

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

Amend Section 251.4
Title 14, California Code of Regulations
Re: Mountain Lion Possession Permit

- I. Date of Initial Statement of Reasons: June 24, 2013
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: September 19, 2013
Location: Sacramento, CA
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations (Section 251.4, Title 14, CCR) identify a tagging requirement for mountain lions, or parts thereof that is required of an individual for possession of a mountain lion or mountain lion parts if they were in possession on or before June 6, 1990. Existing regulations also identify a mountain lion permit fee of \$5.00.

Senate Bill 769 (Fuller, Chapter 388, Statutes of 2011, Fish and Game Code Section 4800) authorized an exemption to possess a mountain lion carcass or any part or product of a mountain lion carcass if prepared or being prepared for display or exhibition or storage, for a bona fide scientific or education purpose, at a nonprofit museum or government owned facility generally open to the public or at an educational institution, if the mountain lion was taken in California consistent with the requirements of the California Wildlife Protection Act of 1990, and any other applicable law.

The purpose of this regulation proposal is to implement and make specific Fish and Game Code Section 4800 through a permitting modification related to possession of mountain lion carcasses or mountain lion parts or products for scientific and educational purposes; and to make consistent, and clarify, the overall permitting requirements for possession of mountain lion carcasses or mountain lion parts.

This proposed regulation will enable scientific work to be done on mountain lion carcasses or body parts in California and will also allow the educational use of mountain lion carcasses for teaching and outreach purposes related to wildlife management and natural history.

The proposed regulation establishes a Mountain Lion Possession Permit, in the form of a letter from the Department of Fish and Wildlife (Department), as the authorizing document for permitting the possession of a mountain lion carcass, or product or part thereof for scientific and educational purposes. The permit requirement would also apply to applicants for mountain lions that were in possession on or before June 6, 1990.

The proposed regulation requires that mountain lion carcasses or products or parts thereof be uniquely identified using a method approved in advance by the department.

Pursuant to the proposed regulation, the Department may issue the permit provided the applicant submits the following information:

1. Name of the person requesting a permit. If an entity is requesting a permit, the request must be made on official letterhead.
2. Physical address where mountain lion carcass or part or product thereof shall be located.
3. Description of mountain lion carcass or mountain lion part or product subject to the permit.
4. Description of how the mountain lion carcass or mountain lion part or product will be uniquely identified by the applicant.
5. Description of how the mountain lion carcass or part or product shall be used and the anticipated length of time for use.

The permit will not be transferable. Any person not wishing to continue possessing a mountain lion, or parts or products thereof, shall transfer possession to the Department. The Department is proposing to repeal the existing \$5.00 permit fee and tagging requirement.

The goal of the proposed regulation is to establish a permit to allow the possession and display of mountain lions, or parts thereof, by non-profit museums, government facilities, or educational institutions for bona fide scientific or educational purposes. The proposed regulation will benefit the public by increasing awareness of these majestic animals and by providing specimens for scientific research

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

Authority: Section 702 Fish and Game Code.

Reference: Sections 702 and 4800 Fish and Game Code.

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

None.

(d) Identification of Reports or Documents Supporting Regulation Change:
Economic Impact Analysis.

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

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative: The “no change” alternative would not provide a process to apply for the possession of mountain lion carcasses or parts or products of mountain lion carcasses for educational or scientific purposes.

(c) Consideration of Alternatives:

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

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

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

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

The proposed regulation change will allow a small number of educational institutions or non-profit entities to display or store mountain lion carcasses or parts or products thereof. In view of the small number of permits anticipated, to entities that provide educational services specific to

California eco-systems, the Department does not believe the proposed action will have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Because of the small number of permits likely to be issued to individuals, nonprofit museums, or educational institutions, the Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Department does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

Small Business Determination: The Department has determined that the proposed regulations do not affect small businesses. The Department did not identify any for-profit entities adversely affected by the proposed regulation.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Section 251.4, Title 14, CCR is amended to read:

§ 251.4. Mountain Lion Tagging Possession Permit.

(a) ~~Permits and Tagging~~ Requirements.

Pursuant to Section 4800 of the Fish and Game Code, no person may sell or possess any mountain lion, part or product thereof, unless ~~he/she~~ he is in possession of an authorizing a valid, nontransferable permit issued by the department and said mountain lion, part or product thereof, has been tagged by the department. The permit shall be valid until revoked or suspended by the department. A permit ~~and numbered tags~~ shall be issued ~~from~~ by the department Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, Ca 94244-2090 (Telephone No. 916-653-4094) only to: 1) any person who can demonstrate that the mountain lion, part or product thereof, was in their/his possession on or before June 6, 1990; or 2) a nonprofit museum or government-owned facility generally open to the public, or an educational institution, for display, exhibition, or storage, for a bona fide scientific or educational purpose as determined by the department. Permits shall be made available to department employees for inspection upon request and may be revoked by the department for failure to comply with the terms of the permit, this section, or Section 4800 of the Fish and Game Code. Any person issued a permit or a tag from the department for a mountain lion, or part or product thereof, prior to [OAL will insert effective date of regulation], shall not be required to obtain a new permit, provided he maintains and makes available his existing permit or tag upon request of a department employee.

(b) ~~Prohibition of Removal of Tag~~ Information Required to Obtain a Permit.

~~No person shall remove the tag applied to a lion, part or product thereof, pursuant to this section.~~

The application for a permit issued pursuant to paragraph (a) above shall be in the form of a letter to the department's Wildlife and Fisheries Division located at 1416 Ninth Street, Sacramento, CA 95814 and the applicant shall submit the following information:

- (1) Full name of the person requesting a permit. If an entity is requesting a permit, the request shall be made on official letterhead with an original signature.
- (2) Physical address where mountain lion carcass or part or product thereof shall be located.
- (3) Description of mountain lion carcass or part or product thereof, subject to the permit.
- (4) Description of how the mountain lion carcass, or part or product thereof shall be uniquely identified by the applicant pursuant to paragraph (c).
- (5) Description of how the mountain lion carcass or part or product thereof shall be used and the anticipated length of time for use.

(c) ~~Permit Fee: \$5.00.~~ Unique Identification.

Any person in possession of a permit to possess a mountain lion carcass, part or product thereof pursuant to this section shall uniquely identify such mountain lion carcass or part or product thereof. Unique identification methods include, but are not limited to, permanent marking, tattooing, microchipping, detailed photographs,

descriptive measurements, or another suitable method approved in advance by the department.

(d) Change of Address or Name.

The permittee shall notify the department in writing of any change of address or name related to the permit within thirty days of the change.

(e) Disposition. Any permittee no longer desiring to possess a mountain lion carcass or part or product thereof shall transfer such carcass or part or product thereof to the department.

Note: Authority cited: Section 200, 702 Fish and Game Code.

Reference: Sections ~~200~~ and 702 and 4800 Fish and Game Code.