

## COMMITTEE STAFF SUMMARY FOR MAY 24, 2017

**6. WILD PIG MANAGEMENT****Today's Item****Information** ☒**Direction** ☐

Discuss options for regulatory changes related to wild pig management.

**Summary of Previous/Future Actions**

- |                             |                                      |
|-----------------------------|--------------------------------------|
| • Previous WRC discussion   | May 18, 2016: WRC, West Sacramento   |
| • Previous WRC discussion   | Sep 21, 2016; WRC, Woodland          |
| • Previous WRC discussion   | Jan 18, 2017; WRC, Redding           |
| • <b>Today's discussion</b> | <b>May 24, 2017; WRC, Sacramento</b> |

**Background**

Wild pigs are, on the one hand, a popular game animal and, on the other, a destructive animal causing damage to private property and habitat, as well as injury to livestock. In 2015, Assembly Member Bigelow introduced AB 290 to try and resolve some of these issues. In Jan 2016, President Sklar, FGC staff, and DFW staff attended a meeting with Assembly Member Bigelow to discuss the issues raised by the proposed legislation.

In Feb 2016, FGC directed WRC to discuss possible changes in wild pig regulations and identify suggestions for potential legislation to share with Assembly Member Bigelow. The WRC held discussions on wild pig management at its May 2016, Sep 2016, and Jan 2017 meetings. At the Jan 2017 meeting, staff presented an overview of potential changes to statute and regulations for stakeholder input. Following the discussion, WRC directed staff to provide a more detailed proposal at the May 2017 meeting.

Today, staff will present an overview of the proposal (Exhibit 1) which contains:

- information on existing statutes and regulations,
- outlines potential changes to existing statutes and regulations,
- takes into account concerns raised by stakeholders, and
- offers two proposed options.

**Significant Public Comments (N/A)****Recommendation**

**FGC staff:** Provide direction, if any, regarding next steps.

**Exhibits**

1. [Staff report on wild pig management options, dated May 12, 2017](#)

**Committee Direction/Recommendation (N/A)**

**California Fish and Game Commission**  
**Wildlife Resources Committee**  
**Staff Proposal on Wild Pig Management Options**  
*May 12, 2017*

## **Background**

Wild pigs are managed to reduce impacts from depredation (Fish and Game Code, Section 4181 and California Code of Regulations Title 14, Section 401) and as game mammals (Fish and Game Code, Sections 3950 and 4650-4657, and Title 14, Sections 350 and 368). Depredation take involves permits and reporting requirements. Hunting as game requires a license, tags, reporting, and fees. Wild pigs are on one hand a valued game animal and on the other, a destructive, non-native animal that causes damage to private property and habitat, as well as injury to livestock. In California, its popularity as a game species generates about \$1.2 million a year in revenue from the sale of wild pig tags alone, while reported damage to agriculture is estimated at \$2 million per year in California damage nationwide is estimated and around \$2.5 billion per year. In 2015 Assembly Member Bigelow introduced AB 290, in an effort to resolve some of these issues.

In September 2015, the California Fish and Game Commission's (Commission) Wildlife Resources Committee (WRC) discussed elements of AB 290; the discussion focused on how to protect revenues coming into the California Department of Fish and Wildlife (DFW), maintaining hunting opportunities, streamlining depredation, and minimizing waste of game meat. WRC recommended that the Commission support legislative efforts to increase efficiency in addressing depredation by wild pigs; the Commission approved that recommendation in October 2015.

In January 2016, Commissioner Sklar, Commission staff, and DFW staff attended a meeting with Assembly Member Bigelow to discuss some of the issues raised by the proposed legislation, where it was suggested that the Commission work with interested stakeholders through WRC to craft a potential solution. In February 2016, the Commission directed WRC to discuss possible changes in pig regulations and to provide suggestions for potential legislation to share with Assembly Member Bigelow. WRC held discussions on wild pig management at the May 2016 and September 2016 meetings. At the September 2016 meeting, WRC directed staff to come back to WRC in January 2017 with additional data and options for further discussion. In January 2017, staff presented an overview of potential changes to statutes and regulations for stakeholder input and, following discussion, WRC directed staff to provide a more detailed proposal at its May 2017 meeting.

The purpose of this document is to provide a proposal that is consistent with Commission direction and offers potential statutory and regulatory changes to achieve the goal of reducing wild pig populations to benefit native species, their habitats as well as to protect public and private property, while maintaining hunting opportunities. This document contains information on existing statutes and regulations, summarizes concerns raised by stakeholders, and outlines two options for potential statutory and regulatory changes that take into account stakeholder concerns.

Option 1 would change the designation of wild pigs from a game mammal to a nongame mammal, which would result in changes to how wild pigs are regulated for both recreational take and take for depredation purposes. In general, game mammals are more stringently regulated than nongame mammals for which take is permitted.

Option 2 would create a new, separate designation for wild pigs. Broadly speaking, game is any animal hunted for sport or food. In the Fish and Game Code, game mammals include species such as deer and elk, primarily hunted for food, while nongame mammals include species hunted more for non-consumptive purposes. Wild pigs are valued and hunted primarily for their meat and, therefore, do not fit as well into the nongame mammal designation as they might in a new designation. Also, a new designation could more clearly acknowledge and define the different management objectives for wild pigs compared to other game and nongame mammals.

### **Statutes and Regulations Relevant to Wild Pig**

Wild pigs are currently designated as a game mammal under Fish and Game Code, Section 3950. Key statutes and regulations that apply generally to game mammals or specifically to wild pigs that may require revision under the two proposed options are identified here; a more detailed description of these code and regulation sections is provided in Appendix A.

#### ***Fish and Game Code Statutes***

- Section 2005 – use of artificial lights; infrared lights; night vision equipment
- Section 3000 – prohibits take of mammals at night
- Section 3004.5 – prohibits use of lead projectiles and ammunition for take of wildlife
- Section 3950 – enumerates game mammals
- Section 4181 – requires DFW permit to take elk, bear, beaver, wild pig, or gray squirrels damaging or destroying, or threatening to damage or destroy, land or property
- Section 4181.1 – allows for immediate take of bear or wild pig inflicting injury to livestock or damage to property
- Section 4181.2 – defines damage and requires DFW develop guidelines for determining damage by wild pigs
- Section 4188 – option for allowing licensed hunters to take wild pigs, wild turkeys, or deer damaging or threatening to damage property (references Section 4181)
- Section 4304 – prohibits waste of game mammals due to carelessness or neglect
- Section 4650 – defines wild pig
- Section 4651 – requires DFW develop a plan for wild pig management
- Section 4652 – requires hunters to have a wild pig tag
- Section 4653 – allows DFW to design the wild pig tag and determine the procedures for issuing and using tags
- Section 4654 – sets age requirement for procuring wild pig tags and establishes wild pig tag fees
- Section 4655 – establishes time period when the wild pig tag is valid

- Section 4656 – directs revenue from wild pig tags to the Big Game Management Account
- Section 4657 – establishes possession, information, affixing, and reporting requirements for wild pig tags

#### ***Title 14 Regulations***

- Section 250.1 – phases in the prohibition on the use of lead projectiles and ammunition for take of wildlife
- Section 251.3 – prohibits knowingly feeding big game mammals
- Section 251.8 – permits tribal members to transport game mammals off tribal lands with a tribe-issued permit
- Section 257.5 – prohibits the use of bait to take game mammals
- Section 260.2 – permits hunting of game species on Lake Oroville Recreational Area with some restrictions
- Section 265 – regulates the use of dogs for the pursuit/take of mammals for depredation and hunting
- Section 352 – establishes the hours for hunting big game mammals
- Section 353 – authorizes methods of take for big game mammals
- Section 368 – establishes season, bag, and possession limits for wild pigs
- Section 401 – regulates the issuance of depredation permits for game mammals and bobcats
- Section 465.5 – regulates the use of traps for game mammals, nongame mammals, and furbearing mammals
- Section 551 – permits hunting of wild pigs on DFW wildlife areas with some restrictions
- Section 671 – requires permit to import, transport, or possess live restricted animals, including wild pigs
- Section 671.3 – establishes facility standards for live restricted species, including wild pigs
- Section 708.13 – establishes requirements for procuring wild pig tags, time period when tags are valid, and tagging requirements

#### **Management Concerns Associated with a Change in Designation**

Stakeholders raised concerns during development of AB 290 and at recent WRC meetings regarding how a change in designation from game mammal to nongame mammal could impact wild pig management in four areas: (1) importation and transportation; (2) methods, hours, and access for recreational take; (3) depredation; and (4) revenue. There are a number of potential statutory and regulatory changes to address the concerns, which could be integrated into either Option 1 or Option 2.

##### ***(1) Importation and Transportation***

Wild pigs are a valued game animal and, as such, there are concerns about wild pigs being imported and released or being moved from one area to another in order to establish a local population for hunting purposes.

Currently, wild pigs are regulated as restricted species and designated as “detrimental animals” under Section 2118 of the Fish and Game Code and Section 671(c)(2)(Q) of Title 14 because they are considered undesirable and pose a threat to native wildlife, agriculture, or public health or safety. As a restricted species, importing, transporting, and possessing live wild pigs is only authorized under a permit issued by the California Department of Fish and Wildlife (DFW). However, under the current definition (Fish and Game Code Section 4650), only “free-roaming” pigs are considered wild; therefore, any pig contained in a cage, pen, fence, or truck is no longer considered wild. This loophole enables people to import, transport, and release wild pigs under the guise of domestic swine, which limits effective enforcement of the current law and regulations.

The importation of domestic swine is regulated by the California Department of Food and Agriculture (CDFA). CDFA requires an Interstate Livestock Entry Permit and a Certificate of Veterinary Inspection for importing swine into the state, except for swine being moved directly to a state- or federally-approved slaughter facility. All swine are also required to have official identification. Approved identification methods vary by importation purpose. Breeding and show swine or feeder swine must have eartags, ear notches, or tattoos (ear or inner flank). Slaughter swine must have eartags, tattoos, or U.S. Department of Agriculture backtags. Companion and pet swine may have electronic implants or microchips. There are concerns about domestically-raised European or Russian wild boars, imported under domestic swine permits, being intentionally released or used for hunting purposes. Once in California, tracking these swine to ensure compliance with the importation permit can be challenging since eartags are easily removed and damaged ears are common for pigs, making ear notches difficult to identify.

Marking domestic swine is usually done using ear tags, ear notches, paint, or tattoo. However, permanent identification marks are only required for swine being imported into California, not swine raised within California, making it difficult to distinguish domestic swine from wild or feral pigs in cases where a domestic swine has escaped or been intentionally released into the wild. In addition, there are a small number of swine producers in California engaged in producing domestic swine, referred to hereafter as heritage swine, which have been bred with and may contain varying amounts of European wild boar genes. The heritage swine may exhibit the phenotypic characteristics of wild pigs, making it difficult to distinguish them for the enforcement of both CDFA and DFW regulations.

### *Proposed Solution*

To improve enforcement of existing regulations related to importing, transporting, and possessing wild pigs and to reduce the transportation and release of wild pigs into new areas or supplementing existing populations, the following is proposed:

- Modify the existing definition of wild pig, in Section 4650 of the Fish and Game Code, using phenotypic characteristics to differentiate wild pigs from domestic swine. A proposed definition is provided in Appendix B.
- Create new CDFA regulations to identify what types of permanent marks shall be used by producers of heritage swine to facilitate differentiation.
- Modify existing CDFA regulations governing importation permits to require that domestically-raised European or Russian wild boars have a visible, permanent mark for easier identification while in transport and to require males be castrated to prevent contribution to wild pig populations if accidentally or intentionally released.

## **(2) *Recreational Take and Access***

The proposed change in wild pig designation from a game mammal to a nongame mammal in AB 290 raised concerns about the use of lead ammunition, methods of take, night hunting, the use of dogs, and limited access to private lands.

Use of lead ammunition for the take of wildlife is being phased out pursuant to Section 3004.5 of the Fish and Game Code and Section 250.1 of Title 14. Under current regulations, non-lead ammunition is required for the take of big game with a rifle or pistol and when taking coyotes within the California condor range. Non-lead ammunition is also required for the take of all wildlife in any wildlife area or ecological reserve and when using a shotgun to take nongame mammals or any wildlife for depredation purposes. Under current regulations, non-lead ammunition will be required for the take of all wildlife starting July 1, 2019; however, Section 3004.5 provides for earlier implementation, if practicable. Some stakeholders expressed interest in incorporating early implementation of the non-lead requirements for the take of wild pigs under AB 290. At this point in time, enacting legislation and adopting regulations associated with this proposal would likely require an effective date of July 1, 2019, making early implementation impracticable.

Methods of take for game mammals is more restrictive than methods of take permitted for nongame mammals, raising concerns about inappropriate or ineffective methods being allowed for the take of wild pigs with a change in designation. The concerns can be addressed in regulation by limiting the methods of take to those allowed for game mammals, as is currently done for nongame mammals such as sambar and fallow deer.

Stakeholder comments were divided on whether to allow night hunting and whether to loosen or tighten regulations for the use of dogs. While night hunting can be effective, especially during the warmer summer months, there are concerns about safety, enforcement, and the accidental take of non-target species. Dogs can be an effective tool for hunters in pursuing wild pigs; however, the use of dogs also raises concerns about the health and safety of the dogs, fair chase, and impacts to non-target wildlife. Stakeholder agreement on making changes to the night hunting and use of dogs provisions is unlikely. Integrating the current regulations into this proposal would maintain the status quo and, at such time as changes are deemed warranted, the regulations could be revised by the Commission.

Section 4188 of the Fish and Game Code requires that DFW notify a landowner or tenant applying for a depredation permit about options for allowing access to licensed hunters to take wild pigs that are damaging property or threatening damage. Under AB 290, a depredation permit would no longer be required, raising concerns over a loss of incentive to provide hunters access to properties, especially given liability concerns by some landowners. DFW's Shared Habitat Alliance for Recreational Enhancement (SHARE) program is designed to improve public access to private or landlocked public land via compensation and liability protection for providing access to or through their land for recreational use and enjoyment of wildlife. Increasing participation through the SHARE program may provide opportunities to address the loss of incentives concern.

#### *Proposed Solution*

- Modify Section 3004.5(a) to add wild pigs to the list of mammals where take requires use of non-lead ammunition in the condor range. This modification would keep current requirements for the use of non-lead ammunition for the take of wild pigs, as big game, in place for the intervening period between enactment of the proposed legislation and adoption of regulations by the Commission.
- Create a subsection for take from one-half hour before sunrise to one-half hour after sunset, with an exemption for take for depredation purposes by the property owner, tenant, employee or designated agent (see Section 3, Depredation).
- Keep the current methods of take under sections 353 and 465.5 of Title 14.
- Keep the current regulations for the use of dogs for hunting under Section 265(c)(2)) of Title 14.
- Improve hunter access by increasing private property owner participation in the SHARE program and look for opportunities to increase the number of hunts on public land, where feasible.

### **(3) *Depredation***

The proposed change in wild pig designation from a game mammal to a nongame mammal in AB 290 raised concerns about changes in depredation requirements, including permits, reporting, methods of take, use of lead ammunition, and disposal. Support for lifting of permit requirements. Fish and Game Code sections 4181, 4181.1, 4181.2, and 4188 govern the take of wild pigs pursuant to a depredation permit issued by DFW. Section 401, Title 14, CCR, outlines the process for applying for and the terms and conditions of a depredation permit, including permit period, use of dogs, methods of take, use of Government employees and designated agents, reporting requirements, utilization of the carcass, and tagging requirements for the take of wild pigs causing or threatening to cause damage. While there was support from agricultural stakeholders to remove the permit requirement for wild pigs other stakeholders were concerned that removing the requirement without adequate provisions would result in the wanton waste of useable meat, use of methods not currently authorized, impacts from lead ammunition, and health impacts to both humans and wildlife if large numbers of carcasses were left in the field to rot. These impacts could be addressed by integrating some of the current requirements under the depredation permits into the regulations while at the same time removing the permit requirement.

### *Proposed Solution*

- Modify language in Subsection 265(b)(3) of Title 14 to allow the use of dogs when pursuing/taking depredating pigs, consistent with the use of dogs under a depredation permit issued pursuant to this subsection.
- Create a subsection related to methods of take pursuant to sections 353 and 465.5 of Title 14. Add a provision allowing take at night by private landowners, their tenants, paid employees, or designated agents for animals causing damage or that pose an immediate threat to livestock (see draft regulatory text provided in Appendix C). Include the use of artificial lights to assist in taking pigs at night but, if using spotlights at night, the property owner shall notify DFW of night operations. Require designated agents to have a hunting license and validation.
- Create a subsection to require utilization of the carcass, consistent with the current requirements under Section 401 of Title 14, to minimize issues associated with disposal of carcasses and reduce waste of meat.
- Create a subsection requiring a property owner, tenant, or paid employee to tag any animal prior to being transported off the property. DFW would need to create the tag.
- Eliminate all requirements for depredation permits and reporting take.

### **(4) Revenue**

Recreational take of a wild pig requires a wild pig tag pursuant to Section 4652 of the Fish and Game Code. Fish and Game Code Section 4656 requires that the revenues received be deposited into the Big Game Management Account (BGMA), while the expenditure of those funds is addressed in Fish and Game Code Section 3953. AB 290 proposed changing the individual wild pig tag to a one-year validation, which would allow unlimited take of wild pigs as a way to incentivize the take of more wild pigs. While there was support for replacing the tag with the validation, there was mixed support for a provision that would continue directing revenues to BGMA. Some stakeholders proposed redirecting the fund to a separate account and stipulating that those funds be spent on projects to restore habitat damaged by pigs, research, or alternative population control methods.

All revenue from the sale of antelope, deer, elk, wild pig, bear, and sheep tags are deposited into BGMA, which receives approximately \$1.2 million per year from the sale of wild pig tags. BGMA funds can be used by DFW to acquire land, complete projects, and implement programs to benefit these species, expand hunting opportunities, conduct related outreach, and administer and enforce the programs. DFW may also award grants to fund projects that benefit big game populations and the habitat upon which they depend. Annually, DFW distributes approximately \$1 million in grant funding for projects, including habitat restoration, research, and monitoring improvements. Redirecting funds from the sale of wild pig validations could impact DFW programs that benefit native game species and reduce funds available for the grant program.



There is uncertainty around whether the one-year validation would generate the same level of revenue as wild pig tags. If revenues significantly decline, there would not be adequate revenue to fund a separate, distinct program targeted at mitigating wild pig damage. Even if revenues were maintained or increased slightly with the switch, it is unclear whether there would be adequate revenue to support a wild pig program. However, if revenues continue to be directed to BGMA, a change in funding level would be buffered to some extent and the revenue could still be directed, either through program activities or grant funding, to support habitat restoration, research, and targeted control programs. Other funding sources could also be explored to address and mitigate the impacts wild pigs are having on public and private lands.

### *Proposed Solution*

- Modify language in code and regulation sections to switch from individual tags to a one-year validation stamp; this also requires an adjustment to the existing fees and tagging requirements.
- Maintain the current age requirement to obtain a validation at a minimum age of 12.
- Continue directing funds to BGMA and pursue additional funding opportunities, such as state- or federally-funded grants, for research, local eradication efforts, habitat restoration, or other efforts to minimize damage caused by wild pigs.

### ***Other Considerations***

There are several game mammal regulations in Title 14 which may need to be modified if there is a desire to expand those regulations to still include wild pigs under a new status designation: sections 251.3 (feeding), 251.8 (tribal take), 257.5 (baiting), 260.2 (Lake Oroville Recreation Area), and 551 (Wildlife Areas). Under the non-game regulations, Section 475 of Title 14 contains provisions related to baiting that, while different than those in Section 257.5, are similar enough that modifying 257.5 may not be necessary under Option 1.

### **Changes under the Proposed Options**

#### ***Option 1: Change Designation from Game Mammal to Nongame Mammal***

A number of statutory and regulatory changes would be required under this option to integrate the solutions proposed to address identified management concerns. Appendix D contains proposed changes to statutory and regulatory text that is generally described here.

#### *Changes to Fish and Game Code Statutes under Option 1*

- Modify Section 3004.5(a)(1) to add wild pig to the list of mammals where take requires use of non-lead ammunition in the condor range
- Remove wild pig from Section 3950 (definition of game mammal)
- Modify Section 3953(c) (BGMA, use of funds) to remove wild pig from the list of species for implementing beneficial programs

- Remove all references to wild pig in sections 4181 and 4181.1 (required permits and reporting for depredation)
- Repeal Section 4181.2 (damage definition)
- Remove all reference to wild pig in Section 4188 (permits for licensed hunters)
- Modify Section 4304 to add wild pig to game mammals and game birds (waste of game carcass prohibited)
- Modify definition of wild pig in Section 4650 (see Appendix B)
- Modify Section 4651 (management plan) to simplify requirements to those identified in (b)(1), (b)(2), (b)(3) and (b)(4)
- Modify Section 4654(a) and (b) to adjust for the new base fee for the validation, modify language regarding the number of tags, and update license year from 2004 to 2019
- Modify Section 4657 to remove all language related to affixing tags to pigs and the reporting requirement and modify the possession requirement to include language pursuant to regulations adopted by the Commission

#### *Changes to Title 14 Regulations under Option 1*

- Modify sections 251.3, 251.8, 257.5, and 260.2 to include wild pig
- Remove references to wild pig from sections 350, 352, and 401
- Repeal Section 368
- Add wild pig to sections 472, 474, and 475 (see example in Appendix C)
- Add new section(s) specifically for wild pig for licensing/tag requirements, hunting provisions, and depredation provision (see example in Appendix C)
- Repeal section 708.13 and integrate tag requirements into new subsection specifically for wild pig licensing/tag requirements (see example in Appendix C)

#### ***Option 2: Change Designation from Game to New Designation***

A number of statutory and regulatory changes would be required under this option to integrate the solutions proposed to address identified management concerns. Appendix D contains proposed changes to statutory and regulatory text that is generally described here.

#### *Changes to Fish and Game Statutes under Option 2*

Statutory changes proposed under Option 1 would also be necessary under this option.

#### *Changes to Title 14 Regulations under Option 2*

- Modify sections 251.3, 251.8, 257.5, and 260.2 to include wild pig
- Remove references to wild pig from sections 350, 352, 353, and 401
- Repeal Section 368
- Create a chapter in subdivision 2 specifically for wild pig regulations

- Within the new chapter, add sections to establish bag and season, methods of take, hours for take, licensing and validation, and depredation provisions proposed under Option 1
- Repeal section 708.13 and integrate tag requirements into new subsection specifically for wild pig licensing/tag requirements (see example in Appendix C)

## Appendix A. Descriptions of Relevant Wild Pig Statutes and Regulations

Fish and Game Code Statutes		
Section	Title	Brief Description
2005	Lights and Sniperscopes - exemptions	Unlawful to use artificial light for take of game mammal; unlawful to throw or cast rays of light while in possession of a firearm; unlawful to use or possess night vision equipment for take of mammal; exception for depredation
3000	Take Game During Hours of Darkness	Unlawful to take any mammal, except nongame mammal, between one-half hour after sunset and one-half hour before sunrise, except as otherwise provided in this code or under regulations adopted by the Commission (to limit take of nongame mammals)
3004.5	Nonlead Centerfire Ammunition Required	Nonlead rifle and pistol ammunition required when taking big game or coyotes in condor range; phasing of nonlead via regulations adopted by Commission; required for take of all wildlife effective July 1, 2019
3950	Definitions of Game Mammals	Defines wild pigs, including feral pigs and European wild boars (genus Sus) as a game mammal
4181	Kill elk, bear, beaver, wild pig, or gray squirrels damaging property; permit required	Except as provided in 4181.1, any landowner or tenant may apply to DFW for permit to take wild pigs damaging or threatening to damage property; permit conditions
4181.1	Take bear or wild pig in act of injuring livestock, reporting requirements, etc.	Allows for the immediate take of a wild pig caught impacting livestock or posing an immediate threat to property and report it to DFW no later than the next working day
4181.2	Damage by wild pigs defined	Defines damage as loss or harm resulting from injury to person or property; requires DFW develop statewide guidelines for determining damage
4188	Permits for licensed hunter to take wild pigs or deer	Option for landowners that allows for access by licensed hunters to control wild pigs under a depredation permit

## Appendix A. Descriptions of Relevant Wild Pig Statutes and Regulations

Fish and Game Code Statutes (continued)		
Section	Title	Brief Description
4651	Management plan	Requires DFW prepare a plan for the management of wild pigs
4652	License to take	Unlawful to take a pig, except as provided in Section 4181, without a tag
4653	License design, information, and procedures for issuance	DFW may determine the design and type of information included on the wild pig tag and prescribe the procedures for the issuance and use of the tag
4654	Tag procurement by licensed hunter; age limit and fee	Sets 12 as the minimum age for procuring a wild pig tag and establishes the fees for residents and nonresident wild pig tags
4655	License tags only valid during current hunting season	Tags are only valid during the portion of the current hunting license year in which wild pigs may be taken or possessed in any area of the state
4656	Revenues and expenditures	Directs revenue from the tags to the Big Game Management Account
4657	Tags; possession, affixing, and other requirements	Requires tag holder to keep the tag in their possession while hunting; make date of kill on the tag; attach tag to carcass before transporting; and report take to DFW

## Appendix A. Descriptions of Relevant Wild Pig Statutes and Regulations

Title 14, California Code of Regulations		
Section	Title	Brief Description
250.1	Prohibition on use of lead projectiles for take of wildlife	Pursuant to Section 3004.5, Fish and Game Code, prohibits use of lead ammunition for take of game mammals in California condor range; phased approach to prohibit the use of lead ammunition for take of wildlife
251.3	Prohibition against feeding big game mammals	Prohibits knowingly feeding big game mammals
251.8	Transportation of game birds and game mammals off reservations	Permits the transportation of game mammals taken by tribal members on tribal land off tribal land with a tribe-issued permit
257.5	Prohibition on the take of resident game birds and mammals with the aid of bait	Prohibits the take of game mammals within 400 yards of any baited area
260.2	Hunting restrictions on Lake Oroville Recreational Area	Permits hunting of game species on the Lake Oroville State Recreation Area with some restrictions
265	Use of dogs for pursuit/take of mammals or for dog training	(b)(3) Permits use of dogs to pursue/take depredating mammals by fed/county officer or permittee under depredation permit (c)(2) Permits use of dogs to take wild pigs with some restrictions (3/hunter, except 1/hunter during deer season, closure applies)
352	Shooting hours on big game	Permits hunting and shooting from one half hour before sunrise to one half hour after sunset
353	Methods authorized for take of big game	Authorizes use of rifle (expanding), bow and arrow, wheellock, matchlock, flintlock or percussion type muzzleloader, shotgun, pistol/revolvers (expanding), and crossbow (regular season only); prohibits devices that throw/cast/project light to visibility enhance or visible point of aim (sniperscopes, night vision scopes/bino, infra-red); permits use of laser rangefinders and use of disabled muzzleloader scope with a permit.
368	Wild pig	Season open all year; no daily bag or possession limit for wild pigs

## Appendix A. Descriptions of Relevant Wild Pig Statutes and Regulations

Title 14, California Code of Regulations (continued)		
Section	Title	Brief Description
401	Issuance of permit to take animals causing damage	Establishes application requirements, permit period, permit conditions, authorized methods of take, government employees and designated agents, reporting requirements, tagging requirements, and utilization of carcasses for DFW issued permits
465.5	Use of traps	Establishes the types of traps and restrictions on use of traps for the take of furbearing mammals, game mammals, and nongame mammals
551	Additional visitor use regulations for DFW wildlife areas	Permits hunting of wild pigs on specific wildlife areas; special drawings; use of dogs
671	Import, transport, or possession of live restricted animals	(c)(2)(Q) Order Artiodactyla - requires DFW issued permit for importation, transportation, or possession of 'swine' except domestic swine ( <i>Sus scrofa domestica</i> )
671.3	Minimum facility and caging standards for wild animals housed at permanent facilities	Establishes space and fence height requirements for holding a 'wild pig' under a DFW issued permit pursuant to Section 671
708.13	Wild Pig License Tags	Allows licensed hunter (12 or older) to purchase pig tag; defines period for which tag valid; and tagging requirements

## **Appendix B: Sample Fish and Game Code Text for Wild Pigs Definition**

The following is an example of how the definition of wild pigs could be modified to more clearly differentiate wild pigs from domestic swine.

Fish and Game Code  
Division 4 Birds and Mammals  
Part 3 Mammals  
Chapter 7 Wild Pigs

### **4650. Wild Pigs**

- (a) Wild pigs, as used in this chapter, means any pig having two or more phenotypical characteristics as specified in subsection (c) of these regulations with no brand, tattoo, or other permanent mark pursuant to regulations adopted by the California Department of Food and Agriculture; or free-roaming pigs having no visible tags, markings, or characteristics indicating that such swine is from a domestic herd.
- (b) Wild pigs include feral pigs and European wild boars
- (c) Phenotypic characteristics of wild pigs:
  - (1) Coat: long, dark, coarse bristles and guard hairs; the undercoat, when present, is lighter in color than the overlaying coat; individual hairs have bristle tips that are lighter in color than the rest of the hair shaft.
  - (2) Dark "Point" Coloration: distal portion of the snout, ears, legs, and tail are dark brown to black in coloration.
  - (3) Skeletal appearance: skull is large, measuring up to one-third the total body length; short massive trunk with underdeveloped hindquarters.
  - (4) Head: small, deep set eyes and elongated snout.
  - (5) Tail: tails are held straight or slightly curved but contain muscular structure to curl the tail.
  - (6) Teeth: males have well-developed canine teeth; upper canines are relatively short and grow sideways early in life and gradually curl upwards with age; lower canines are sharper and longer with exposed parts measuring up to 10 to 12 cm (3.9 to 4.7 inches) in length.



## Appendix C: Sample Regulation Text for Wild Pigs under a Nongame Designation

The following is an example of how wild pigs could be integrated into the current nongame mammal regulations. Potential new regulation language, offered only as an example, is denoted by italicized text. For purposes of brevity only the relevant subsections are provided.

### 472. General provisions.

Except as otherwise provided in Sections 478, 485, and 4XX, and subsections (a) through (d) below, nongame birds and mammals may not be taken.

### 474. Hours for Taking

Nongame mammals may be taken at any time except as provided in this section.

*(e) Wild pig may be taken only from one-half hour before sunrise to one-half hour after sunset, except as provided for in Section 4XX(c).*

### 475. Methods of Take for Nongame Birds and Nongame Mammals.

Nongame birds and nongame mammals may be taken in any manner except as follows:

(c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr, feral goats, and *wild pigs* may be taken only with the equipment and ammunition specified in Section 353 of these regulations.

(e) No feed, bait or other material capable of attracting a nongame mammal may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals. Nothing in this section shall prohibit an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag and taking the nongame mammal caught in that trap. *The take of wild pig shall be in accordance with Section 3950 of the Fish and Game Code and Section 257.5 of these regulations.*

### 4XX. Wild Pig. (Note: used bobcat regulations as model)

*(a) It shall be unlawful to pursue, take, or possess any wild pig without first procuring a hunting license and wild pig hunting validation. This section shall not apply to wild pigs taken pursuant to Section 4152 of the Fish and Game Code and subsection (c) of this section.*

*(b) Hunting: The pursuit, take, or possession of a wild pig under the authority of a hunting license and a wild pig hunting validation shall be in accordance with the provisions of Section 3960 of the Fish and Game Code, this Section, and sections 472, 473, 474, 475, and 4XX.1 of these regulations. Wild pigs may be taken statewide under the authority of a hunting license and wild pig hunting validation at any time of year and in any number.*

*(c) Depredation: A person who is a property owner, tenant, or paid employee may take wild pigs that are damaging or destroying or immediately threatening to damage or destroy, land or property without a hunting license and hunting tag/validation under the following conditions.*

*1. Methods of Take.*

- i. Wild pigs may be taken by any method in accordance with sections 465.5 and 475(c) of these regulations.*
- ii. Use of dogs shall be in accordance with the provisions of section 265 of these regulations.*
- iii. Artificial lights may be used to assist in taking wild pigs. If using spotlights at night, the property owner shall notify DFW to inform them of night operations and location.*

*2. Government Employees and Designated Agents.*

- i. A landowner may authorize an employee of a federal, State, or local government agency or local district with responsibilities including but not limited to animal control, animal damage control, irrigation, flood, or natural resources reclamation, while acting in their official capacity to take depredating wild pigs on the property.*
- ii. A landowner may designate other persons, including any dog handler who will be utilized in any pursuit, as their agent to take depredating wild pigs on the property. The designated agent must have a hunting license and wild pig hunting validation.*

*3. Tagging Animals. Wild pigs shall be tagged prior to being transported from the property by the property owner or tenant. Tags shall clearly show the property owner's name, address, date and location the animal was taken and shall include the signature of the person taking the animal.*

*4. Utilization of the Carcass. Animals taken shall be utilized by the property owner, tenant, or designated agent except the property owner, tenant, or designated agent may leave the carcass of any wild pig where it was taken for reasons of high air temperature, disease, parasites, or conditions which preclude use of the carcass.*

*4XX.1 Wild Pig Hunting Validation. Any licensed hunter, 12 years of age or older taking wild pigs, including feral pigs and European wild boars (genus Sus), must have a current state wild pig hunting validation in possession.*

## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Note: Strikethrough denotes deleted text and italicized denotes new text.

Fish and Game Code Statutes	
Section	Proposed Revision
3004.5	(a) (1) Nonlead centerfire rifle and pistol ammunition, as determined by the commission, shall be required when taking big game, as defined in the department's mammal hunting regulations (14 Cal. Code Regs. 350), with rifle or pistol, and when taking coyote <i>and wild pigs</i> , within the California condor range.
3950	(a) Game mammals are: deer (genus <i>Odocoileus</i> ), elk (genus <i>Cervus</i> ), prong-horned antelope (genus <i>Antilocapra</i> ), <del>wild pigs, including feral pigs and European wild boars (genus <i>Sus</i>)</del> , black and brown or cinnamon bears (genus <i>Euarctos</i> ), mountain lions (genus <i>Felis</i> ), jackrabbits and varying hares (genus <i>Lepus</i> ), cottontails, brush rabbits, pigmy rabbits (genus <i>Sylvilagus</i> ), and tree squirrels (genus <i>Sciurus</i> and <i>Tamiasciurus</i> ).
3953	(c) Funds deposited in the Big Game Management Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purposes set forth in this section and Sections 3951 and 3952, and Chapter 5 (commencing with Section 450) of Division 1, Chapter 7 (commencing with Section 4650), and Chapter 11 (commencing with Section 4900), including acquiring land, completing projects, and implementing programs to benefit antelope, elk, deer, <del>wild pigs</del> , bear, and sheep, and expanding public hunting opportunities and related public outreach. Any land acquired with funds from the Big Game Management Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for antelope, elk, deer, wild pig, bear, or sheep hunting. The department may also use funds from the Big Game Management Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4181	<p>(a) Except as provided in Section 4181.1, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, <del>wild pig</del>, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animals...</p> <p>(c) <del>With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.</del></p>
4181.1(b)	<p>(b) <del>Notwithstanding Section 4652, any wild pig that is encountered while in the act of inflicting injury to, molesting, pursuing, worrying, or killing livestock or damaging or destroying, or threatening to immediately damage or destroy, land or other property, including, but not limited to, rare, threatened, or endangered native plants, wildlife, or aquatic species, may be taken immediately by the owner of the livestock, land, or property or the owner's agent or employee, or by an agent or employee of any federal, state, county, or city entity when acting in his or her official capacity. The person taking the wild pig shall report the taking no later than the next working day to the department and shall make the carcass available to the department. Unless otherwise directed by the department and notwithstanding Section 4657, the person taking a wild pig pursuant to this subdivision, or to whom the carcass of a wild pig taken pursuant to this subdivision is transferred pursuant to subdivision (c), may possess the carcass of the wild pig. The person in possession of the carcass shall make use of the carcass, which may include an arrangement for the transfer of the carcass to another person or entity, such as a nonprofit organization, without compensation. The person who arranges this transfer shall be deemed to be in compliance with Section 4304. A violation of this subdivision is punishable pursuant to Section 12000. It is the intent of the Legislature that nothing in this subdivision shall be interpreted to authorize a person to take wild pigs pursuant to this subdivision in violation of a state statute or regulation or a local zoning or other ordinance that is adopted pursuant to other provisions of law and that restricts the discharge of firearms.</del></p>

## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4181.1(c)	(c) The department shall make a record of each report made pursuant to subdivision (a) <del>or (b)</del> and may have an employee of the department investigate the taking or cause the taking to be investigated. <del>The person taking a wild pig shall provide information as deemed necessary by the department.</del> Upon completion of the investigation, the investigator may, upon a finding that the requirements of this section have been met with respect to the particular bear <del>or wild pig</del> taken under subdivision (a) <del>or (b)</del> , issue a written statement to the person confirming that the requirements of this section have been met. <del>The person who took the wild pig may transfer the carcass to another person without compensation.</del>
4182	Repeal entire section.
4188	(a) If a landowner or tenant applies for a permit under Section 4181 for <del>wild pigs or</del> wild turkeys, or under Section 4181.5 for deer, the department shall notify the landowner or tenant about available options for allowing access by licensed hunters, including, but not limited to, access authorized pursuant to Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 to control <del>wild pigs</del> , wild turkeys, and deer. (b) The commission, in lieu of a permit as described in subdivision (a), and with the consent of, or upon the request of, the landowner or tenant, under appropriate regulations, may authorize the issuance of permits to persons holding valid hunting licenses to take <del>wild pigs</del> , wild turkeys, or deer in sufficient numbers to stop the damage or threatened damage. Before issuing permits to licensed hunters, the department shall investigate and determine the number of permits necessary, the territory involved, the dates of the proposed hunt, the manner of issuing the permits, and the fee for the permit.
4304	No person shall at any time capture or destroy any deer and detach or remove from the carcass only the head, hide, antlers, or horns; nor shall any person at any time leave through carelessness or neglect any game mammal or game bird <i>or wild pig</i> which is in his possession, or any portion of the flesh thereof usually eaten by humans, to go needlessly to waste. The provisions of this section shall not apply to game mammals <i>or wild pigs</i> taken under the authority of Sections 4152 and 4183 of this code.
4650	<i>Replace text with revised definition proposed in Appendix B</i>

## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4651	<p>(a) The department shall prepare a plan for the management of wild pigs. <del>Under the plan, the status and trend of wild pig populations shall be determined and management units shall be designated within the state. The plan may establish pig management zones to address regional needs and opportunities.</del> In preparing the plan, the department shall consider available, existing information and literature relative to wild pigs.</p> <p>(b) The plan may include all of the following:</p> <p>(1) The distribution and abundance of wild pigs, <del>as described in Section 3950.</del></p> <p>(2) A survey of range conditions.</p> <p>(3) Recommendations for investigations and utilization of wild pigs.</p> <p>(4) Encouraging mitigation of depredation by sport hunting pursuant to this chapter.</p> <p><del>(5) Live trapping and relocation of wild pigs to areas suitable and accessible to mitigation of depredation, with the consent of the landowner and after prior consultation with adjacent landowners who, in the department's opinion may be impacted, pursuant to this chapter.</del></p>
4652	It is unlawful to take any wild pig, except as provided in Section <del>4184</del> 4152, without first procuring a tag authorizing the taking of that wild pig in accordance with this chapter.
4654	<p>(a) Any resident of this state, 12 years of age or older, who possesses a valid hunting license, may procure <del>the number of a</del> <u>a</u> wild pig tags <del>corresponding to the number of wild pigs that may legally be taken by one person during the license year</del> upon payment of a base fee of fifteen dollars (\$15), for each wild pig tag.</p> <p>(b) Any nonresident, 12 years of age or older, who possesses a valid California nonresident hunting license, may procure <del>the number of a</del> <u>a</u> wild pig tags <del>corresponding to the number of wild pigs that may legally be taken by one person during the license year</del> upon payment of a base fee of fifty dollars (\$50), for each wild pig tag.</p> <p>(c) The base fees specified in this section are applicable to the <del>2004</del> 2018 license year, and shall be adjusted annually thereafter pursuant to Section 713.</p>
4655	Tags are only valid during the portion of the current hunting license year in which wild pigs make by taken or possessed in any area of the state

## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4657	<p>The holder of a wild pig tag shall keep the tag in his or her possession while hunting wild pig. <i>The commission may adopt such regulations as it deems necessary to govern the transportation of the carcass and any harvest reporting.</i> <del>Before the taking of any wild pig, the holder of a wild pig tag, except for wild pig tags issued through the Automated License Data System, shall legibly write or otherwise affix his or her hunting license number to the wild pig tag. Upon the killing of any wild pig, the date of the kill shall be clearly marked by the holder of the tag on both parts of the tag. Before transporting the pig, a tag shall be attached to the carcass by the holder of the tag. The holder of the wild pig tag shall immediately, upon harvesting a pig, notify the department in a manner specified by the commission.</del></p>

## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Title 14, California Code of Regulations	
Section	Brief Description
251.3	No person shall knowingly feed big game mammals, as defined in Section 350 of these regulations, <i>or wild pigs</i> .
251.8	<p>(a) Pursuant to the provisions of sections 3080 and 3081(b) of the Fish and Game Code, game birds, game mammals, <i>and wild pigs</i> taken by California Indians on reservations under those circumstances wherein the taking of such animals is excepted from the application of the California Fish and Game Code in accordance with the provisions of section 12300 of the Fish and Game Code may be transported off the reservation and possessed within the state subject to the following conditions:</p> <p>(1) A permit, in such form as shall be prescribed by the Department of Fish and Game, to transport the carcass of a game bird or mammal, <i>or wild pig</i>, or parts thereof off a particular California Indian reservations shall first be obtained from tribal members designated by the tribal council of the reservation. Copies of the permit shall be maintained and distributed by the designated tribal members in accordance with instructions issued by the Department of Fish and Game.</p> <p>(b) The carcass of each game bird or mammal, <i>or wild pig</i>, or parts thereof shall be suitably stamped and/or tagged in such manner as shall be designated by the Department of Fish and Game prior to the transportation off the reservation.</p>
257.5	Except as otherwise provided in these regulations or in the Fish and Game Code, resident game birds and mammals, <i>and wild pigs</i> , may not be taken within 400 yards of any baited area.
260.2	<p>Game species <i>and wild pigs</i> may be taken on the Lake Oroville State Recreation Area only as follows:</p> <p>(c) Game species <i>and wild pigs</i> may be taken only during their respective open seasons or portions thereof falling within the period September 15 through January 31; and as provided in (a) above; and as otherwise provided by state Parks and Recreation are regulations (see area regulations).</p>
350	"Big game" means the following: deer (genus <i>Odocoileus</i> ), elk (genus <i>Cervus</i> ), pronghorn antelope (genus <i>Antilocarpa</i> ), <del>wild pig (feral pigs, European wild pigs and their hybrids (genus <i>Sus</i>),</del> black bear (genus <i>Ursus</i> ), and Nelson bighorn sheep (subspecies <i>Ovis canadensis nelsoni</i> ) in the areas described in subsection 4902(b) of the Fish and Game Code.
352	Hunting and shooting hours for big game, including but not limited to deer, antelope, elk, <b>and bear</b> , <del>and wild pig</del> , shall be from one half hour before sunrise to one half hour after sunset.
368	Repeal entire section; move wild pig season and bag and possession limit to Chapter 6 Nongame Animals. See example in Appendix C.



## Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Option 1

Title 14, California Code of Regulations (continued)	
Section	Brief Description
401	<p>(a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, bobcat, beaver, <del>wild pigs</del>, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, land or property...</p> <p>(b)(1) Permits issued pursuant to this section for beaver, <del>wild pigs</del>, or gray squirrels shall be valid for a period not to exceed one year.</p> <p><del>(g)(1) Holders of permits authorizing take of wild pigs shall provide a report listing the date and sex of each wild pig taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. Their permittee or designated agent shall complete and submit the report to the department on or before the 15th day of the following month. Reports shall be submitted to the address provided by the department.</del></p> <p>(h) Tagging Animals. All animals taken pursuant to a permit, <del>except wild pigs</del>, shall be immediately tagged with tags provided by the department. <del>Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property...</del></p> <p>(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required by the permit. No animals, <del>except wild pigs</del>, may be utilized by the permittee or designated agent. <del>The permittee or designated agent may leave the carcass of any wild pig where it was taken for reasons of high temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass of any wild pig as required in this subsection shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.</del></p>
472	<i>Add wild pig; see example in Appendix C</i>
474	<i>Add wild pig; see example in Appendix C</i>
475	<i>Add wild pig; see example in Appendix C</i>
708.13	<i>Repeal entire section; move wild pig tag requirements to Chapter 6 Nongame Animals. See example in Appendix C.</i>