Title 14 Department of Fish and Wildlife
Published July 12, 2013

RECEIVED JUL 17 2013

NOTICE OF PROPOSED RULEMAKING

In response to recent legislation, the California Department of Fish and Wildlife (Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing meeting on September 19, 2013, at 1416 9th Street, Sacramento, California, at 1:30 PM in the first floor auditorium. The auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at the office below no later than 5:00 PM on September 19, 2013. All written comments must include the true name and mailing address of the commenter.

Written comments may be submitted by mail, facsimile or email as follows:

California Department of Fish and Wildlife
Wildlife Branch
Mountain Lion Possession
1812 Ninth Street
Sacramento, CA 95814
Fax: (916) 445-4048
Email: wildlifemgt@wildlife.ca.gov

AUTHORITY AND REFERENCE

Fish and Game Code Section 702 authorizes the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 702 and 4800 of the Fish and Game Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current regulations (Section 251.4, Title 14, CCR), a mountain lion, or parts thereof, may only be possessed by a person with a permit from the Department of Fish and Wildlife (Department), and only for animals that were in a person's possession on or before June 6, 1990. The current regulations require a $5.00 permit fee and tagging by the Department.

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 a part or product of a mountain lion carcass if it is prepared or being prepared for display, exhibition, or storage, for a bona fide scientific or educational 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 or products. The proposed regulation will authorize entities to possess mountain lion carcasses or parts or products thereof for scientific or educational purposes.

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

The proposed regulation would establish a Mountain Lion Possession Permit to be issued in the form of a letter from the Department, 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 the mountain lion carcass or part or product thereof shall be located.
(3) Description of the 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 $5.00 permit fee and tagging requirement.

The Department anticipates benefits to the State's environment in that the display of mountain lion carcasses in museums and government-owned facilities open to the public will enable a better understanding by the public of mountain lions and their role in the ecosystem. The

Department anticipates benefits to the State's environment though information gleaned from scientific research of mountain lion carcasses or parts.

The Department is unaware of any inconsistencies or incompatibilities with state regulations. The Department has searched the California Code of Regulations and finds no other state agency with authority to promulgate mountain lion regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandates on local agencies or school districts: NONE

Costs or savings to any state agency: NONE

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: NONE

Other nondiscretionary cost or savings imposed on local agencies: NONE

Costs or savings in federal funding to the state: NONE

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, 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 for bona fide scientific or educational purposes.

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

Significant effect on housing costs: NONE

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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, 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 for bona fide scientific or educational purposes. Since the effected parties are small and/or non-profit businesses the regulatory action is anticipated to generate only minor direct, indirect and induced economic impacts. The environmental education services provided are specific to California eco-systems, and thus not in competition with other states.

The Department anticipates benefits to the State's environment in that the display of mountain lion carcasses in museums and government-owned facilities open to the public will enable a better understanding by the public of mountain lions and their role in the ecosystem. The Department anticipates benefits to the State's environment though information gleaned from scientific research on mountain lion carcasses or parts.

The Department does not anticipate benefits to worker safety, the prevention of discrimination, the promotion of fairness and social equity, or to the increase in openness and transparency in business and government.

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.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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.

The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name	Eric Loft
Address	1812 Ninth Street Sacramento, CA 95814
Tel. No.:	(916) 445-3555
Fax No.:	(916) 445-4048
Email:	wildlifemgt@wildlife.ca.gov

The back- up contact person is:

Name: Marc Kenyon
Address: 1812 Ninth Street
Sacramento, CA 95814
Tel. No.: (916) 445-3515
Fax No: (916) 445-4048
Email: wildlifemgt@wildlife.ca.gov

Website Access: Material regarding this proposal can be found at: www.dfg.ca.gov/news/pubnotice/regulations.html.

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the above address.

AVAILABILITY OF THE STATEMENT OF RESONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1812 Ninth Street, Sacramento, CA 95811. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Dr. Eric Loft.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Dr. Eric Loft at the address above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dr. Eric Loft at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: www.dfg.ca.gov/news/pubnotice/regulations.html.

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