

NON-SUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2013-0123-03N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2013 JAN 23 PM 1:21 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission			AGENCY FILE NUMBER (if any)

ENDORSED FILED
IN THE OFFICE OF

2013 FEB 27 PM 1:52

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Permits to Take Fully Protected Animals for Scientific Purposes	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		
	AMEND 670.7(e) and (f)		
TITLE(S) 14	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Anita Biedermann	TELEPHONE NUMBER (916) 653-1803	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) anita.biedermann@fgc.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Scott Barrow</i>	DATE January 23, 2013
TYPED NAME AND TITLE OF SIGNATORY Scott Barrow, Deputy Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 27 2013

Office of Administrative Law

Section 670.7, Title 14, CCR is amended to read:

§670.7. Permits to Take Fully Protected Animals for Scientific Purposes.

The department may issue revocable permits to take fully protected species for scientific purposes under the following conditions:

(a) Permits may be issued only to members of the faculty or professional staff of a scientific or educational institution; professional wildlife staff of a government agency or private institution; or others who are deemed qualified by the department.

(b) Requests for permits to take fully protected species shall be submitted to the department in writing, and shall include the following information:

(1) Name and address of applicant.

(2) Species and number to be collected.

(3) Scientific background and research experience of principal investigator and assistants.

(4) Description of proposed study, with reference to the literature, including purpose, methods of capture, materials, expected result, and intended disposition of animals collected or handled.

(5) Duration of study; locality and periods of sampling or capture.

(c) Revocable permits issued by the department shall be in the form of a memorandum of understanding. This memorandum shall include the conditions under which taking of animals may be permitted, beginning and termination dates, and requirements for periodic reports to the department, which shall be at least yearly. The memorandum, and any addenda to it, shall be signed by the director of the department and by the applicant or the applicant's executive supervisor.

(d) The department shall notify the commission prior to the issuance of any memorandums and prepare a report annually regarding any memorandums issued pursuant to this section.

~~(e) Commission approval shall be required prior to the issuance by the department of any memorandum for a fully protected species listed in subsection (f). Such memorandums shall be subject to conditions established by the commission.~~

~~(f) Commission approval shall be required for studies involving the take for scientific purposes of the following fully protected species:~~

~~(1) California condor (*Gymnogyps californianus*).~~

~~(2) Southern sea otter (*Enhydra lutris nereis*).~~

~~(3) Bighorn sheep (*Ovis canadensis*).~~

(g) Permits for the taking of fully protected species that are also declared to be rare or endangered by the commission pursuant to Section 670.5, or federally designated as endangered or threatened by the Secretary of the Interior, shall be subject to conditions of State-Federal Cooperative Agreements relating to these species.

(h)(f) Any permit issued pursuant to these regulations may be cancelled or suspended at any time by the director of the department when, in his judgment, permittee is acting or has acted contrary to the terms and conditions of subject permit, or if, in his judgment, the safety or welfare of the species authorized to be taken by subject permit is or may be jeopardized by the actions of permittee.

Note: Authority cited: Section 1002, Fish and Game Code. Reference: Sections 3511, 4700, 5050 and 5515, Fish and Game Code.