereby incorporated by reference, may be incidentally taken that are otherwise exempt from a permit, pursuant to ~~subsection 650(u)(5)~~ listed on the TVPICP List during the course of field activities; 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>)~~ listed on the TVPICP List; and

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

. . . [No changes to subsections (j) through (t)] . . .

(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 these invertebrates are not~~ unless the species are:
- (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), TVPICP List; 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; and Sections 36602 and 36710, Public Resources Code.

Proposed Regulatory Language

Section 703, Title 14, CCR, is hereby amended as follows:

§ 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

... [No changes to subsections (a) and (b)]...

(c) Applications, Forms and Fees for multi-year permits valid from date of issuance.

(1) Scientific Collecting Permits (SCPs)

(A) Application and Permit Fees

The application fee and amendment fee is non-refundable for all permit categories and types. Application and amendment fees shall be submitted with an application, and the permit fee is due within 60 calendar days ~~upon~~ after notice of permit approval, or the Department may refuse to issue the permit and change the approval into a denial. The application fee is required, should an applicant re-apply. All fees are subject to Section 713 of Fish and Game Code, and may be adjusted to include other fees required by license agents, pursuant to Fish and Game Code Section 1055.

1. General Use application and permit fees are required per the department review program as outlined in Title 14, Section 650(d), CCR. Specific Use application and permit fees include all department review programs.

| | | Application Fee | Permit Fee |
|----|---|----------------------------|-----------------------|
| a. | Scientific Collecting Permit, General Use -- Application: Inland Fisheries (form DFW 1379GF, New 09/01/17, incorporated by reference herein); Marine (form DFW 1379GM, New 09/01/17, incorporated by reference herein); and Terrestrial Wildlife (form DFW 1379GW, New 09/01/17 <u>Rev 01/2024</u> , incorporated by reference herein). Fees are for new and renewing Individual and Entity Permitholders. | \$44.76 | \$185.34 |
| b. | Scientific Collecting Permit, General Use -- Application (Student). Use Application forms DFW 1379GW, GF and/or GM. Fees are for new and renewing Student Permitholders. | \$25.00 | \$50.00 |
| c. | Scientific Collecting Permit, Specific Use -- Application (form DFW 1379S, New 09/01/17 <u>Rev 01/2024</u> , incorporated by reference herein). Fees are for new and renewing Individual and Entity Permitholders. | \$71.62 | \$269.08 |
| d. | Scientific Collecting Permit, Specific Use -- Application (Student). Use Application form DFW 1379S. Fees are for new and renewing Student Permitholders. | \$25.00 | \$50.00 |

(B) Application request for SCP Amendment.

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| 1. | Individual and Entity Permitholders -- General Amendments may be requested for General Use level permits only. Specific Amendments may be requested for Specific Use level permits only. | |
| | | <i>Amendment Fee</i> |

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|----|---|---------|
| a. | Scientific Collecting Permit, General Use -- Amendment: Inland Fisheries (form DFW 1379GFA, New 09/01/17, incorporated by reference herein); Marine (form DFW 1379GMA, New 09/01/17, incorporated by reference herein); Terrestrial Wildlife (form DFW 1379 GWA, New 09/01/17 <u>Rev 01/2024</u> , incorporated by reference herein) | \$61.04 |
| b. | Scientific Collecting Permit, Specific Use -- Amendment (form DFW 1379SA, New 09/01/17 <u>Rev 01/2024</u> , incorporated by reference herein) | \$89.28 |
| 2. | Students -- Amendments may be requested for General and Specific use level permits. | |
| a. | Scientific Collecting Permit Amendment -- Student (use forms DFW 1379GFA, GMA, GWA and/or SA) | \$25.00 |

(C) Additional forms for all Permitholders.

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| 1. | Scientific Collecting -- Mandatory Wildlife Report (form DFW 1379a, New 09/01/17, incorporated by reference herein) | No Fee |
| 2. | Scientific Collecting -- Notification of Field Work or Activity (form DFW 1379b, New 07/01/17, incorporated by reference herein) | No Fee |
| 3. | Transfer of Possession -- Chain of Custody (form DFW 1379c, New 07/01/17, incorporated by reference herein) | No Fee |
| 4. | Scientific Collecting -- Standard Conditions for All Permits (form DFW 1379d, New 07/01/17, incorporated by reference herein) | No Fee |

NOTE: Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.