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Memorandum

Date: July 15, 2014

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: Agenda Item for the August 6, 2014 Fish and Game Commission Meeting Regarding the Addition of Section 786.9, Title 14, California Code of Regulations, Take of Rare Plants

The Pre-adoption Statement of Reasons is being submitted to the Fish and Game Commission (Commission) to show that no public comments have been received and no additional regulatory changes have been made since the public notice of the Initial Statement of Reasons (ISOR).

The ISOR proposed regulatory change that pertains to the take of plants designated as "rare" under the Native Plant Protection Act (NPPA). Although the Department of Fish and Wildlife (Department) may permit take of threatened, endangered and candidate plants under the California Endangered Species Act (CESA) and other statutes, the Department does not have the authority to permit take, possession, propagation, transportation, exportation, importation, or sale of the 64 species, subspecies and varieties of plants that have been designated as rare by the Commission. The proposed regulation will allow the Department to permit the take, possession, propagation, transportation, exportation, importation, or sale of rare plants using the same procedures and subject to the same conditions that can be used for threatened, endangered and candidate plant species.

If you have any questions or need additional information, please contact Mr. Jeb Bjerke, Senior Environmental Scientist (Specialist), by telephone at (916) 651-6594 or by e-mail at Jeb.Bjerke@wildlife.ca.gov.

Attachments

Sonke Mastrup
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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Division 1, Subdivision 3, Chapter 6 and
Add Article 2.5 and Section 786.9
Title 14, California Code of Regulations
Re: Take of Rare Plants

- I. Date of Initial Statement of Reasons: May 7, 2014
- II. Date of Pre-adoption Statement of Reasons: July 15, 2014
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 4, 2014
Location: Fortuna, CA
 - (b) Discussion and Adoption Hearing: Date: August 6, 2014
Location: San Diego, CA
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made in the originally proposed regulatory language.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made in the originally proposed regulatory language.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

No comments have been received in opposition to or in support of the proposed action.