

REFERENCE TITLE: G&F; protected species; taking prohibition

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1182

Introduced by
Senator Farley

AN ACT

AMENDING SECTIONS 3-2401, 17-101, 17-302, 17-309 AND 17-314, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-321; RELATING TO GAME AND FISH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 3-2401, Arizona Revised Statutes, is amended to
3 read:

4 **3-2401. Control of destructive animals and noxious rodents;**
5 **agreements and cooperation with federal agencies;**
6 **exception**

7 A. The director shall cooperate with the animal and plant health
8 inspection service of the United States department of agriculture in the
9 control and destruction or relocation of predatory wildlife, reintroduced
10 predatory wildlife, noxious rodents and related animals that are injurious
11 to livestock, poultry, game, agriculture, other industries and the public
12 health in accordance with organized and systematic plans of the animal and
13 plant health inspection service. For such purposes, the director shall
14 enter into written agreements with the animal and plant health inspection
15 service regarding the methods and procedure to be followed, the extent of
16 supervision to be exercised by the state and federal agencies,
17 respectively, and the use and expenditure of state funds. The director,
18 in cooperation with the animal and plant health inspection service, may
19 also enter into cooperative agreements with other governmental agencies
20 and counties of **the THIS** state to promote the control and destruction of
21 predatory wildlife, reintroduced predatory wildlife, noxious rodents and
22 related animals.

23 B. The authority to destroy predatory wildlife, reintroduced
24 predatory wildlife, noxious rodents and related animals does not include
25 big game animals as defined in section 17-101, except:

26 1. Bear **and mountain lion** taken pursuant to section 17-302.
27 2. **PROTECTED FELIDS TAKEN PURSUANT TO SECTION 17-321.**
28 **2. 3.** To protect public health and safety.

29 Sec. 2. Section 17-101, Arizona Revised Statutes, is amended to
30 read:

31 **17-101. Definitions**

32 A. In this title, unless the context otherwise requires:

33 1. "Angling" means the taking of fish by one line and not to exceed
34 two hooks, by one line and one artificial lure, which may have attached
35 more than one hook, or by one line and not to exceed two artificial flies
36 or lures.

37 2. "Bag limit" means the maximum limit, in number or amount, of
38 wildlife that may lawfully be taken by any one person during a specified
39 period of time.

40 3. "Closed season" means the time during which wildlife may not be
41 lawfully taken.

42 4. "Commission" means the Arizona game and fish commission.

43 5. "Department" means the Arizona game and fish department.

1 6. "Device" means any net, trap, snare, salt lick, scaffold,
2 deadfall, pit, explosive, poison or stupefying substance, crossbow,
3 firearm, bow and arrow, or other implement used for taking
4 wildlife. Device does not include a raptor or any equipment used in the
5 sport of falconry.

6 7. "Domicile" means a person's true, fixed and permanent home and
7 principal residence. Proof of domicile in this state may be shown as
8 prescribed by rule by the commission.

9 8. "Falconry" means the sport of hunting or taking quarry with a
10 trained raptor.

11 9. "Fishing" means to lure, attract or pursue aquatic wildlife in
12 such a manner that the wildlife may be captured or killed.

13 10. "Fur dealer" means any person engaged in the business of buying
14 for resale the raw pelts or furs of wild mammals.

15 11. "Guide" means a person who does any of the following:

16 (a) Advertises for guiding services.

17 (b) Holds himself out to the public for hire as a guide.

18 (c) Is employed by a commercial enterprise as a guide.

19 (d) Accepts compensation in any form commensurate with the market
20 value in this state for guiding services in exchange for aiding,
21 assisting, directing, leading or instructing a person in the field to
22 locate and take wildlife.

23 (e) Is not a landowner or lessee who, without full fair market
24 compensation, allows access to the landowner's or lessee's property and
25 directs and advises a person in taking wildlife.

26 12. "License classification" means a type of license, permit, tag
27 or stamp authorized under this title and prescribed by the commission by
28 rule to take, handle or possess wildlife.

29 13. "License year" means the twelve-month period between January 1
30 and December 31, inclusive, or a different twelve-month period as
31 prescribed by the commission by rule.

32 14. "Nonresident", for the purposes of applying for a license,
33 permit, tag or stamp, means a citizen of the United States or an alien who
34 is not a resident.

35 15. "Open season" means the time during which wildlife may be
36 lawfully taken.

37 16. "Possession limit" means the maximum limit, in number or amount
38 of wildlife, that may be possessed at one time by any one person.

39 17. "Resident", for the purposes of applying for a license, permit,
40 tag or stamp, means a person who is:

41 (a) A member of the armed forces of the United States on active
42 duty and who is stationed in:

43 (i) This state for a period of thirty days immediately preceding
44 the date of applying for a license, permit, tag or stamp.

18. "Road" means any maintained right-of-way for public conveyance.

9 19. "Statewide" means all lands except those areas lying within the
10 boundaries of state and federal refuges, parks and monuments, unless
11 specifically provided differently by commission order.

12 20. "Take" means pursuing, shooting, hunting, fishing, trapping,
13 killing, capturing, snaring or netting wildlife or the placing or using of
14 any net or other device or trap in a manner that may result in the
15 capturing or killing of wildlife.

16 21. "Taxidermist" means any person who engages for hire in the
17 mounting, refurbishing, maintaining, restoring or preserving of any
18 display specimen.

19 22. "Traps" or "trapping" means taking wildlife in any manner
20 except with a gun or other implement in hand.

21 23. "Wild" means, in reference to mammals and birds, those species
22 that are normally found in a state of nature.

23 24. "Wildlife" means all wild mammals, wild birds and the nests or
24 eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish,
25 including their eggs or spawn.

26 25. "Youth" means a person who is under eighteen years of age.

27 26. "Zoo" means a commercial facility open to the public where the
28 principal business is holding wildlife in captivity for exhibition
29 purposes.

30 B. The following definitions of wildlife shall apply:

31 1. "Aquatic wildlife" ~~are~~ MEANS all fish, amphibians, mollusks,
32 crustaceans and soft-shelled turtles.

33 **3.** 2. "Big game" ~~are~~ MEANS wild turkey, deer, elk, pronghorn
34 (antelope), bighorn sheep, bison (buffalo), peccary (javelina), ~~—~~ AND bear
35 ~~and mountain lion.~~

36 6. 3. "Fur-bearing animals" are MEANS muskrats, raccoons, otters,
37 weasels, ~~bobcats~~, beavers, badgers and ringtail cats.

38 ~~13.~~ 4. "Game fish" ~~are~~ MEANS trout of all species, bass of all
39 species, catfish of all species, sunfish of all species, northern pike,
40 walleye and yellow perch.

41 ~~2.~~ 5. "Game mammals" ~~are~~ MEANS deer, elk, bear, pronghorn
42 (antelope), bighorn sheep, bison (buffalo), peccary (javelina), ~~mountain~~
43 ~~ton~~, tree squirrel and cottontail rabbit.

1 10. 6. "Migratory game birds" ~~are~~ MEANS wild waterfowl, including
2 ducks, geese and swans; sandhill cranes; all coots, all gallinules, common
3 snipe, wild doves and bandtail pigeons.

4 8. 7. "Nongame animals" ~~are~~ MEANS all wildlife except game
5 mammals, game birds, fur-bearing animals, predatory animals and aquatic
6 wildlife.

7 11. 8. "Nongame birds" ~~are~~ MEANS all birds except upland game
8 birds and migratory game birds.

9 14. 9. "Nongame fish" ~~are~~ MEANS all the species of fish except
10 game fish.

11 7. 10. "Predatory animals" ~~are~~ MEANS foxes, skunks, ~~—~~ AND coyotes
12 ~~and bobcats~~.

13 11. "PROTECTED FELID" MEANS ANY BOBCAT, CANADA LYNX, JAGUAR,
14 MOUNTAIN LION OR OCELOT.

15 12. "Raptors" ~~are~~ MEANS birds that are members of the order of
16 falconiformes or strigiformes and ~~include~~ INCLUDES falcons, hawks, owls,
17 eagles and other birds that the commission may classify as raptors.

18 5. 13. "Small game" ~~are~~ MEANS cottontail rabbits, tree squirrels,
19 upland game birds and migratory game birds.

20 4. 14. "Trophy" means:

21 (a) A mule deer buck with at least four points on one antler, not
22 including the eye-guard point.

23 (b) A whitetail deer buck with at least three points on one antler,
24 not including the eye-guard point.

25 (c) A bull elk with at least six points on one antler, including
26 the eye-guard point and the brow tine point.

27 (d) A pronghorn (antelope) buck with at least one horn exceeding or
28 equal to fourteen inches in total length.

29 (e) Any bighorn sheep.

30 (f) Any bison (buffalo).

31 15. "Trout" means all species of the family salmonidae, including
32 grayling.

33 9. 16. "Upland game birds" ~~are~~ MEANS quail, partridge, grouse and
34 pheasants.

35 Sec. 3. Section 17-302, Arizona Revised Statutes, is amended to
36 read:

37 17-302. Taking of bear for protection of property; report

38 A. Other provisions of this title notwithstanding, a landowner or
39 lessee, who is a livestock operator and who has recently had livestock
40 attacked or killed by bear ~~or mountain lion, may~~, if ~~he~~ THE LANDOWNER OR
41 LESSEE complies with subsection B OF THIS SECTION, MAY lawfully exercise
42 such measures as necessary to prevent further damage from the offending
43 bear ~~or lion~~, including the taking of ~~such~~ THE bear ~~or mountain lion~~ in
44 the following manner:

1 1. All traps shall be inspected within seventy-two hours and
2 nontarget animals released without further injury. The department shall
3 provide technical advice and assistance in the release of nontarget bears
4 ~~and lions~~. Nontarget animals **THAT ARE** seriously injured and unable to
5 leave the scene ~~upon~~ **ON** release shall be humanely dispatched. Target
6 bears ~~and lions~~ shall be humanely dispatched immediately.

7 2. Bears ~~and lions~~ may be taken only by means of:
8 (a) ~~teg hold~~ **LEGHOLD** traps without teeth and with an open jaw
9 spread not exceeding eight and one-half inches.

10 (b) Leg snares.
11 (c) Firearms.
12 (d) Other legal hunting weapons and devices.

13 3. All traps and snares shall be identified as to the person or
14 agency setting the trap or snare.

15 4. A livestock operator taking a ~~lion or~~ bear pursuant to this
16 section shall notify a department office within five days after setting
17 traps or initiating pursuit in any manner. The notification ~~for both~~
18 ~~bears and lions~~ shall include information on the number and kind of
19 livestock attacked or killed and the name and address of the livestock
20 operator experiencing depredation. Such information ~~shall~~ **IS** not ~~be~~
21 public information.

22 5. A livestock operator taking a bear ~~or lion~~ pursuant to this
23 section shall provide reasonable evidence of having livestock recently
24 attacked or killed if a person authorized by the director requests such
25 evidence within forty-eight hours ~~of~~ **AFTER** the department being notified
26 pursuant to paragraph 4 **OF THIS SUBSECTION**. Information shall include
27 location description of sufficient detail to allow the site of depredation
28 and traps set to be located. Such information ~~shall~~ **IS** not ~~be~~ public
29 information.

30 6. Dogs may be used to facilitate the pursuit of depredating bears
31 ~~and lions~~.

32 B. A license or tag shall not be required for the taking of a bear
33 ~~or mountain lion~~ under this section, but within ten days after the taking,
34 the livestock operator shall file a written report with the
35 department. The location of the take, identity of the livestock operator
36 filing the report and location and date of livestock depredation are not
37 public information. **Such THE** report shall also contain the following
38 information:

39 1. **THE** name and address of **THE** livestock operator experiencing
40 depredation losses.
41 2. **THE** number, ages and kinds of livestock lost.
42 3. **THE** numbers and location of bears ~~or lions~~ taken.

1 4. **THE** sex and estimated age of each bear ~~or lion~~ taken.

2 5. **THE** location and date of livestock depredation.

3 C. ~~No portion~~ **PORTIONS** of an animal taken pursuant to this section
4 shall **NOT** be retained or sold by any person except as authorized by the
5 commission.

6 D. ~~No~~ **AN** animal trapped or taken alive under this section shall **NOT**
7 be held in captivity.

8 E. In addition to other penalties provided by law, persons not in
9 compliance with ~~the provisions of~~ this section may be ordered by the
10 department to remove devices not in compliance with the requirements of
11 this section and to cease and desist current pursuit activities intended
12 to take the depredating bear ~~or lion which the livestock operator has~~
13 ~~failed to comply with the provisions of this section.~~

14 F. A livestock operator entitled to take a bear ~~or lion~~ under ~~the~~
15 ~~provisions of~~ this section may contract with another person for the taking
16 of the depredating bear ~~or lion~~. The person under contract shall comply
17 with ~~all of the provisions of~~ this section.

18 Sec. 4. Section 17-309, Arizona Revised Statutes, is amended to
19 read:

20 17-309. **Violations; classification**

21 A. Unless otherwise prescribed by this title, it is unlawful for a
22 person to:

23 1. Violate any provision of this title or any rule adopted pursuant
24 to this title.

25 2. Take, possess, transport, release, buy, sell or offer or expose
26 for sale wildlife except as expressly permitted by this title.

27 3. Destroy, injure or molest livestock, growing crops, personal
28 property, notices or signboards, or other improvements while hunting,
29 trapping or fishing.

30 4. Discharge a firearm while taking wildlife within one-fourth mile
31 of an occupied farmhouse or other residence, cabin, lodge or building
32 without permission of the owner or resident.

33 5. Take a game bird, game mammal or game fish and knowingly permit
34 an edible portion thereof to go to waste, except as provided in section
35 17-302.

36 6. Take big game, except bear ~~or mountain lion~~, with the aid of
37 dogs.

38 7. Make more than one use of a shipping permit or coupon issued by
39 the commission.

40 8. Obtain a license or take wildlife during the period for which
41 the person's license has been revoked or suspended or the person has been
42 denied a license.

- 1 9. Litter hunting and fishing areas while taking wildlife.
- 2 10. Take wildlife during the closed season.
- 3 11. Take wildlife in an area closed to the taking of that wildlife.
- 4 12. Take wildlife with an unlawful device.
- 5 13. Take wildlife by an unlawful method.
- 6 14. Take wildlife in excess of the bag limit.
- 7 15. Possess wildlife in excess of the possession limit.
- 8 16. Possess or transport any wildlife or parts of the wildlife that
9 was unlawfully taken.
- 10 17. Possess or transport the carcass of big game without a valid
11 tag being attached.
- 12 18. Use the edible parts of any game mammal or any part of any game
13 bird or nongame bird as bait.
- 14 19. Possess or transport the carcass or parts of a carcass of any
15 wildlife that cannot be identified as to species and legality.
- 16 20. Take game animals, game birds and game fish with an explosive
17 compound, **A** poison or any other deleterious substances.
- 18 21. Import into this state or export from this state the carcass or
19 parts of a carcass of any wildlife unlawfully taken or possessed.
- 20 B. Unless a different or other penalty or punishment is
21 specifically prescribed, a person who violates any provision of this
22 title, or who violates or fails to comply with a lawful order or rule of
23 the commission, is guilty of a class 2 misdemeanor.
- 24 C. A person who knowingly takes any big game during a closed season
25 or who knowingly possesses, transports or buys any big game that was
26 unlawfully taken during a closed season is guilty of a class 1
27 misdemeanor.
- 28 D. A person is guilty of a class 6 felony who knowingly:
 - 29 1. Barter, sells or offers for sale any big game or parts of big
30 game taken unlawfully.
 - 31 2. Barter, sells or offers for sale any wildlife or parts of
32 wildlife unlawfully taken during a closed season.
 - 33 3. Barter, sells or offers for sale any wildlife or parts of
34 wildlife imported or purchased in violation of this title or a lawful rule
35 of the commission.
 - 36 4. Assists another person for monetary gain with the unlawful
37 taking of big game.
 - 38 5. Takes or possesses wildlife while under permanent revocation
39 under section 17-340, subsection B, paragraph 3.
- 40 E. A peace officer who knowingly fails to enforce a lawful rule of
41 the commission or this title is guilty of a class 2 misdemeanor.

1 Sec. 5. Section 17-314, Arizona Revised Statutes, is amended to
2 read:

17-314. Civil liability for illegally taking, wounding, killing or unlawfully possessing wildlife; recovery of damages

6 A. The commission or any officer charged with enforcement of the
7 laws relating to game and fish, if ~~so~~ directed by the commission, may
8 bring a civil action in the name of ~~the~~ **THIS** state against any person
9 unlawfully taking, wounding or killing, or unlawfully in possession of,
10 any of the following wildlife, or part thereof, and seek to recover the
11 following minimum sums as damage:

| | | |
|----|--|------------|
| 12 | 1. For each turkey or javelina | \$500.00 |
| 13 | 2. For each bear, mountain lion , PRONGHORN (antelope) or deer, other than trophy | \$1,500.00 |
| 14 | | |
| 15 | 3. For each elk or eagle, other than trophy or endangered species | \$2,500.00 |
| 16 | | |
| 17 | 4. For each predatory, fur-bearing or nongame animal | \$ 250.00 |
| 18 | 5. For each small game or aquatic wildlife animal | \$ 50.00 |
| 19 | 6. For each trophy, PROTECTED FELID or endangered species animal | \$8,000.00 |
| 20 | | |

21 B. ~~Not~~ A verdict or judgment recovered by ~~the~~ THIS state in such AN
22 action shall NOT be for less than the sum fixed in this section. The
23 minimum sum that the commission may seek to recover as damages from a
24 person pursuant to this section may be doubled for a second verdict or
25 judgment and tripled for a third verdict or judgment. The action for
26 damages may be joined with an action for possession, and recovery had for
27 the possession as well as the damages.

28 C. The pendency or determination of an action for damages or
29 payment of a judgment, or the pendency or determination of a criminal
30 prosecution for the same taking, wounding, killing or possession, is not a
31 bar to the other, nor does either affect the right of seizure under any
32 other provision of the laws relating to game and fish.

33 D. All monies recovered pursuant to this section shall be placed in
34 the wildlife theft prevention fund.

35 Sec. 6. Title 17, chapter 3, article 1, Arizona Revised Statutes,
36 is amended by adding section 17-321, to read:

17-321. Taking of protected felids prohibited; exceptions

38 A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IT IS
39 UNLAWFUL FOR A PERSON TO KNOWINGLY TAKE A PROTECTED FELID.

40 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO:

41. THE TAKING OF A PROTECTED FELID BY A PERSON WHO

42 PREPONDERANCE OF THE EVIDENCE THAT THE PERSON COMMITTED THE TAKING BASED
43 ON A GOOD FAITH BELIEF THAT THE PERSON WAS ACTING TO PROTECT THE PERSON, A
44 MEMBER OF THE PERSON'S FAMILY OR ANY OTHER INDIVIDUAL FROM BODILY HARM BY
45 THE PROTECTED FELID. THE PERSON SHALL NOTIFY THE DEPARTMENT WITHIN FIVE

1 DAYS AFTER TAKING A PROTECTED FELID UNDER THIS PARAGRAPH. A PROTECTED
2 FELID OR PORTION OF A PROTECTED FELID TAKEN PURSUANT TO THIS PARAGRAPH MAY
3 NOT BE RETAINED, SOLD OR REMOVED FROM THE SITE WITHOUT AUTHORIZATION FROM
4 THE COMMISSION.

5 2. THE TAKING OF A PROTECTED FELID BY AN EMPLOYEE OR AGENT OF THE
6 FEDERAL OR STATE GOVERNMENT UNDERTAKING ANY MANDATORY DUTIES REQUIRED BY
7 FEDERAL OR STATE LAW.

8 3. ACTIVITY THAT IS EXPRESSLY AUTHORIZED BY THE ENDANGERED SPECIES
9 ACT OF 1973 (P.L. 93-205; 87 STAT. 884; 16 UNITED STATES CODE SECTIONS
10 1531 THROUGH 1544.

11 4. THE TAKING OF A PROTECTED FELID BY A LANDOWNER OR LESSEE WHO IS
12 A LIVESTOCK OPERATOR AND WHO HAS RECENTLY HAD LIVESTOCK ATTACKED OR KILLED
13 BY THE PROTECTED FELID, IN ORDER TO PREVENT FURTHER DAMAGE FROM THE
14 PROTECTED FELID, IF:

15 (a) THE TAKING IS NOT OTHERWISE PROHIBITED BY FEDERAL LAW OR
16 SECTION 17-320.

17 (b) THE LIVESTOCK OPERATOR SUBMITS A WRITTEN REQUEST TO THE
18 DEPARTMENT THAT INCLUDES A DETAILED DESCRIPTION OF THE ATTACK, INCLUDING
19 DOCUMENTED EVIDENCE OF THE SPECIES INVOLVED, THE PRECISE LOCATION OF THE
20 ATTACK, THE DATE OR DATES ON WHICH THE ATTACK OCCURRED, EVIDENCE THAT THE
21 ATTACKS ARE ONGOING AND PICTURES OF THE SCENE AND OF THE INJURED OR KILLED
22 LIVESTOCK.

23 (c) THE DEPARTMENT FINDS, BASED ON THE WRITTEN REQUEST, THAT THE
24 LIVESTOCK ATTACKS HAVE MOST LIKELY BEEN CAUSED BY A PROTECTED FELID.

25 (d) IF THE LIVESTOCK OPERATOR USES TRAPS TO TAKE THE PROTECTED
26 FELID, THE TRAPS ARE NOT DESIGNED TO KILL AND COMPLY WITH SECTION 17-301.
27 ALL TRAPS SHALL BE INSPECTED WITHIN TWENTY-FOUR HOURS AND NONTARGET
28 ANIMALS RELEASED WITHOUT FURTHER INJURY. THE DEPARTMENT SHALL PROVIDE
29 TECHNICAL ADVICE AND ASSISTANCE IN THE RELEASE OF NONTARGET PROTECTED
30 FELIDS. TARGET PROTECTED FELIDS SHALL BE HUMANELY DISPATCHED IMMEDIATELY.
31 IN ADDITION TO OTHER PENALTIES PROVIDED BY LAW, PERSONS NOT IN COMPLIANCE
32 WITH THIS SUBDIVISION MAY BE ORDERED BY THE DEPARTMENT TO REMOVE DEVICES
33 THAT ARE NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBDIVISION.

34 (e) THE PERSON SETTING THE TRAPS IS IDENTIFIED.

35 (f) DOGS ARE NOT USED DURING THE TAKING OF ANY PROTECTED FELID
36 PURSUANT TO THIS PARAGRAPH.

37 (g) WITHIN TEN DAYS AFTER THE TAKING, THE LIVESTOCK OPERATOR FILES
38 A WRITTEN REPORT WITH THE DEPARTMENT. A LICENSE OR TAG IS REQUIRED FOR THE
39 TAKING OF A PROTECTED FELID UNDER THIS PARAGRAPH.

40 (h) NO PORTION OF A PROTECTED FELID TAKEN UNDER THIS PARAGRAPH IS
41 RETAINED OR SOLD BY ANY PERSON EXCEPT AS AUTHORIZED BY THE COMMISSION.

42 (i) NO PROTECTED FELID TRAPPED OR TAKEN ALIVE UNDER THIS PARAGRAPH
43 IS HELD IN CAPTIVITY UNLESS THE PROTECTED FELID IS HELD IN CAPTIVITY FOR
44 THE PURPOSE OF REHABILITATION BY A LICENSED WILDLIFE REHABILITATOR.

(j) ANY PERSON CONTRACTING WITH THE LIVESTOCK OPERATOR TO TAKE THE PROTECTED FELID COMPLIES WITH THIS PARAGRAPH.

5. THE TAKING OF A PROTECTED FELID BY A PERSON HOLDING A WILDLIFE REHABILITATION LICENSE ISSUED BY THE DEPARTMENT, PROVIDED THAT THE PROTECTED FELID IS NOT EXPORTED TO A ZOO, UNLESS THE ZOO IS ACCREDITED BY AN ASSOCIATION OF ZOOS AND AQUARIUMS.

C. THE COMMISSION, AT THE COMMISSION'S DISCRETION AND UNDER REGULATIONS THE COMMISSION DEEMS NECESSARY, MAY ISSUE A PERMIT TO TAKE A PROTECTED FELID FOR SCIENTIFIC PURPOSES TO FURTHER THE PROTECTION OF THE SPECIES TO ANY PERSON OR DULY ACCREDITED REPRESENTATIVE OF A PUBLIC EDUCATIONAL OR SCIENTIFIC INSTITUTION OR A GOVERNMENTAL DEPARTMENT OF THE UNITED STATES ENGAGED IN THE SCIENTIFIC STUDY OF WILDLIFE. A TAKING AUTHORIZED UNDER THIS SUBSECTION IS NOT A TAKING FOR THE PURPOSE OF KILLING THE PROTECTED FELID.