



Scientific Collecting Permits



2015 Proposed Rulemaking
California Department of Fish and Wildlife
Regulations Unit
Public Outreach Meetings



Overview

1. SCP Program background
2. Statutory changes and initial stakeholder outreach
3. Concerns identified with the permit program
4. Essential rulemaking outcomes and planned improvements
5. Stakeholder dialogue



CDFG Archives



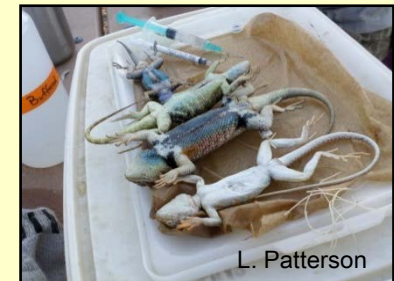
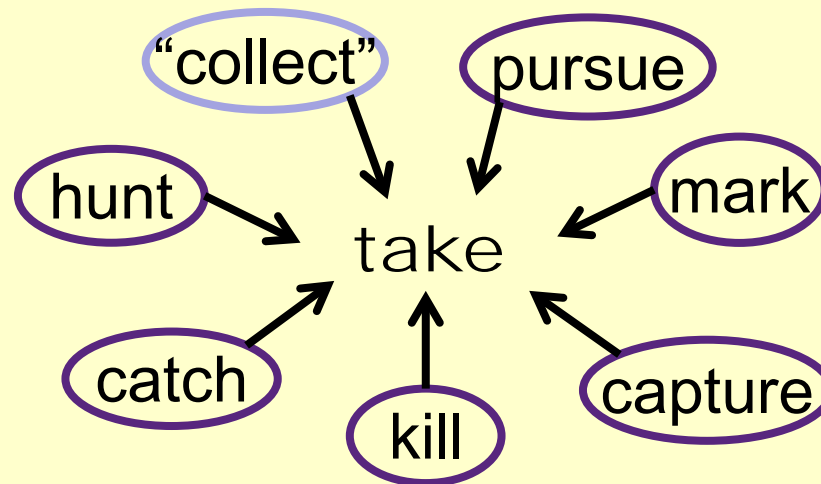


SCP Governing Rules

FGC § 86, § 1002, § 1002.5, § 1003

CA CCR Title 14 § 650

Title 14 § 632 – Marine Protected Areas



Take, possess *or attempt to do these activities.*

FGC §1002 created the SCP program in 1957.



SCP Take Purposes

CCR Title 14 § 650

Purpose	Interpretation
<i>Bona fide</i> science	<p>Includes basic or applied research with direct application to conservation or management of wildlife resources.</p> <ul style="list-style-type: none">natural history studies, inventory or monitoring to evaluate impacts involving data reporting.
Education	<p>Formal instruction or educational display requiring the possession or take of the State's natural resources.</p>
Propagation	<p>applied research to multiply or increase numbers, as by natural reproduction (generally non-commercial; additional permits may be necessary).</p>



2013 Statutory Changes

Passage of AB 2402 in 2012 amended FGC § 1002 and §1002.5, effective Jan. 1, 2013:

- **Cost -1002(b)**
 - 1 year – students: \$26.27 app., \$52.79 permit fee;
 - 3 years – individual/ entity: \$105.58 app., \$315 permit fee
 - \$105.58 amendment
- **Lengthened permit period - from 2 to 3 years- 1002(b),**
- **Expanded scope of entity permits - 1002.5(a),**
- **Separated SCPs from MOUs for CESA-listed, candidate and FP species -1002(j), and**
- **Increased accountability for SCP reporting - 1002(m).**



Initial Outreach

Sr. Policy Advisor Mark Stopher led stakeholder outreach in late 2012 and 2013

- Submission of budget change proposals to hire permanent, dedicated SCP staff
- approval for web-based SCP application & data management system

Update CCR Title 14 § 650 regulations

- Pre-notice input prior to initiating formal rulemaking process under the APA
- Updates to affect new, renewing or amending applicants on or after planned effective date (Jan. 1, 2016)



Concern 1: Timeliness

SCP application, renewal and amendment processing

- Time spent: permit complexity, branch & regional review, payment
 - Temp staff
- # pending reduced by 80% in 2014
- Goal of issuing permits in real-time (i.e., ≤ 90 days)



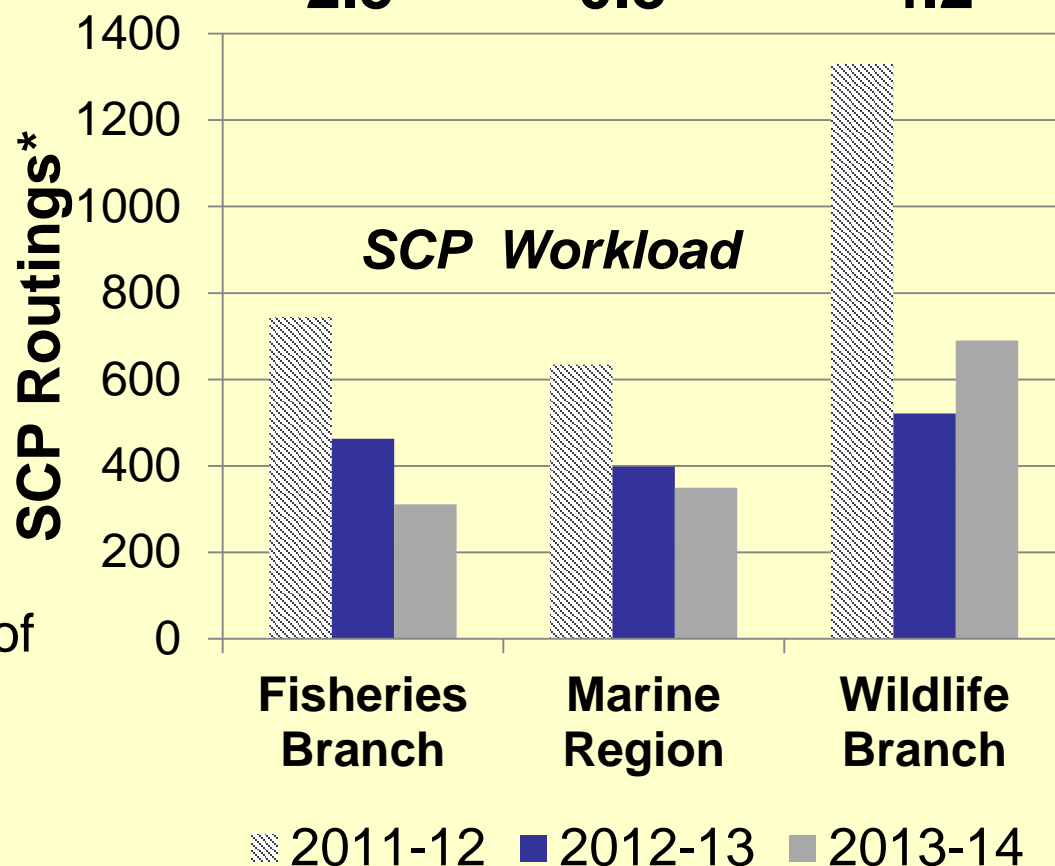
Considering continuation of permitted activity if renewal submitted >30 days prior to expiration

Average months to issuance
(October 2011-14):

2.5

0.8

4.2



*"Routings" includes inter-branch routings, denials and approvals.



Concern 2: Cost

Since 1957, permit fees have been insufficient to fund dedicated staff needed for program efficiency.

- Little direct CESA or FP funding, or General Fund allocation
- For the last 7 or so years, CDFW reviewed 1,200 to 1,500 SCPs or amendments/ year, while spending approximately \$6 for every \$1 of fee revenue.
- FGC § 1002(i): fee adjustment to recover costs (not to exceed implementation costs).
 - Fund permanent, dedicated staff




Considering input for altering \$100 amendment fee for change of field personnel (entity permits)

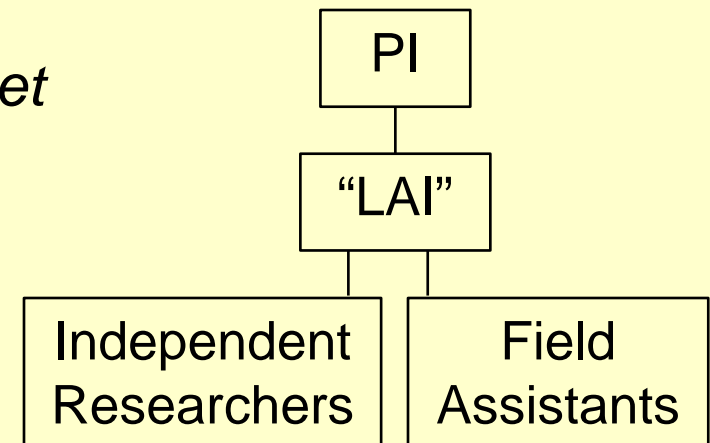


Concern 3: Permits for Entities

Scope of “Entity permits” expanded (formerly certified small businesses, accredited zoos & aquariums)

- Public agencies, NGOs, consultants, universities, tribes, etc.
- PI is responsible party for project(s):
 - “Adequate supervision” § 1002.5(b) required for ALL field staff
- Incorrectly perceived as “one-stop-shop,” listing all projects and field staff under single PI
 - *Adequate supervision may not be met*

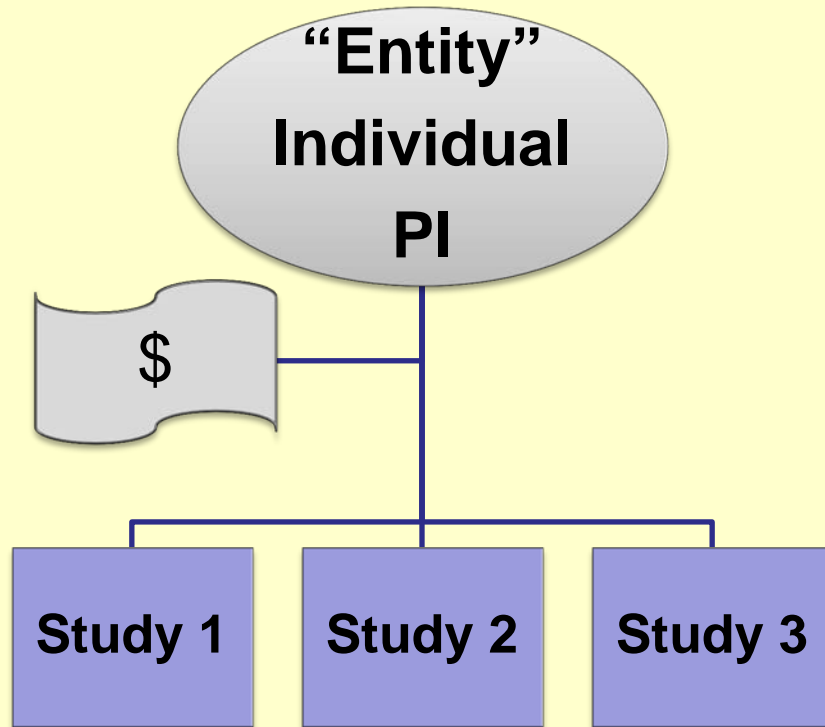
 Considering “List of Authorized Individuals” (LAI) hierarchy for entities (similar to MOUs & Federal recovery permits)



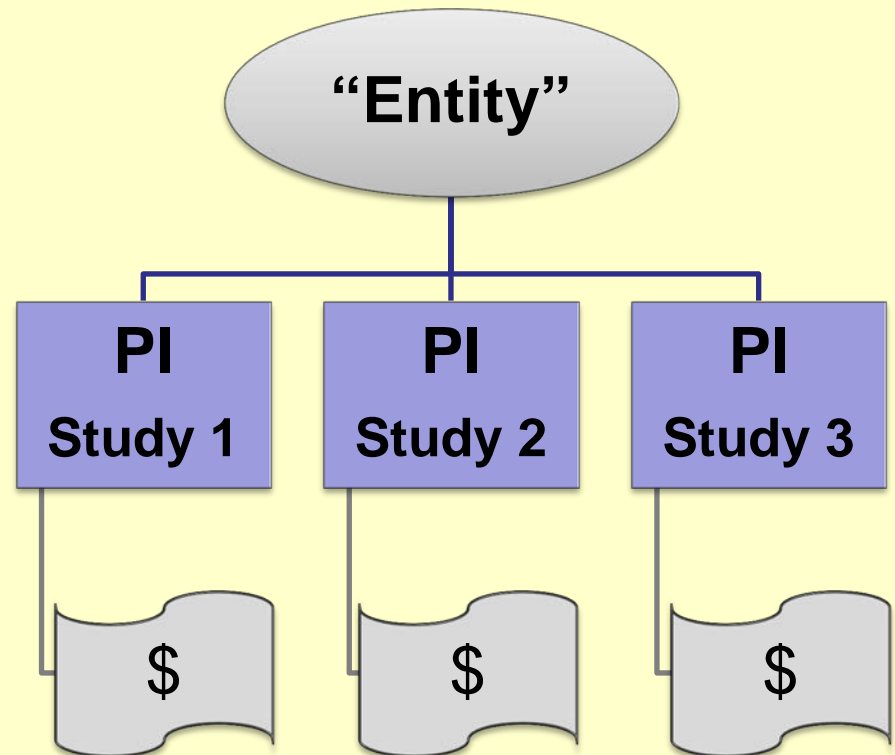


Permit Structure Scenarios

Current



Proposed



Both entity scenarios could implement a LAI
(similar to Federal recovery permits)



Concern 4: MOUs and SCPs

FGC § 1002(j) and (k)

- In rare cases SCP not required with valid permit or MOU for CESA-listed, candidate, or FP species.
 - E.g., (uncommon): eagle methods - nestlings
- Any chance for take or possession of non-listed or FP species requires a SCP in addition to MOU.
 - E.g., lure birds; traps
 - E.g., fisheries methods





Concern 5: Other permits & restrictions

Overlap/ consistency with Federal, other permits

- MBTA, Bird Banding Lab, ESA Federal recovery 10(a)(1)(a) & NOAA 4(d)
- Tricky due to differing state or federal requirements
 - E.g., take definition E.g., fisheries use of MS-222
- Generally the more restrictive permit takes precedence
- What might be perceived as excessive take restrictions is most often due to lack of detail, or considerations of cumulative take statewide, in a watershed or area
 - ➔ Considering ways to clarify details needed; inter-permittee coordination



Essential Rulemaking Outcomes

Title 14 § 650 planned revisions (anticipated effective date Jan. 1, 2016):

- Regulation update expanding on statute changes
- Clarity to scope of entity permits
- Clarity of adequate supervision (what is/ what isn't)
- Address common issues across branches w/ language for:
 - Definitions
 - Enforcement/ revocation
 - Permit justification section
 - Clarifying overlap w/ federal or state authorizations
 - Qualifications/ screening
- Address branch-specific, outdated language



Outcomes, con't.

- A system that issues permits at target ≤ 90 days
- A permit process efficiently implemented in an online application management system
- Reporting by permit holders into a management system that organizes the reports and is useable for future resource management
- A fee structure that funds CDFW's workload for the program

→ Improved coordination





Rulemaking Timeline

The proposed changes to CCR Title 14 § 650 are subject to the APA public notice period, as well as CEQA review.



O. Alminas

**April 17,
2015**

- Deadline to submit pre-notice comments for consideration in proposed rulemaking
- CEQA document prepared

**June-July
2015**

- Initial Statement of Reasons (ISOR): justification, alternatives, supporting docs, forms, strike/underline text, economic analysis
- Office of Administrative Law (OAL) official 45-day public notice period

**Aug-Oct
2015**

- Incorporate comments, prepare Final Statement of Reasons (FSOR)
- File FSOR with OAL

**Effective
Jan. 1 2016**



CDFW



Rulemaking Pre-Notice Input

Email: SCPermits@wildlife.ca.gov

Ona Alminas



Mail: CDFW Regulations Unit
1416 9th Street, Room 1342-A
Sacramento, CA 95814

Postmark or date comments by Fri., April 17, 2015
for consideration in the proposed rulemaking

Check back on website:

<https://www.wildlife.ca.gov/Licensing/Scientific-Collecting>





Rulemaking Pre-Notice Outreach

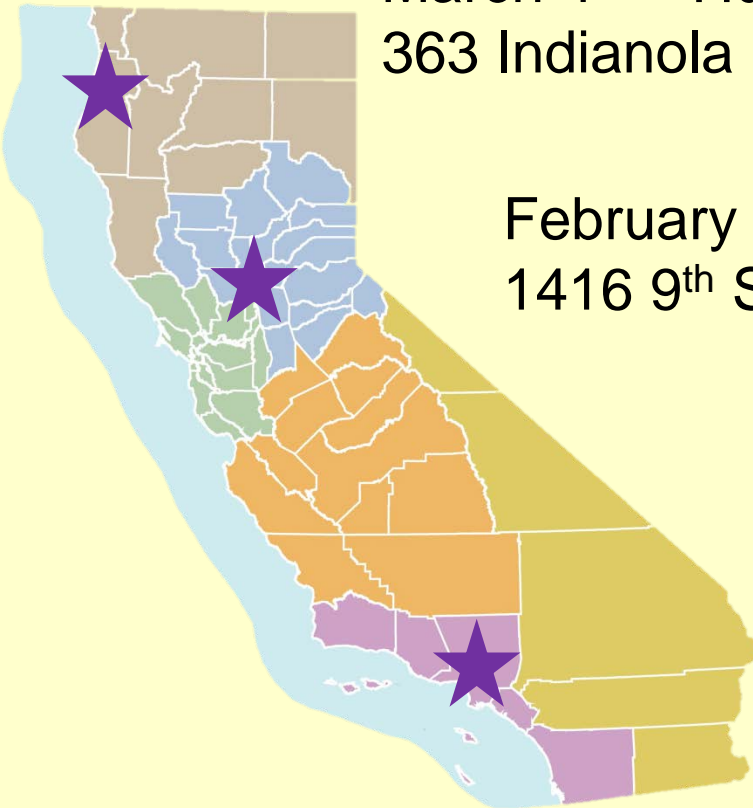
3 meetings w/ WebEx capability, 1:30-4pm

RSVP to SCPermits@wildlife.ca.gov

March 4th – Humboldt Area Foundation
363 Indianola Rd, Bayside, CA 95524

February 19th – Resources Bldg. Auditorium,
1416 9th St. Sacramento, CA 95814

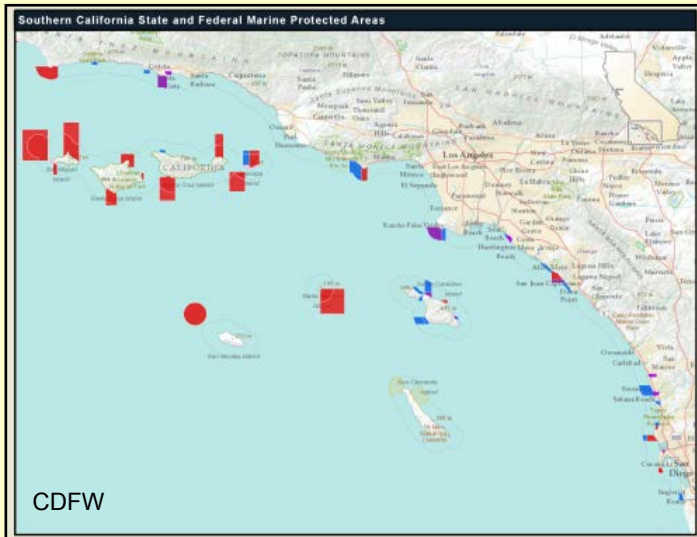
April 1st – West Ed Bldg.,
4655 Lampson Ave. Ste. A
Los Alamitos, CA 90720





Stakeholder Dialogue

The Department's vision is that regulatory and internal improvements will continue to support stakeholders and encourage research, conservation and education, while protecting California's wildlife.





Acronyms

SCP

Scientific Collecting Permit

CCR

California Code of Regulations

FGC

Fish and Game Code

FP

Fully Protected

CESA

California Endangered Species Act

MOU

Memorandum of Understanding

ESA

Federal Endangered Species Act

AB

Assembly Bill

NOAA

National Oceanic Atmospheric Administration

LAI

List of Authorized Individuals

MBTA

Migratory Bird Treaty Act

APA

Administrative Procedures Act

CEQA

California Environmental Quality Act

OAL

Office of Administrative Law