

From: [Ileene Anderson](#)
To: [FGC](#)
Subject: TAKE OF RARE PLANTS (Add Sec.786.9, TITLE 14, CCR)
Date: Thursday, July 24, 2014 4:57:40 PM
Attachments: [Center support for Rare Plant reg changes 7-24-14.pdf](#)

Please find attached the Center for Biological Diversity's letter of support for the Proposed Regulations for the Take of Rare Plants (Add Section 786.9, Title 14, CCR) August 6, 2014 Commission Agenda, Item #16.

Please feel free to contact me with any questions.

Ileene

Ileene Anderson

Senior Scientist/Public Lands Desert Director

Center for Biological Diversity

323-654-5943 (W)

323-490-0223 (C)

www.BiologicalDiversity.org



*protecting and restoring natural ecosystems and imperiled species through
science, education, policy, and environmental law*

submitted via email

7/24/2014

California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814
fgc@fgc.ca.gov

**RE: Possible Discussion and Adoption of Proposed Regulations for the Take of Rare Plants
(Add Section 786.9, Title 14, CCR) August 6, 2014 Commission Agenda, Item #16.**

Dear Commissioners,

On behalf of the members, staff and supporters of the Center for Biological Diversity we submit the following comments. The proposed Amendment to Division 1, Subdivision 3, Chapter 6 and the proposed addition of Article 2.5 and Section 786.9 after Article 2 represent a positive step toward developing consistency for how state listed plants are treated under the California Endangered Species Act (CESA). The proposed regulations helps to clarify the terms and conditions for permitting the take of plants listed as Rare under the Native Plant Protection Act (NPPA).

We support establishing regulations to permit the take, possession, propagation, transportation, exportation, importation, or sale of plants that are State-designated as Rare, and the proposed Take Regulations would provide opportunities to apply the same procedures for minimizing and fully mitigating impacts to Rare listed species under the provisions of Fish and Game Code Section 2081, as are currently applied to plants that are State-designated as Threatened, Endangered, or Candidate species.

Modifications to statutory and/or regulatory language are still needed, related to the 64 Rare listed plants. Necessary modifications need to eliminate the NPPA exemptions (at Fish & Game Code subsections (b) and (c) of Section 1907, Section 1912, and Section 1913) that allow for the destruction of these species and we urge the Commission to finish the job to provide full protection for these species.

However, we do support the proposed Take Regulations for the regulatory clarity and conservation benefits they will provide to rare native plants in California and we urge the Fish and Game Commissioners to adopt the regulations as proposed.

Sincerely,

Ilene Anderson

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Washington • Illinois • Minnesota • Vermont • Washington, DC