



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
SCIENTIFIC COLLECTING LAWS AND REGULATIONS



This document is designed to provide essential information about scientific collecting. It **does not** provide complete coverage of all scientific collecting laws and regulations.

Although this document contains excerpts from the Fish and Game Code, and/or the California Code of Regulations, Title 14, it is the permittee's responsibility to know and obey **all** laws and regulations in effect while he/she is collecting. Changes to either code may occur at any time during the year.

Any discrepancies between this document and the codes(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.

Fish and Game Code Excerpts

§1002. Possession permits for scientific purposes, etc.

(a) The department may issue permits, subject to restrictions and regulations that the commission determines are desirable, to take or possess, in any part of the state, for scientific, educational, or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia, reptiles, or any other form of plant or animal life.

(b) The department may issue a permit that is valid for 24 months from the date of issuance to a resident of this state on the payment of a base fee of thirty dollars (\$30), as adjusted under Section 713.

(c) Notwithstanding subdivision (b), the department may issue a permit without fee that is valid for 12 months from the date of issuance for either of the following purposes:

(1) To authorize only the banding of birds and the exhibition of live or dead wildlife specimens by public zoological gardens, scientific, or educational institutions.

(2) To a student who is regularly enrolled in a commercial fishing class in a school operating under the jurisdiction of the State Board of Education or in a commercial fishing class in a community college and to a faculty member of those schools or a community college when conducting a regularly enrolled class in commercial fishing. Any permit issued under this paragraph shall be valid only when the student is under the direct supervision of the instructor who is approved by the school or community college to teach the class and who has obtained a permit under subdivision (b) or this paragraph from the department. All fish taken shall be taken in accordance with state law, except that Sections 7850, 7880, and 7881 do not apply to persons or equipment operating under this paragraph. All fish taken under a permit issued under this paragraph may be sold only to a person licensed to receive fish from commercial fishermen as provided in Section 8032 or 8033 or donated to a charitable institution. All

funds received from the sale of the fish shall be used solely for the support of the commercial fishing classes.

(d) The department may issue a special student permit that is valid for 12 months from the date of issuance on the payment of a base fee of ten dollars (\$10), as adjusted under Section 713, to any student in a school of collegiate level who is required by an instructor in wildlife research in the school to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public.

(e) The department may issue a nonresident permit that is valid for 24 months from the date of issuance on application and payment of a base fee of one hundred dollars (\$100) as adjusted under Section 713.

(f) It is not necessary for the possessor of the permit to have a sportfishing or hunting license to collect any fish, reptile, aquatic animal or plant, bird, or mammal for scientific, educational, or propagation purposes in this state.

(g) Nothing in this section authorizes any act which violates Section 597 of the Penal Code.

(h) A permit under this section does not authorize the taking of fish or mammals from the ocean waters of this state which are within the boundaries of any city if the city has filed with the department an objection to the taking.

(i) The adjustment of the base fees pursuant to Section 713 that is specified in subdivisions (b), (d), and (e) shall be applicable to permits issued on or after January 1, 1991.

§1002.5. Permit and Amendment Issuance and Fee Structure

(a) The department may issue a permit for scientific purposes pursuant to Section 1002 to a California-certified small business, an aquarium accredited by the Association of Zoos and Aquariums, or other appropriate institution, as determined by the department, in the name of a principal scientific

investigator or the permitted entity.

(b) The department may approve individual temporary employees or volunteers to work under the permit, after receiving notification from the permittee. The permittee shall have adequate supervision over any temporary employees or volunteers approved to work under the permit.

(c) A permittee that allows a temporary employee or volunteer to work under a permit without approval from the department in accordance with this section is subject to Section 12000.

(d) The department shall charge a fee pursuant to subdivision (b) of Section 1002 for the issuance of a permit authorized by this section. If the department determines that the costs to issue a permit authorized by this section are greater than the costs to issue a permit pursuant to Section 1002, the department may charge a permit fee in an amount that is greater than the amount imposed by subdivision (b) of Section 1002 to recover those additional costs.

(e) The department may amend a permit issued under this section, including, but not limited to, the addition or removal of individual temporary employees or volunteers working under the permit, on the payment of a base fee of sixty dollars (\$60), as adjusted under Section 713.

§1003. Shipment, etc. of mammals taken under research permit.

Mammals, birds, and the nest and eggs thereof, fish and eggs thereof, reptiles, mollusks, crustaceans, or any other form of plant or animal life taken under the provisions of such a scientific or propagation permit may be shipped or transported anywhere within or without the state if prior written approval is obtained from the department and each such shipment is accompanied by the name, address, and permit number of the person holding the scientific or propagation permit.

California Code of Regulations, Title 14 Excerpts

§650. Scientific Collecting Permits.

(a) General. Except as otherwise provided, it is unlawful to take or possess marine plants, live or dead birds, mammals, fishes, amphibians, or reptiles for scientific, educational, or propagation purposes except as authorized by a permit issued by the department. Notwithstanding Fish and Game Code Section 86, take includes capturing, marking, and releasing any animal. (Note: Persons taking rare, threatened, or endangered PLANT species are exempt from this permit but must obtain a RARE, THREATENED, AND ENDANGERED PLANT COLLECTING PERMIT. Forms are available from the Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814.)

(1) The department may authorize and limit the kind and number of specimens that may be taken, the type of equipment and methods used, the time and seasons for take, and the areas where take may occur.

(2) The permittee shall carry the permit and any amendments at all times when conducting any activity authorized by the permit.

(3) The department may amend the conditions of a permit at any time.

(4) No person shall take any threatened, endangered, or fully protected animal except persons who have a valid Memorandum of Understanding in writing with the department. Any such wildlife inadvertently taken shall be immediately released at the site of capture except migratory birds may be banded with a federal leg band before release.

(b) Issuance of Permits. The department may issue permits to take wildlife and marine plants for bona fide scientific, educational, or propagation purposes to:

(1) Employees of local, state and federal agencies who take specimens in connection with their official duties.

(2) Faculty, professional staff, college level students of, or individuals hired by; public or private companies, educational institutions, zoological gardens or aquariums, in or out of state. (Note: See Fish and Game Code sections 3039, 4005, and 7850 concerning restrictions and additional licenses required for taking fish and wildlife for commercial purposes).

(3) Individuals who take wildlife or marine plants for other permittees or pursuant to environmental protection documents required by law.

(4) Individuals who possess a valid federal Bird Marking and Salvage Permit. Holders of this federal permit are not required to obtain a state permit to take migratory birds, other than raptorial birds.

(c) Applicant Qualifications and Requirements. Individuals who take wildlife or marine plants for use by schools, museums, and other organizations shall submit a written statement signed by a minimum of two faculty members of the institution verifying the take is required by the institution.

(1) Students required to take wildlife or marine plants for educational purposes shall submit proof of sponsorship from a faculty member requiring the take.

(2) Persons who take birds protected by the U.S. Migratory Bird Treaty Act must also possess all required federal permits.

(3) A permit shall not be issued to anyone under 18 years of age to mark birds except for students at the college level who must mark birds to meet an educational curriculum requirement and who have obtained the sponsorship of an instructor in such curriculum.

(d) Marking. Mark means any activity which results in placement of a color dye or other identifying device on an animal.

(e) Application. Each person must submit a completed application on SCIENTIFIC COLLECTING PERMIT APPLICATION, Form FG1379 (5/95), which is incorporated by reference herein. Application forms are available from the Department of Fish and Game, 3211 "S" Street, Sacramento, California, 95816.

(f) Permit Revocation. The department may revoke, suspend or decline to renew a permit for failure to comply with the provisions of a permit or failure to comply with these regulations. Any person whose permit is denied, revoked, or suspended may request a hearing before the commission to appeal the department's decision.

(g) Permit Nontransferable. Permits are not transferable. Persons may assist the permittee if the permittee is present and overseeing the activities.

(h) Notification of Department Required Prior to Taking Specimens. Before taking any wildlife or marine plants, the permittee shall notify the department office designated in the permit and provide the following information: name and permit number; date, time and location of take; species, gear to be used, vehicle description, and number of persons in party. Such notification may be given by letter, telephone or personal contact. The department may require a minimum time for providing the advance notification as a condition of the permit.

(i) Reporting of Specimens Taken. Permittees shall submit a completed report of activities within 30 days of expiration of the permit except the department may waive the reporting requirements. The waiver shall be in writing.

(1) The department shall accept the report in any of the following formats:

(A) Written on REPORT OF SPECIMENS COLLECTED, Form FG1379a (10/95), which is incorporated by reference herein, or;

(B) Written as a SPECIAL REPORT as designated in the conditions of the permit, or;

(C) Electronically in a format and to an address specified by the department, or;

(D) As otherwise required in writing by the department.

(2) No permit will be renewed unless the completed report is received by the department within 30 days of the expiration date of the permit, or as directed in writing by the department.

(3) Reports of wildlife or marine plants taken after submission of application for renewal shall be included in the next year's report.

(4) A permittee who instructs a commercial fishing class shall submit the report for the entire class. The report shall show the total number of each species of fish taken, the amount of fish sold and the price received therefor, the amount of fish donated to charitable institutions, and the name and address of such institutions. Students enrolled in commercial fishing classes shall not be required to submit an annual report.

(j) Inspection. Employees of the department or sponsors of permittees may inspect any collection at any time to determine whether or not the permittee is complying with the regulations.

(k) Disposition of Specimens. The department may restrict the use and disposition of all wildlife taken under authority of a permit.

(l) Possession of Dead Wildlife. The following are not required to possess a permit for accidentally killed and legally acquired wildlife: government accredited schools that are open to the public, government agencies, federally recognized native American groups, institutions or organizations engaged in bona fide scientific study of native wildlife if the specimens are readily available for use or viewing by the general public on a regular basis, any person or group with a valid permit issued by the federal government authorizing possession of specific wildlife, and nationally constituted youth organizations which have the study of native wildlife as an integral part of their national program. This exemption does not apply to

accidentally killed big game mammals or to any threatened, rare, endangered or fully protected species.

(1) Records. The person who has the chief authority to act for any group, agency, or institution listed in section 650(b) shall maintain a permanent written record of the date of acquisition, the name and address of the person donating wildlife, how it was acquired, the species, sex, and number of animals, and the city and street address of the storage site. All records and wildlife must be maintained within California and shall be presented immediately to any employee of the department upon request.

(2) Transportation. Wildlife possessed pursuant to section 650(b) may not be transported from the storage site unless accompanied by a written document describing the animal or part thereof, listing the name of the person who has temporary possession, the purpose, and the date to be returned. The authorization must be written on organization letterhead, dated, and signed by the chief administrative officer.

(3) Ownership. All accidentally killed wildlife remains the property of the state and must be disposed of as directed by the department.