

STAFF SUMMARY FOR OCTOBER 11-12, 2017

4. WILDLIFE RESOURCES COMMITTEE**Today's Item**Information Action

Receive summary from the Sep 13, 2017 Wildlife Resources Committee (WRC) meeting and adopt WRC recommendations. Receive update on WRC work plan and draft timeline. Discuss and approve new topics for WRC review.

Summary of Previous/Future Actions

- | | |
|--|------------------------------------|
| • Most recent WRC meeting | Sep 13, 2017; WRC, Riverside |
| • Today approve WRC recommendations | Oct 11-12, 2017; Atascadero |
| • Next WRC meeting | Jan 11, 2018; WRC, Santa Rosa |

Background

Meeting Summary: FGC directs the work of WRC. WRC met on Sep 13; a written summary of the meeting is provided in Exhibit 1.

At its Sep 13 meeting, WRC covered the following topics:

- Annual regulations for:
 - Upland game bird hunting
 - Mammal hunting
 - Waterfowl hunting
 - Central Valley Chinook Salmon sport fishing
 - Klamath River sport fishing
- Falconry regulations
- Wild pig management
- Predator Policy Workgroup
- Delta Fisheries Forum

WRC Recommendations: Based on the meeting discussions, WRC has four recommendations for FGC consideration.

1. Authorize publication of a notice of intent to amend regulations for mammal hunting, waterfowl hunting, Central Valley Chinook Salmon sport fishing, and Klamath River sport fishing for the 2018-19 seasons, consistent with changes discussed during the Sep 13 WRC meeting.
2. Forward the proposal on wild pig management with Option 2 to Assembly Member Bigelow for consideration (Exhibit 2).
3. Adopt the Delta Fisheries Forum recommendations as presented in the staff report (Exhibit 3).
4. In the WRC work plan, approve adding Predator Policy Workgroup and changing the "Russian River sport fishing" agenda topic to "coastal streams low-flow regulations" for January 2018 (Exhibit 4).

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New Agenda Topics: Current topics already referred to WRC are shown in Exhibit 4. No new agenda topics are recommended at this time.

Significant Public Comments

Three letters were received from sportsmen's organizations regarding the wild pig management proposal, opposing any removal of the game mammal status for wild pigs and providing comments on various provisions within the proposal (exhibits 5-7).

Recommendation

FGC staff: Approve WRC recommendations.

Exhibits

1. [Sep 13, 2017 WRC meeting summary](#)
2. [Staff Proposal on Wild Pig Management Options, dated August 2017](#)
3. [Staff Report on the Delta Fisheries Forum, dated August 2017](#)
4. [WRC work plan, updated Aug 2017](#)
5. [Email from Safari Club International, California Coalition, regarding wild pig management, received Sep 28, 2017](#)
6. [Email from Outdoor Sportmen's Coalition of California regarding wild pig management, received Sep 28, 2017](#)
7. [Email from California Sportman's Lobby regarding wild pig management, received Sep 28, 2017](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the recommendations from the September 2017 Wildlife Resources Committee meeting.

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WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Williams and Commissioner Burns

September 13, 2017 Meeting Summary

The following is a summary of the meeting as prepared by staff.

Call to order

The meeting was called to order at 10:05 a.m. by Commissioner Burns at the California Tower Highgrove, Room 200, 3737 Main Street, Riverside. Commissioner Burns gave welcoming remarks.

Erin Chappell introduced California Fish and Game Commission (Commission) staff and California Department of Fish and Wildlife (DFW) staff, and outlined the meeting procedures and guidelines, noting that the Committee is a non-decision making body that provides recommendations to the Commission. She reminded participants that the meeting was being audio-recorded and that the recording will be posted to the Commission website.

Committee Co-Chairs

Anthony Williams	Present
Russell Burns	Present

Commission Staff

Valerie Termini	Executive Director
Erin Chappell	Wildlife Advisor
Rick Pimentel	Analyst

DFW Staff

Stafford Lehr	Deputy Director, Wildlife and Fisheries Division
Kevin Shaffer	Chief, Fisheries Branch
Kari Lewis	Acting Chief, Wildlife Branch
Patrick Foy	Captain, Law Enforcement Division
Chris Stoots	Lieutenant, Law Enforcement Division

1. Approve agenda and order of items

The Committee co-chairs approved the agenda and order of items.

2. Public forum for items not on the agenda

Roy van de Hoek (Ballona Institute): Encouraged efforts to bring back species such as the sharp-tailed grouse, Guadalupe fur seal, butterflies, and pin cushion orchids. Noted appreciation for Commissioner Williams' engagement on the Ballona wetlands restoration and parking lot issues.

Marcia Hanscome (Ballona Institute): Concerned about impacts to wildlife associated with the restoration of Ballona wetlands as proposed under the anticipated draft environmental impact report (DEIR) and requested a delay in the release of the DEIR until the baseline is changed.

Winston Vickers (UC Davis): Provided information about mountain lions in the Santa Ana Mountains, including concerns about genetic isolation and need for habitat connectivity.

Vicki Long (The Cougar Connection): Concerned about the impacts of development and lack of habitat connectivity on mountain lions, in particular, connectivity issues within the I-15 corridor. Extended an invitation to the Commission to tour the area to get a better understanding of the issue.

David Warren (Sierra Club, Los Angeles Chapter): Noted homeless encampments in the area are interfering with mountain lion use of some corridors.

3. Identify and discuss initial recommendations for 2018-19 upland game bird regulations

Erin Chappell provided background information, noting the referral of Petition #2016-010 from the Commission to DFW for consideration in this package, and introduced Kari Lewis. Kari noted that DFW does not plan to propose any changes except possible changes to the sage grouse quotas, based on the spring survey data. Stafford Lehr discussed the sage grouse survey protocol and conservation framework.

Public Discussion

A stakeholder asked about the age and sex of harvested sage grouse; DFW did not have that information available. A stakeholder noted that hunted species are not listed as threatened or endangered. Stafford Lehr responded that DFW will recommend listing species as threatened or endangered as warranted but noted the important contributions of hunters in species recovery through conservation efforts. For example, through partnerships with the hunting community, the tule elk population has increased from fewer than 20 to more than 1700 animals. Likewise, conservation efforts for sage grouse are now focusing on improving the sage brush ecosystem, benefiting not only sage grouse, but also many other species. Another stakeholder expressed appreciation for the efforts of DFW and farmers and ranchers to conserve lands for sage grouse. Another stakeholder noted that DFW has been ultra-conservative with sage grouse management and that hunting organizations are supportive of this approach, given the concern for the species.

4. Discuss and approve recommendations for 2018-19 regulations

Erin Chappell provided background information, noting this is the last opportunity for WRC to make any recommendation on proposed regulation changes for four rulemaking packages before the notice hearing in December.

(A) Mammal hunting

Kari Lewis noted that DFW does not plan to propose any changes, beyond the anticipated changes to season and bag limits, pending completion of the management plans. Stafford noted that the elk management plan is close to completion, the deer plan will be next, followed by the antelope and sheep plans.

Public Discussion

A stakeholder expressed appreciation for the update on the status of the elk management plan and noted that the SHARE (Shared Habitat Alliance for Recreational Enhancement) Program is helping in Del Norte County and there is interest in expanding the program. A stakeholder asked whether the elk and antelope plans would include a chapter on the interaction with other species.

(B) Waterfowl hunting

Kari Lewis presented on a proposed change in the Northeastern Zone to create a 3-way split season for white-fronted geese, coinciding with the white goose season to address depredation issues in the Northeastern California Zone, except in the newly established Klamath Basin Special Management Area (SMA). The SMA would maintain the majority of hunt days during the general season.

Public Discussion

Two stakeholders expressed appreciation for DFW's efforts to work on the SMA to address concerns in the Northeastern California Zone. A stakeholder noted the potential for the Ballona Wetlands Ecological Reserve to provide habitat for migrating greater white fronted geese.

(C) Central Valley Chinook salmon sport fishing

Kevin Shaffer noted that DFW does not plan to propose any changes beyond the anticipated changes to season and bag limits, and that the Pacific Fisheries Management Council is just starting the pre-stock analyses.

Public Discussion

A stakeholder asked if there are any efforts planned to restore salmon in the Santa Margarita watershed. Kevin Shaffer responded that efforts related to steelhead are underway but not for salmon.

(D) Klamath River sport fishing

Kevin Shaffer noted that DFW does not plan to propose any changes beyond the anticipated changes to season and bag limits. He also discussed last year's closure and noted that salmon are just starting to return to the Trinity River.

No public comments.

Committee Recommendation

WRC recommends that the Commission authorize publication of a notice of its intent to amend regulations for mammal hunting, waterfowl hunting, Central Valley Chinook salmon sport fishing, and Klamath River sport fishing for the 2018-19 seasons, consistent with changes discussed during today's meeting.

5. Discuss and possible recommendation for phase 2 falconry regulation change options and potential timing

Erin Chappell provided background and an overview of the discussions at the January 2016 and May 2016 WRC meetings. She also noted that the Office of Administrative Law approved the most recent regulation changes adopted by Commission in December 2016, and that the new regulations will go into effect on October 1, 2017. Stafford Lehr reviewed four requests currently being discussed with stakeholders: (1) Petition #2016-014, related to rehabilitated raptors; (2) changes to the prairie falcon drawing; (3) goshawks in the Lake Tahoe Basin; and (4) peregrine falcons. Stafford Lehr requested additional time before moving forward with a possible WRC recommendation to give DFW time to identify any issues with implementation of the new regulations and to continue working with the falconers on the remaining issues.

Public Discussion

Two stakeholders expressed appreciation for DFW's efforts to work with the falconers on these issues and supported DFW's request for additional time. One stakeholder requested more transparency with the data collected by wildlife rehabilitators, noting that the data is valuable to researchers. Another stakeholder noted appreciation for DFW and Commission support of falconry, suggested allowing falconers to keep red-tailed hawks that cannot be relocated away from airports, and opposed the take of prairie falcon fledglings from the wild for falconry.

Committee Direction

The WRC co-chairs agreed to DFW's request for additional time and will revisit this issue at a future WRC meeting.

6. Discuss and possible recommendation for wild pig management proposal

Erin Chappell presented an overview of the process to date and highlighted changes to the staff proposal based on stakeholder input received during and after the May 2017 WRC meeting related to importation and transportation, recreational take, depredation, revenue, and the two proposed options.

Public Discussion

A stakeholder commented that the proposal has a measured, balanced approach and tone, and supports Option 2, the new designation, as wild pig is a non-native species that should not be classified with either native game or native nongame species. Another stakeholder commented that the proposal is headed in the right direction, noting that a majority of the hunting community agrees that a non-game designation (Option 1) is not appropriate and that special attention should be given to the title for the new designation (Option 2), suggesting “exotic game” or “invasive game” as possible options. The stakeholder further noted concerns about revenue associated with the validation fee, the need to address agricultural impacts, and support for increasing SHARE Program opportunities. Another stakeholder noted this has been a long process and the proposal presented today is a strong one. A stakeholder commented about the need for the Commission and DFW to be open and transparent about whether the goal is to eradicate wild pigs or not. A stakeholder suggested offering both the individual wild pig tag and the validation at the same time as an option, and asked how the proposal concluded that night hunting was a safety issue. DFW Law Enforcement Division staff explained that the proportion of hunting accidents at night are much higher than hunting accidents during the day, and gave several examples.

Commissioner Williams noted the lack of strategies to address wild pig management and asked if it would be possible to direct some of the revenue generated from the sale of wild pig tags toward resources to address impacts from wild pigs. Stafford Lehr responded that the Wildlife Branch is planning to develop a strategic plan for the Big Game Management Account to look at all the programs, noting the need to address the damage wild pigs are causing on the landscape.

Committee Recommendation

WRC recommends that the Commission forward the proposal on wild pig management with Option 2 to California State Assembly Member Bigelow for consideration.

7. Predator Policy Workgroup

- (A) Predator Policy Workgroup member presentations on draft terrestrial predator policy and regulatory proposals**
- (B) Discuss and possible recommendation for terrestrial predator policy and regulatory proposals**

Erin Chappell provided an overview of the July 2017 Predator Policy Workgroup (PPWG) meeting outcomes and an update on the draft PPWG report developed following the meeting. Erin explained that PPWG was unable to finalize the report in time for this WRC meeting and that a majority of PPWG members were requesting additional time to complete the report. As a result, no presentations were made and, without a PPWG report, there was no discussion of the policy or potential regulatory proposals.

Public Discussion

Three PPWG members spoke in support of having additional time to finalize the report, noting

that the draft report is close to being complete and they would like the opportunity to complete it so all the effort that has gone into this process is not delegitimized. However, the members noted staff workload should be a consideration. A PPWG reviewer commented that the reviewers have not had an opportunity to comment on the PPWG report and reminded the group of the original issues and intent behind the workgroup. A stakeholder presented on coyote populations, noting the need to manage the populations to protect threatened and endangered species.

Committee Direction

WRC agreed to the PPWG request for additional time to complete the report with stipulations: (1) a PPWG meeting will be held before Thanksgiving; (2) PPWG must finalize the report at that meeting; (3) no changes will be made to the report after the meeting; (4) once finalized, the report will be sent to the reviewers to provide them with an opportunity to comment on the report; and (5) PPWG members will be given time to present the report at the January 2018 WRC meeting, as originally proposed for this meeting. The WRC co-chairs also noted that if PPWG is unable to finalize the report at its final meeting, WRC would proceed without the report.

8. Delta Fisheries Forum

(A) Staff report on Delta Fisheries Forum

Erin Chappell presented an overview of the Delta Fisheries Forum held in May 2017, highlighting staff recommendations from the staff report on possible next steps.

(B) Discuss and possible recommendation for next steps

Public Discussion

A stakeholder supported the staff recommendation for a delta fisheries management policy, noted the importance of research to inform management decisions, presented a proposal related to scientific collecting permits, and suggested ways the Commission could encourage DFW to facilitate additional research. Another stakeholder encouraged the Commission to meet with Peter Moyle (UC Davis) and other specialists on this issue.

Committee Recommendation

WRC recommends that the Commission adopt the recommendations as presented in the staff report.

9. Future agenda items

(A) Review work plan agenda topics and timeline

Erin Chappell reviewed the current work plan and proposed agenda topics for the January 2018 WRC meeting, which include discussions of upland game bird and sport fishing regulations, Russian River sport fishing regulations, and lead ban implementation. Staff proposed expanding Russian River sport fishing regulations to

coastal low-flow regulations to include an update and discussion of the DFW coastal streams workshop scheduled for this fall. Staff also proposed adding PPWG per WRC direction under Agenda Item 7.

No public comments

(B) Potential new agenda topics for Commission consideration

No public comments.

Committee Recommendation

WRC recommends that the Commission approve changing the Russian River sport fishing agenda topic to coastal streams low-flow regulations and adding PPWG to the work plan for January 2018.

Adjourn

Commissioner Burns adjourned the meeting at 2:48 p.m.

**California Fish and Game Commission
Wildlife Resources Committee
Staff Proposal on Wild Pig Management Options
*Revised August 30, 2017***

Background

In California, 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 significant damage to public and private lands, adversely affects California ecosystems statewide, and causes injury to livestock. Its popularity as a game species generates about \$1.2 million a year in revenue for the California Department of Fish and Wildlife (DFW) from the sale of wild pig tags alone, while reported damage to agriculture is estimated at \$2 million per year in California and nationwide at around \$2.5 billion per year. Ecological impacts include soil compaction, damage to native plant communities, reduced water quality from increased turbidity and bacterial contamination, competition with other game species—particularly deer and wild turkeys—for food and space, and predation on ground-nesting bird eggs, amphibians, reptiles, and small mammals.

In 2015, Assembly Member Bigelow introduced Assembly Bill 290 (AB 290), in an effort to resolve some of the issues around wild pigs. The California Fish and Game Commission's (Commission) Wildlife Resources Committee (WRC) discussed elements of AB 290 at its September 2015 meeting; the discussion focused on how to protect revenues coming into DFW, maintain hunting opportunities, streamline depredation, and minimize 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, Commission President 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.

The purpose of this document is to provide a stakeholder-vetted proposal that offers potential statutory and regulatory changes to achieve the goal of reducing wild pig populations to benefit native species and 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 options for potential statutory and regulatory changes that take into account stakeholder concerns.

Stakeholder Discussions on Proposed Options

WRC held discussions with stakeholders on wild pig management at its May 2016 and September 2016 meetings. At the September 2016 WRC meeting, Commission staff presented three possible approaches with the goal of reducing wild pig populations to benefit native species and their habitats and to protect private and public property while maintaining hunting opportunities:

- (1) maintain the game status designation with modifications to the depredation and tag provisions;
- (2) change the status designation to non-game and add provisions for tags, methods of take, and depredation; and
- (3) create a new designation with provisions for hunting, depredation, and importation, transportation, and release.

Based on input from the stakeholders and discussion at the September meeting, the second and third approaches were identified as more effective for meeting the stated goal; WRC directed staff to develop a more detailed proposal for these two approaches to present to WRC in January 2017 for further evaluation and discussion. In January 2017, staff presented additional information and an overview of two options for potential changes to statutes and regulations to address stakeholder concerns. Option 1 builds off the original proposal in AB 290, while Option 2 establishes a new status designation to address stakeholder concerns regarding the nongame status designation used in Option 1. Key statutes and regulations that generally apply to game mammals or specifically to wild pigs that may require revision under the two proposed options are identified at the end of this proposal.

- 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. As defined in Fish and Game Code, game mammals include species such as deer, elk, wild pigs, jackrabbits, and tree squirrels, which are primarily hunted for food. Nongame mammal is defined as a mammal that occurs naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal; nongame mammals are generally hunted or trapped more for non-consumptive purposes. Wild pigs are hunted primarily for their meat and, therefore, do not fit as well into the nongame mammal designation as they might in a new designation. In addition, a new designation could more clearly acknowledge and define the different management objectives for wild pigs compared to other game and nongame mammals in California. While not proposed here, this new designation could also be used for other non-native game species such as fallow deer, aoudad, and mouflon, which are currently designated as nongame mammals.

After further discussion and stakeholder input, WRC directed staff to provide a more detailed proposal on potential statutory and regulatory changes at its May 2017 meeting. At the May 2017 WRC meeting, Commission staff presented a draft proposal and received additional stakeholder input; WRC directed staff to work with stakeholders on the concerns raised at the meeting, with a focus on Option 2 as the preferred option. Commission staff met with

stakeholders following the May 2017 WRC meeting to solicit additional input on possible options to address concerns about the use of dogs, use of snares, and disposal. Staff also solicited input from stakeholders on the status designation. Some stakeholders' concerns about the change in the status designation were specifically that maintaining the game designation with modification to the depredation provisions should have been included as an option in the original proposal; in response to those concerns, an evaluation of that option is provided in Appendix F.

Management Concerns Associated with a Change in Designation

Some stakeholders raised concerns during development of AB 290 and at 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) *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 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 California Department of Food and Agriculture (CDFA) regulates the importation of domestic swine and requires an Interstate Livestock Entry Permit and a Certificate of Veterinary Inspection for swine imported 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 ear tags, ear notches, or tattoos (ear or inner flank). Slaughter swine must have ear tags, tattoos, or U.S. Department of Agriculture back tags. 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 ear tags are easily removed and damaged ears are common for pigs, making ear notches difficult to identify. One option to improve tracking and enforcement is to require official radio-frequency identification

(RFID) ear tags be used. RFID ear tags are already considered “official identification”, removal of the tags is illegal under current federal and State regulations, are easily visible, and if placed properly deep in the ear, should have good retention.

Domestic swine are usually marked 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 that have been bred with and may contain varying amounts of European wild boar genes; these swine may exhibit the same phenotypic characteristics as 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. Within the definition, create a subsection that gives CDFA the authority to adopt regulations, for domestic swine that meet the definition of a wild pig based on the phenotypical characteristics, to determine approved identification marks. A proposed definition is provided in Appendix B.
- Create new CDFA regulations to identify what types of marks shall be used by producers of domestic swine that meet the phenotypical definition of a wild pig to facilitate differentiation. The marks may include specific types of ear tags, ear notching—consistent with the Universal Ear Notching System—or tattoos. In addition, add a provision requiring official RFID ear tags at change of ownership for any domestic swine that meets the phenotypical definition of a wild pig.
- Modify Food and Agriculture Code to give CDFA authority to adopt regulations related to the importation of domestic swine that meet the phenotypical definition of a wild pig. In addition, modify existing CDFA regulations governing importation permits to require that domestically-raised swine, including European or Russian wild boars, have official RFID ear tags, a negative pseudorabies and brucellosis test, and a statement on the Certificate of Veterinary Inspection form signed by an accredited veterinarian that the pig has been domestically raised for at least four months.

(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 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 possible impacts to non-target wildlife. Under current regulations, up to three dogs per hunter may be used for the take of wild pigs except, no more than one dog per hunter where general deer season is open and no dogs may be used within the dog control zones, as specified. During the stakeholder vetting process, a change from three dogs per hunter to three dogs per hunt group was proposed. However, concerns about how to define a "hunt group" and the enforceability of such a regulation may make implementation infeasible. Broad stakeholder agreement regarding 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 additional hunting opportunities, addressing concerns about the loss of that incentive, as well as providing new opportunities for youth hunters.

Proposed Solution

- Establish an effective date of July 1, 2019 for the statutes and accompanying regulations; this maintains the current requirement for use of non-lead ammunition for the take of wild pigs in the California condor range for the period between adoption of the new legislation and the full implementation of the ban on lead ammunition for the take of wildlife.
- Maintain the current hours for take from one-half hour before sunrise to one-half hour after sunset; include an exemption for take at night for depredation purposes by the property owner, tenant, employee or designated agent (see Item 3, Depredation).
- Maintain the current methods of take under sections 353 and 465.5 of Title 14.
- Maintain 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. 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: (1) the wanton waste of useable meat; (2) use of methods not currently authorized; (3) ecological impacts from use of lead ammunition; and (4) health impacts, to both humans and wildlife, if large numbers of carcasses were left in the field to rot. Integrating some of the current depredation permit requirements into the regulations could address these concerns while at the same time removing the permit requirement.

Proposed Solution

- Create a subsection for methods of take pursuant to sections 353 and 465.5 of Title 14. Add a provision to allow 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 Appendices C and E). Include the use of artificial lights to assist in taking pigs at night but, if using spotlights at night, require the property owner to notify DFW of night operations. Add a provision limiting the use of snares to designated agents

providing services under a valid trapping license and to federal, state, or local wildlife control officers while acting in their official capacity. Add a provision that requires designated agents to have a hunting license and validation or a trapping license. Add a provision defining paid employees.

- Create a subsection related to the use of dogs that allows for the use of dogs when pursuing/taking depredating pigs but require the dog handler to have a hunting license and validation, with an exemption for local, state, or federal employees acting in their official capacity.
- 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 transporting it off the property; DFW would need to create the tag for this purpose.
- 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, support was mixed 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 about 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 dedicated 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, through either 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 have on public and private lands.

There are also concerns about how the new base fee for the one-year validation may affect overall revenue. The proposal under AB 290 used the \$15 base fee in Fish and Game Code Section 4654, while the current fee for a wild pig tag with the annual adjustments is \$22. Concerns were raised that a decrease in the fee along with a decrease in purchases associated with individuals who purchase multiple wild pig tags each year would result in a significant decrease in revenue. However, the switch to the validation and a lower base price than the current \$22 may incentivize more hunters to purchase the validation, offsetting the loss associated with the purchase of multiple tags. In response to the concerns, an analysis of the proportion of individuals purchasing multiple tags in the last five to ten years with an assessment of the fiscal impacts associated with the change to a single validation could be conducted to help inform a decision on the new base fee.

Proposed Solution

- Modify language in Fish and Game Code Section 4654 and Section 708.13, Title 14, CCR to switch from individual tags to a one-year validation; this also requires an adjustment to the existing fees and tagging requirements. Add a provision authorizing DFW to adjust the base fee, if necessary, to maintain revenues within 10 percent of the long-term average.
- Maintain the current age requirement to obtain a validation at the 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 from 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 specific proposed changes to statutory and regulatory text, which are generally described here.

Changes to Fish and Game Code Statutes under Option 1

- Establish an effective date of July 1, 2019
- 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 specific proposed changes to statutory and regulatory text, which are 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. In addition:

- Modify Section 3003.1(c) to add wild pig (body-gripping traps)
- Modify Section 3005.5 to add wild pig (capture or possess wildlife)
- Add a new section to provide for take of wild pigs damaging property, similar to Section 4152 for nongame mammals (See example in Appendix D)

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 (See example in Appendix E)
- Repeal section 708.13 and integrate tag requirements into new subsection specifically for wild pig licensing/tag requirements (see example in Appendix E)

Stakeholder Support for the Proposed Options

Based on input received during this process, Option 2 garnered the strongest support from the broadest range of stakeholders. Stakeholders representing hunting, animal welfare, and environmental interests expressed support for creating a new designation that acknowledges wild pig's value as a game mammal while, on the other hand, recognizing the different management objectives for wild pigs compared to other game and nongame mammals. However, there is opposition from some within the hunting community to any change in the status designation and many representatives from the hunting community expressed opposition to Option 1 due to the nongame status designation.

Statutes and Regulations Relevant to Wild Pig

Key statutes and regulations that generally apply to game mammals or specifically to wild pigs that may require revision under the 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

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 make by 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. Strikethrough denotes potential deleted text, and italics denotes potential new text.

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

4650. ~~Wild pigs, as used in this chapter, means free-roaming pigs not distinguished by branding, ear marking, or other permanent identification methods.~~ ***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 or visible tags 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 257.5 of these regulations.

4XX. Wild Pig.

(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 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.

(A) Wild pigs may be taken by any method in accordance with sections 465.5 and 475(c) of these regulations. Except only designated agents providing services under a valid trapping license or by an employee of a federal, State, or local government agency or local district with responsibilities, including but not limited to animal control, animal

control damage, irrigation, flood, or natural resource reclamation, while acting in their official capacity may use snares.

(B) Use of dogs shall be in accordance with the provisions of section 265 of these regulations.

(C) 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.

(A) 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.

(B) 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 trapping license or 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, tenant, or paid employee. 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, paid employee, or designated agent except the property owner, tenant, paid employee, 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.

(a) 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.

(b) Wild pig hunting validations, as specified in Section 4654 of the Fish and Game Code, may be procured through the department's Automatic License Data System terminals at any department license agent or department license sales office.

(c) Wild pig hunting validations are valid only during that portion of the current hunting license year in which wild pigs may be legally harvested as provided in subsection 4XX(b).

Appendix D. Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Options 1 and 2

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

Fish and Game Code Statutes	
Section	Proposed Revision
3003.1	(c) It is unlawful for any person, including an employee of the federal, state, county, or municipal government, to use or authorize the use of any steel-jawed leghold trap, padded or otherwise, to capture any game mammal, <u>wild pig</u> , fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat. <i>Note: only necessary under Option 2.</i>
3950	(a) Game mammals are: deer (genus <i>Odocoileus</i>), elk (genus <i>Cervus</i>), prong-horned antelope (genus <i>Antilocapra</i>), wild pigs, including feral pigs and European wild bears (genus <i>Sus</i>), 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, wild pigs , 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 Options 1 and 2

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, wild pig, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animals...</p> <p>(c) 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.</p>
4181.1(b)	<p>(b) 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.</p>

Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Options 1 and 2

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) or (b) and may have an employee of the department investigate the taking or cause the taking to be investigated. The person taking a wild pig shall provide information as deemed necessary by the department. 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 or wild pig taken under subdivision (a) or (b) , issue a written statement to the person confirming that the requirements of this section have been met. The person who took the wild pig may transfer the carcass to another person without compensation.
4182	Repeal entire section.
4188	(a) If a landowner or tenant applies for a permit under Section 4181 for wild pigs or 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 wild pigs , 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 wild pigs , 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 <u>or wild pig</u> 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 <u>or wild pigs</u> 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 Options 1 and 2

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4651	<p>(a) The department shall prepare a plan for the management of wild pigs. 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. 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> <ol style="list-style-type: none"> (1) The distribution and abundance of wild pigs, as described in Section 3950. (2) A survey of range conditions. (3) Recommendations for investigations and utilization of wild pigs. (4) Encouraging mitigation of depredation by sport hunting pursuant to this chapter. (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.
4652	<p>It is unlawful to take any wild pig, except as provided in Section 4181 <u>4152</u>, without first procuring a tag authorizing the taking of that wild pig in accordance with this chapter. <i>Note: change to Section 4152 under Option 1; change to new Section under Option 2.</i></p>
4654	<p>(a) Any resident of this state, 12 years of age or older, who possesses a valid hunting license, may procure the number of a <u>a</u> wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year 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 the number of a <u>a</u> wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year 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 2004 2018 license year, and shall be adjusted annually thereafter pursuant to Section 713.</p>
4655	<p>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</p>

Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Options 1 and 2

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. <u>The commission may adopt such regulations as it deems necessary to govern the transportation of the carcass and any harvest reporting.</u> 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.</p>
New section	<p>Proposed text under Option 2 (see Section 4652 above): <u>(a) Any wild pig found to be injuring, molesting, pursuing, worrying, or killing livestock or damaging or destroying, or threatening to 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 at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking wild pig in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. (b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.</u></p>

Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Options 1 and 2

Title 14, California Code of Regulations	
Section	Proposed Revisions
251.3	No person shall knowingly feed big game mammals, as defined in Section 350 of these regulations, <u>or wild pigs</u> .
251.8	<p>(a) Pursuant to the provisions of sections 3080 and 3081(b) of the Fish and Game Code, game birds, game mammals, <u>and wild pigs</u> 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, <u>or wild pig</u>, 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, <u>or wild pig</u>, 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, <u>and wild pigs</u> , may not be taken within 400 yards of any baited area.
260.2	<p>Game species <u>and wild pigs</u> may be taken on the Lake Oroville State Recreation Area only as follows:</p> <p>(c) Game species <u>and wild pigs</u> 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>), wild pig (feral pigs, European wild pigs and their hybrids (genus <i>Sus</i>), 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, <u>and</u> bear, and wild pig , shall be from one half hour before sunrise to one half hour after sunset.

Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Options 1 and 2

Title 14, California Code of Regulations (continued)	
Section	Proposed Revisions
368	Repeal entire section; <i>move wild pig season and bag and possession limit to Chapter 6 Nongame Animals. See example in Appendix C.</i>
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, wild pigs, 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, wild pigs, or gray squirrels shall be valid for a period not to exceed one year.</p> <p>(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.</p> <p>(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. 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...</p> <p>(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required by the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. 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.</p>
Additional Revisions Specific to Option 1	
472	General Provisions. Add wild pig; see example in Appendix C
474	Hours for Taking. Add wild pig; see example in Appendix C
475	Methods of Take for Nongame Birds and Nongame Mammals. Add wild pig; see example in Appendix C
***	New section with provisions, including depredation, specific to wild pig; see example in Appendix C

Appendix D: Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under Options 1 and 2

Title 14, California Code of Regulations (continued)	
Additional Revisions Specific to Option 1 (continued)	
***	New section for wild pig validation; see example in Appendix C
708.13	Repeal entire section and move wild pig tag requirements to new section above; see example in Appendix C
Additional Revisions Specific to Option 2	
***	New section to define species in new designation; see example in Appendix E
***	New section for general provisions; see example in Appendix E
***	New section for hours for taking; see example in Appendix E
***	New section for methods of take; see example in Appendix E
	New section for depredation provisions; see example in Appendix E
***	New section for wild pig validation; see example in Appendix E
708.13	Repeal entire section and move to new section above; see example in Appendix E

Appendix E. Sample Regulation Text for Wild Pigs under a New Designation

The following is an example of how wild pig regulations could be developed under a new status designation. Chapter and Section numbers are for illustrative purposes only and are provided as an example of where the regulations could be placed within Title 14 of the California Code of Regulations. The potential new language, offered only as an example, is denoted by italicized text.

Chapter 3.5. Exotic Game

375. Exotic Game Defined.

“Exotic game” means wild pig, including feral pig, European wild pig, and their hybrids (genus Sus).

376. General Provisions.

(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 46XX of the Fish and Game Code and Section 379 of these regulations.

(b) 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. There is no daily bag or possession limit.

377. Hours for Taking.

Wild pig may be taken only from one-half hour before sunrise to one-half hour after sunset, except as provided for in Section 379 of these regulations.

378. Methods of Take.

Wild pigs may be taken in any manner except as follows:

(a) Poison may not be used.

(b) Wild pig may be taken only with the equipment and ammunition specified in Section 353 of these regulations.

(c) Traps may be used to take wild pigs only in accordance with the provisions of Section 465.5 of these regulations and Section 3003.1 of the Fish and Game Code.

(d) The take or attempted take of wild pigs shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1 of these regulations.

(e) The take of wild pig shall be in accordance with Section 257.5 of these regulations.

379. Wild Pig Depredation.

A person who is a property owner, tenant, or paid employee, as defined in subsection (f) of this section, 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.

(a) Methods of Take.

(1) Wild pig may be taken by any method in accordance with Section 378 of these regulations.

(2) Any person utilizing dogs in the pursuit or take of wild pigs pursuant to this section must have a valid hunting license and wild pig validation. This does not apply to employees 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.

(3) Any person utilizing snares pursuant to this section must have a valid trapping license. This does not apply to employees 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.

(b) Hours for Take.

(1) Wild pigs causing damage or threatening to cause damage may be taken at any time except that they may not be taken from one-half hour after sunset to one-half hour before sunrise in the area described in Section 474(a) of these regulations.

(2) On privately-owned property, not included in Section 474(a) of these regulations, wild pigs may be taken from one-half hour after sunset to one-half hour before sunrise only by the landowner, tenant, paid employee, or a designated agent.

(3) Artificial lights may be used to assist in the taking wild pigs. If using spotlights at night, the property owner shall notify DFW of night operations and location at least 72 hours in advance.

(c) Government Employees and Designated Agents.

(1) A landowner or tenant 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.

(2) A landowner or tenant 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 written authorization from the landowner or tenant, and a trapping license or a hunting license and wild pig hunting validation. Written authorization shall include the landowner or tenant's name, phone number, and the address for the property where take is authorized.

(d) Tagging Animals. Wild pigs shall be tagged prior to being transported from the property by the property owner, tenant, or paid employee. 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.

(e) Utilization of the Carcass. Animals taken shall be utilized by the property owner, tenant, paid employee, or designated agent except the property owner, tenant, paid employee, 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.

(f) Definition of Paid Employee. Definition under development and not available at this time.

380. Wild Pig Hunting Validation.

(a) 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.

(b) Wild pig hunting validations, as specified in Section 4654 of the Fish and Game Code, may be procured through the department's Automatic License Data System terminals at any department license agent or department license sales office.

(c) Wild pig hunting validations are valid only during that portion of the current hunting license year in which wild pigs may be legally harvested, as provided in Section 376 of these regulations.

SAMPLETEXT

Appendix F. Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under an Option Maintaining the Current Game Status

The following is an example of how wild pig code and regulation sections could be modified to integrate the proposed changes while maintaining the current big game status. Section numbers denoted by an asterick are for illustrative purposes only and are provided as an example of where the new regulation section could be placed within Title 14, CCR. Note: Strikethrough denotes deleted text and italicized and underlined denotes new text.

Fish and Game Code Statutes	
Section	Proposed Revision
3953	<p>(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, wild pigs, 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.</p>
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, wild pig, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animals...</p> <p>(c) 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.</p>

Fish and Game Code Statutes (continued)

Section	Proposed Revision
4181.1(b)	<p>(b) 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.</p>
4181.1(c)	<p>(c) The department shall make a record of each report made pursuant to subdivision (a) or (b) and may have an employee of the department investigate the taking or cause the taking to be investigated. The person taking a wild pig shall provide information as deemed necessary by the department. 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 or wild pig taken under subdivision (a) or (b), issue a written statement to the person confirming that the requirements of this section have been met. The person who took the wild pig may transfer the carcass to another person without compensation.</p>

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4181.2	<p>For the purposes of this article relating to damage caused by wild pigs, "damage" means loss or harm resulting from injury to person or property. The department shall develop statewide guidelines to aid in determining the damage caused by wild pigs. The guidelines shall consider various uses of the land impacted by pigs.</p> <p><u>(a) Any wild pig found to be injuring, molesting, pursuing, worrying, or killing livestock, or damaging or destroying, or threatening to 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 at any time or in any manner in accordance with this code and regulations adopted pursuant to this code, by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officials when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking wild pig in accordance to this section are exempt from Section 3007, except when providing trapping services for a fee. (b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.</u></p>
4188	<p>(a) If a landowner or tenant applies for a permit under Section 4181 for wild pigs or 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 wild pigs, wild turkeys, and deer.</p> <p>(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 wild pigs, 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.</p>
4650	<i>Replace text with revised definition proposed in Appendix B</i>

Fish and Game Code Statutes (continued)	
Section	Proposed Revision
4651	<p>(a) The department shall prepare a plan for the management of wild pigs. 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. 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, as described in Section 3950.</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>(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.</p>
4652	It is unlawful to take any wild pig, except as provided in Section 4181 , <u>4181.2</u> , 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 the number of a wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year 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 the number of a wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year 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 2004 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

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. <u>The commission may adopt such regulations as it deems necessary to govern the transportation of the carcass and any harvest reporting.</u> 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.</p>

Title 14, California Code of Regulations	
Section	Proposed Revisions
352	Hunting and shooting hours for big game, including but not limited to deer, antelope, elk, <u>and bear, and wild pig</u> shall be taken from one-half hour before sunrise to one-half hour after sunset. <u>Wild pig shall be taken from one-half hour before sunrise to one-half hour after sunset except as provided for in subsection 4XX(b) of these regulations.</u>
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, wild pigs, 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, wild pigs, or gray squirrels shall be valid for a period not to exceed one year.</p> <p>(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.</p> <p>(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. 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...</p> <p>(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required by the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. 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.</p>
403*	<u>Take of Wild Pig Causing Damage. A person who is a property owner, tenant, or paid employee, as defined in subsection (f) of this section, 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.</u>

Title 14, California Code of Regulations	
Section	Proposed Revisions
403(a)	<u>Method of Take. (1) Wild pig may be taken by any method in accordance with Section 353 and 465.5 of these regulations. (2) Any person utilizing dogs in the pursuit or take of wild pigs pursuant to this section must have a valid hunting license and wild pig validation. This does not apply to employees 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. (3) Any person utilizing snares pursuant to this section must have a valid trapping license. This does not apply to employees 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. (4) No poison may be used.</u>
403(b)	<u>Hours for taking. (1) Wild pigs causing damage or threatening to cause damage may be taken at any time except that they may not be taken from one-half hour after sunset to one-half hour before sunrise in the area described in Section 474(a) of these regulations. (2) On privately-owned property, not included in Section 474(a) of these regulations, wild pigs may be taken from one-half hour after sunset to one-half hour before sunrise only by the landowner, tenant, paid employee, or a designated agent. (3) Artificial lights may be used to assist in the taking wild pigs. If using spotlights at night, the property owner shall notify DFW of night operations and location at least 72 hours in advance.</u>
403(c)	<u>Government Employees and Designated Agents. (1) 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. (2) 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 trapping license or hunting license and wild pig hunting validation.</u>
403(d)	<u>Tagging Animals. Wild pigs shall be tagged prior to being transported from the property by the property owner, tenant, or paid employee. 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.</u>
403(e)	<u>Utilization of the Carcass. Animals taken shall be utilized by the property owner, tenant, paid employee, or designated agent except the property owner, tenant, paid employee, 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.</u>
403(f)	<u>Definition of Paid Employee.</u> Definition under development and not available at this time

Title 14, California Code of Regulations	
Section	Proposed Revisions
404*	<u>Wild pig validation.</u>
404(a)	<u>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.</u>
404(b)	<u>(a) Wild pig hunting validations, as specified in Section 4654 of the Fish and Game Code, may be procured through the department's Automatic License Data System terminals at any department license agent or department license sales office.</u>
404(c)	<u>Wild pig hunting validations are valid only during that portion of the current hunting license year in which wild pigs may be legally harvested, as provided in Section 368 of these regulations.</u>

California Fish and Game Commission
Wildlife Resources Committee
Staff Report on the Delta Fisheries Forum
August 2017

At the direction of the California Fish and Game Commission (Commission), the California Department of Fish and Wildlife (Department) and Commission staff co-hosted a Delta Fisheries Forum to identify potential Commission actions to support and enhance the State's current fisheries management goals for the Sacramento-San Joaquin Delta (Delta). This report provides an overview of the forum, summarizes key findings, and includes four staff recommendations on potential next steps for Commission consideration.

Background

In June 2016, the Commission received a petition from the Coalition for a Sustainable Delta and others requesting regulation changes to increase the bag limit and reduce the minimum size limit for striped bass and black bass in the Delta. The expressed intent of the petition was to reduce predation by non-native bass on fish that are native to the Delta and are listed as threatened or endangered under the federal or California endangered species acts, including winter-run and spring-run Chinook salmon, Central Valley steelhead, and Delta smelt. While the petition was formally withdrawn prior to Commission action, the Commission requested that the Wildlife Resources Committee (WRC) schedule a discussion to explore the issue more comprehensively. WRC directed staff to hold a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, the implementation of the State's vision, and soliciting stakeholder input on potential actions the Commission could consider related to this topic.

Held on May 24, 2017 in Sacramento, the forum was publicized and open to the public. Approximately 50 people attended, including WRC co-chairs Commissioner Williams and Commissioner Burns. The forum was structured to include a state agency panel discussion, an overview of the Commission's policies and regulations for sport fisheries in the Delta, and a full group discussion. The full group discussion included two presentations by representatives for the original petition, consistent with direction provided by the Commission in August 2016.

Forum Highlights

State Agency Panel

The state agency panel members included:

- Carl Wilcox, Policy Advisor to the Director, California Department of Fish and Wildlife
- Cindy Messer, Chief Deputy Director, California Department of Water Resources
- Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board
- Rainer Hoenicke, Deputy Executive Officer, Science Program, Delta Stewardship Council

Panel members gave an overview of their agency's role in implementing the State's vision for managing the Delta and answered questions from the audience.

Key Findings

Existing Conditions – the Delta has undergone significant changes, especially in terms of habitat for native fish. Changes in habitat, hydrodynamics, and aquatic vegetation has resulted in a new ecosystem that favors and supports non-native centrarchids, such as largemouth bass, over native fish species, including Chinook salmon and Delta smelt.

Planning for the Future – the Delta Stewardship Council’s Delta Plan, California Natural Resources Agency’s California EcoRestore, and the multi-agency Ecosystem Restoration Program’s Conservation Strategy for Restoration are large-scale planning efforts that provide the long-term vision, management goals, and implementation strategies for the Delta. Other State plans, such as the Delta Smelt Resiliency Strategy, Chinook Salmon Resiliency Strategy, and California Water Action Plan, guide more specific, near-term strategies and actions for management in the Delta.

Management Priorities – there has been a shift in management priorities over the last 30-40 years from managing the Delta for sport fisheries to managing for native species to prioritizing management for threatened and endangered species. During this time, there has also been a growing awareness and understanding of the value of managing the ecosystem as a whole rather than managing for individual species, and a greater emphasis has been placed on addressing stressors more holistically. Restoration objectives have also changed with increased focus on restoring key attributes, such as specific habitat types, habitat diversity, and functional flow regimes, to support native species in the Delta. There is also more emphasis on integrating the adaptive management process into management plans and actions.

Interagency Coordination – a myriad of state and federal agencies have management responsibilities within the Delta, which necessitates a certain level of coordination and collaboration. The Interagency Ecological Program, established in the 1970s, provides a framework for agencies to work together to conduct ecological investigations in the Delta. Two decades later, the CALFED Bay-Delta Program built on that effort, forming a consortium of 25 state and federal agencies working together to improve California’s water supply and the ecological health of San Francisco Bay and the Delta. In 2009, the Delta Reform Act established the Delta Stewardship Council to further advance the State’s goals for a more reliable water supply and a healthy, protected Delta ecosystem through the development of the Delta Plan. The Delta Reform Act also established the Delta Plan Interagency Implementation Committee, made up of the 17 state and federal agencies responsible for implementing the Delta Plan. Key efforts that support continued interagency coordination in the Delta include:

- Interagency Ecological Program (IEP) – focuses on providing and integrating relevant and timely ecological information for managing the Delta ecosystem through collaborative and scientifically-sound monitoring, research, modeling, and data synthesis efforts.
- IEP Pelagic Organism Decline Management Team – formed in 2005, this team is tasked with designing and managing a comprehensive study to evaluate the causes of the decline of pelagic organisms, including stock-recruitment effects, declines in habitat quality, increased mortality rates, and reduced food availability due to invasive species.

- Delta Plan Interagency Implementation Committee – facilitates work on the Delta Plan through increased coordination and integration between 17 agencies and focuses on the intersection of Delta Plan and California Water Action Plan implementation.
- Collaborative Science and Adaptive Management Program – formed in 2013 under a court order to inform management actions incorporated into the biological opinions for operating the state and federal water projects and considering alternative management actions. The court order ended in 2015; however, the participating agencies agreed to continue the program in an effort to promote the collaborative development of scientific information to inform management decisions.

Implementing Under Uncertainty – there was broad acknowledgement that there will never be enough science to fully inform all management decisions and that an emphasis is needed on approaching management and policy decisions in flexible and adaptive ways. The importance of evaluating the effectiveness of decisions once they have been implemented was highlighted. Key efforts to improve our scientific understanding in the Delta include:

- Delta Science Plan (also known as One Delta, One Science) – establishes a shared vision for Delta science and a framework to guide, organize, and integrate science in the Delta.
- Science Action Agenda – prioritizes near-term actions to achieve the objectives of the Delta Science Plan and identifies priorities for research, monitoring, data management, and communication.
- The State of Bay-Delta Science reports – a periodically updated summary that synthesizes the current science knowledge of the Delta.

Full Group Discussion

This portion of the forum started with two presentations highlighting ideas for potential near-term strategies to reduce scientific uncertainty. The first presentation by Brad Cavallo, president and principle scientist for Cramer Fish Sciences, evaluated non-native predator management opportunities in the Delta with a focus on scientific collecting permits and engaging with the angling public to conduct scientific studies. The second presentation by Doug Demko, president of FishBio, covered key uncertainties and identified data needs related to abundance, distribution, and predation impacts of non-native species, and highlighted opportunities for public-private research partnerships with case studies.

Following the presentations, Commission staff facilitated a discussion with the audience centered on three questions. Stakeholders provided a variety of proposals, which are summarized below. Specific input in response to the three questions included:

Question 1: What are your long-term goals/visions for fisheries management in the Delta?

- Holistically manage fisheries in a way that accounts for the unique life history strategies of individual species
- Reduce impacts from water project operations on fish species in the Delta
- Take a holistic approach to addressing stressors

- Take a holistic, collaborative approach to management that accounts for disparities in funding needs
- Manage the estuary and riverine system as a whole

Question 2: What actions can the Commission take in the near-term (5-10 years) to support the State's vision and management objectives?

- Stress the importance of conducting research
- Be willing to take adaptive actions to test management options
- Implement the existing striped bass policy
- Focus efforts on hatchery operations and predation hotspots
- Clarify the scientific collecting permit process
- Support predation-related pilot projects and research

Question 3: What actions can the Commission take in the long term (10-20 years) to support the State's vision and management objectives?

- Pursue opportunities to ensure adequate funding to complete the full adaptive management cycle

Additional Stakeholder Input

Throughout the forum stakeholders raised concerns and provided input on a number of topics related to Delta management, including:

- predation, while a stressor for listed species is not a primary stressor and management actions should be focused on addressing the primary stressors;
- management actions to reduce predation impacts should be targeted at known predation hot spots;
- management actions to reduce striped bass and black bass populations may have unintended consequences, such as increases in other prey populations that would result in increased competition for limited food resources;
- recommendations to improve hatchery practices to reduce predation on hatchery salmon;
- main issues affecting listed species in the Delta are flow, habitat, and water quality;
- more information on striped bass abundance, distribution, and reproduction is needed to inform any proposed regulation changes;
- more information on direct and indirect loss of fish due to operations of the federal water pumping facility is needed; and
- concerns about management decisions negatively affecting sport fisheries and, in particular, potential economic impacts.

Staff Recommendations

1. *Develop and adopt a Delta Fisheries Management policy* – develop a policy that: (1) aligns with the State's goals for the Delta; (2) supports more holistic management of the Delta; (3) encourages interagency coordination and collaboration; (4) requires

integration of the best available science into decision-making; and (5) clarifies the Commission's management goals for both listed species and sport fisheries in the Delta.

2. *Increase Commission awareness of and participation in interagency coordination efforts in the Delta* – improve communication about Delta activities through:
 - Department updates on outcomes from the Delta Plan Interagency Implementation Committee, as appropriate;
 - staff participation in interagency meetings and conferences, as appropriate; and
 - periodic updates from agencies on key initiatives, such as the Science Action Agenda or the State of Bay-Delta Science updates.
3. *Explore opportunities for targeted predation-related research* – encourage staff engagement in efforts to identify possible research options including:
 - coordinate with the Delta Stewardship Council's Science Program and Department to identify key research questions and possible mechanisms to fund that research, and
 - a collaborative effort to model the effects of various regulatory scenarios.
4. *Continue stakeholder engagement on key uncertainties related to fisheries management in the Delta* – as time allows, use WRC as a forum to further explore some of the key uncertainties and identify possible options to address them.

Wildlife Resources Committee (WRC) 2017-2018 Draft Work Plan: Scheduled topics and timeline for items referred to WRC (Updated for Aug 2017 FGC meeting)

Topic	Type of Topic	2017			2018
		JAN (Redding)	MAY (Sacramento)	SEP (Riverside)	JAN (TBD)
Annual Regulations					
Upland Game Birds	Annual	X / R		X	X / R
Sport Fish	Annual	X	X / R		X
Mammals	Annual			X / R	
Waterfowl	Annual			X / R	
Central Valley Salmon	Annual			X / R	
Klamath River Sport Fish	Annual			X / R	
Regulations & Legislative Mandates					
Falconry	Referral for review	X	X	X / R	
Russian River sport fishing	Referral for review				X
Emerging Management Issues					
Lead Ban Implementation	DFW project	X			X
Wild Pig Management	Referral for review	X	X	X / R	
Special Projects					
Predator Policy Workgroup	WRC workgroup	X	X	X / R	
Delta Fisheries Forum (May 24, 2017)	Referral			X / R	

KEY X Discussion scheduled R Recommendation developed and moved to FGC



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SCI CA Coalition

September 28, 2017

VIA E-Mail

Ms. Valerie Termini, Executive Director
Fish and Game Commissioners
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Comments on Options for Possible Changes in Statutes and Regulations for Managing Wild Pig Depredation, Fish and Game Commission Meeting, October 11, 2017, Agenda Item 4

Dear Ms. Termini and Commissioners:

SCI has reviewed the two options for possible changes to the Fish and Game Code and Title 14 regulations pertaining to wild pig depredation management that were discussed by the Wildlife Resources Committee (WRC) at its meeting on September 13, 2017.

SCI is opposed to the removal of game mammal status for wild pigs, but could support changes to the depredation laws that give property owners more flexibility.

Accordingly, SCI asks that a third option be considered that would keep the wild pig as a game mammal, but would modify the depredation laws and regulations to give property owners experiencing property damage more flexibility for dealing with it.

The following is SCI's response to the individual provisions of the two options that were before the WRC committee:

Of significant concern is that some of the most critical subject areas in the options could be subjected to political, rather than scientific wildlife management, concerns and treatment.

Although many items have been identified for possible inclusion in the Fish and Game Code, further code language would still be needed to assure that there are no inappropriate interpretations of statute or the establishment of "emergency wild pig regulations" that override the code.

The commission has the authority to do so under current California Fish and Game Code section 219 which provides authority to supersede by regulation ". . . any section of this code designated by number in the regulation, but shall do so only to the extent specifically provided in the regulation. . .".

Of specific concern are current code sections that could be overridden by employing section 219, such as those that prevent poisoning and other forms of depredation control that result in large scale killing of wild pigs and other wildlife, and the wasting of wild pigs killed by property owners, their tenants, their paid employees, or employees of government agencies.

There are many provisions addressed by the two options but there is no protection proposed that would prevent the commission from employing section 219. Such protection is considered to be a critical issue.

The options do not propose to modify current code section 4152 relative to the taking of depredating wild pigs. Section 4152 provides that nongame mammals (except furbearers) “. . . may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises. . .”.

If the wild pig were made a nongame mammal, this would seem to allow the use of any method to kill depredating wild pigs, and it could be in conflict with safeguards against this elsewhere in the options. It may be necessary to include clarifying language to assure that there is no confusion relative to what would be permitted.

The options do not contain language preventing the use of other codes, such as the Food and Agricultural Code or the Public Resources Code, to circumvent the Fish and Game Code relative to managing wild pig depredation. If one of the options is to be adopted, such a provision should be included.

Option 1: Change Designation from Game Mammal to Nongame Mammal

SCI opposes the proposed change in game mammal designation for the wild pig.

A number of statutory and regulatory revisions would be required under this option.

Appendix D in the complete option document contains the specifically proposed language changes to both statutory and regulatory code sections that are generally described below.

Many of these changes were contained in [AB 2268](#) (Bigelow – 2014) and in [AB 290](#) (Bigelow – 2015).

Both bills were opposed by SCI at that time.

Although SCI recognizes that the current options make an effort to resolve the objections of SCI and other stakeholder groups, more work would be needed on them to assure that the department, commission, landowners, or government agencies cannot find a pathway to engage in the uncontrolled, large scale killing of wild pigs and the wastage of their carcasses.

Specific Changes to the Fish and Game Code under Option 1:

Remove all references to wild pig in sections 4181 and 4181.1 (required permits and reporting for depredation)

Repeal Section 4181.2 (definition of damage)

Comments:

By repealing the definition of damage, and the requirement that there be damage or a threat of imminent damage, property owners could just kill pigs upon sighting them, thus potentially excessively and unnecessarily destroying the wild pig resource.

There should be specific statutory language to specify more clearly when land owners, their tenants, or their employees could actually kill pigs under a claim of depredation.

Remove all reference to wild pigs in Section 4188 (permits for licensed hunters)

Comments:

Since depredation permits would no longer be needed to take depredating wild pigs, such permits for licensed hunters on private land would no longer be relevant.

SCI does not object to this provision.

Modify Section 4304 to add wild pig to game mammals and game birds (waste of game carcass prohibited).

Comments:

This would keep the waste of wild pig carcasses law the same as it is currently, thus not allowing the abandonment of carcasses in the field to rot.

However, this proposal would allow landowners to determine for themselves whether a carcass can be left in the field due to high ambient temperatures, disease or parasites (proposed in Title 14). There is no proposed requirement that such persons be qualified to make these determinations or, in the case of disease or parasites, that they possess and know how to use the proper scientific analytical equipment.

If wild pigs were killed on a summer morning, but not checked on until sometime later in the day, there is a good chance of spoilage. There should be a provision that pigs must be recovered immediately upon killing.

Again, however, current code section 219 would allow the commission to override any of these provisions were they to be enacted.

Modify definition of wild pig in Section 4650.

Comments:

The proposed definition, based on physical characteristics and an absence of any kind of owner branding, appears to be reasonable. SCI does not object to this provision.

Modify Section 4651 (management plan) to simplify requirements to those identified in 4651(b)(1), (b)(2), (b)(3) and (b)(4)

Comments:

The proposed modifications would maintain a management plan for wild pigs that is the same as the current law except for the establishment of management zones based on regional needs and opportunities, and the authorization to trap and relocate wild pigs would be repealed. SCI does not object to this provision.

Modify Section 4654(a) and (b) to adjust for a new base fee for the wild pig license validation, modify language governing the number of tags, and update license year from the current 2004 to 2019

Comments:

Since there would no longer be a limit on how many wild pigs a hunter could take each year, this change would remove the provision limiting the number of tags that could be purchased per year. SCI does not object to this provision.

Modify Section 4657 to remove all language related to affixing tags to pigs or reporting the taking of a pig (as there no longer would be a tag or reporting requirement), and modify the possession requirement to include language pursuant to regulations adopted by the Commission.

Comments:

This would pave the way for using license “wild pig validations” instead of physical tags that must be carried while hunting, and would allow the commission to establish regulations governing the transportation of pig carcasses and any harvest reporting to the department which the commission may decide to require.

SCI does not object to this provision.

Changes to Title 14 Regulations under Option 1

As in the proposed changes to the Fish and Game Code, SCI opposes changing the wild pig’s status to a nongame mammal. Notwithstanding this position, the following are SCI’s comments on the options being discussed for changes to the regulations:

Modify sections 251.3, 251.8, 257.5, and 260.2 to include wild pig

Comments:

If the law were changed so that the wild pig would no longer be a game mammal, these proposed regulatory changes would apply the restrictions on taking game mammals to wild pigs as well. This would include a prohibition against feeding them, extend the restrictions on transporting game species taken on Indian reservations to include wild pig, prohibit taking pigs within 400 yards of a baited area, and also apply the restrictions on taking game species on the Lake Oroville State Recreation Area to wild pigs.

SCI does not object to such a provision.

Remove references to wild pig from sections 350, 352, and 401

Comments:

These proposed changes would provide consistency with the proposed changes to the code by removing wild pigs from the list of game mammals, deleting big game restrictions on hunting and shooting hours for wild pigs, and move the wild pig to the list of Nongame Animals.

Though SCI opposes removal of the wild pig’s game mammal status, this provision if adopted would be consistent with changing the wild pig from a Game mammal to a Nongame animal.

Repeal Section 368

Comments:

This would move the requirements pertaining to wild pigs from the game mammal section of the regulations and place them under the provisions for taking nongame animals (sections 472, 474, and 475 described below).

Though SCI opposes the removal of game mammal status, this would be consistent with changing the wild pig from a Game mammal to a Nongame animal.

Add wild pig to sections 472, 474, and 475

Comments:

These sections govern general provisions, hours for taking, and methods of take for Nongame birds and Nongame mammals. Specifies that the take of wild pig shall be in accordance with the provisions of Section 3950 of the Fish and Game Code (Game Mammals) and Section 257.5 of Title 14 regulations (prohibition on taking within 400 yards of any baited area).

This is consistent with changing the wild pig from a Game mammal to a Nongame animal, but keeping such restrictions on taking.

Add new section(s) specifically for wild pig for licensing/tag requirements, hunting provisions, and depredation provisions

Comments:

Would establish a hunting license wild pig “validation” instead of a physical tag, provides that wild pig hunting season will be year-round (no closed season) and removes any bag limit.

Would provide that no hunting license or validation would be required for taking wild pigs causing, or immediately threatening to cause, depredation by a landowner, their tenant, or their employees, and allows landowners to designate government employees, agents (such as licensed hunters) and other persons to take depredating pigs on their property. They must use the method of take specified in the regulations for taking Big Game or trapping, as applicable.

The use of artificial lights would be allowed at night by landowners, their tenants, or their employees for the taking of depredating wild pigs.

This would appear to allow the live cage trapping of wild pig(s) and shooting them while they are in the trap. SCI would oppose a provision allowing this practice.

Repeal section 708.13, Wild pig license tags, and integrate tag requirements into a new subsection specifically for wild pig licensing/tag requirements.

Comments:

Conforms to the establishment of the wild pig license validation for licensed hunters, but requires that land owners or their tenants attach a tag to a pig before transporting off of the property.

SCI does not object to this provision.

Option 2: Change Wild Pig Designation from Game Mammal to a New Designation

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

This option is essentially the same as option one, except that wild pigs would have their own designation instead of being Nongame Animals.

Changes to Fish and Game Code under Option 2

The same changes to the Fish and Game Code proposed under Option 1 would also be necessary under this option.

SCI’s comments would remain the same for such changes.

Changes to Title 14 Regulations under Option 2

Modify sections 251.3, 251.8, 257.5, and 260.2 to include wild pig

Comments:

If, by law, the wild pig would no longer be a game mammal, these proposed regulatory changes would apply restrictions on taking game mammals to wild pigs as well. This would include a prohibition against feeding them, extend the restrictions on transporting game species taken on Indian reservations to include wild pig, prohibit taking pigs within 400 yards of a baited area, and also apply the restrictions on taking game species on the Lake Oroville State Recreation Area to wild pigs.

SCI would not oppose this if the wild pig were no longer a game mammal, as it would keep the current restrictions in place for taking wild pigs. However, SCI would not support changing the game mammal status of wild pigs.

Remove references to wild pig from sections 350, 352, 353, and 401

Comments:

Would remove wild pig from the regulatory definition of “Big game” which is opposed by SCI.

Would also remove the restrictions on hunting and shooting them at night for property owners, tenants, or paid employees taking wild pigs that are destroying, or immediately threatening to damage or destroy, land or property. In this situation, no hunting license or validation would be required.

Would eliminate the depredation permit and reporting requirement to take depredating wild pigs and prohibit wasting of carcasses.

There would no longer be department oversight of the handling of wild pig depredation by landowners, their tenants, or their employees, and no reports would have to be made by them to the department. The department would no longer know how many wild pigs they kill or the methods used to kill them.

SCI would oppose most of these provisions.

The method of take for wild pigs would be the same as for game mammals, thus legally prohibiting such methods of take as poisoning or baiting. However, current code section 219 would allow the commission to override this provision.

Repeal Section 368

Comments:

This moves the requirements pertaining to wild pigs from the game mammal section of the regulations. It would be consistent with changing the wild pig from a Game mammal to a separate designation.

Create a chapter in subdivision 2 of the regulations specifically for wild pig regulations, separate from Game Mammals and Nongame Animals.

Within the new regulatory chapter, add sections to establish bag and season, methods of take, hours for take, licensing and validation, and depredation provisions as proposed under Option 1.

Repeal section 708.13 and integrate wild pig license validation and other requirements into a new subsection (4XX) specifically for wild pig.

Comments:

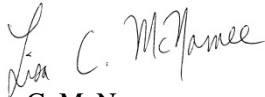
Conforms to the establishment of the wild pig license validation for licensed hunters, but requires that land owners or their tenants attach a tag to a pig before transporting off of the property. SCI would oppose if the wild pig's game mammal status would be removed.

Comments on Appendix F - Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under an Option Maintaining the Current Game Mammal Status

Appendix F provides an example of how wild pig code and regulation sections could be modified to integrate the proposed changes while maintaining the current big game status of wild pigs.

SCI would support keeping the game mammal status of wild pigs, and thus the protections afforded by keeping the same methods and hours of take. Its comments relative to the remaining provisions that this option would have in common with options 1 and 2 would remain the same as for those options.

Sincerely,



Lisa C. McNamee
Co-Legislative Coordinator
SCI CA Coalition



Don Giottonini
Co-Legislative Coordinator
SCI CA Coalition

cc: SCI CA Coalition



Dedicated to Preserving Your Rights To Hunt and Fish In the State of California

September 28, 2017

VIA E-Mail

Ms. Valerie Termini, Executive Director
Fish and Game Commissioners
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Comments on Options for Possible Changes in Statutes and Regulations for Managing Wild Pig Depredation, Fish and Game Commission Meeting, October 11, 2017, Agenda Item 4

Dear Ms. Termini and Commissioners:

OSCC has reviewed the two options for possible changes to the Fish and Game Code and Title 14 regulations pertaining to wild pig depredation management that were discussed by the Wildlife Resources Committee (WRC) at its September 13th meeting.

OSCC is opposed to the removal of game mammal status for wild pigs, but could support changes to the depredation laws that give property owners more flexibility.

Accordingly, OSCC asks that the Fish and Game Commission (FGC) consider a third option that would keep the wild pig as a game mammal, but would modify the depredation laws and regulations to give property owners experiencing property damage more flexibility for dealing with it.

The following is OSCC's response to the individual provisions of the two options that were before the committee:

Of significant concern is that some of the most critical subject areas in the options could be subjected to political, rather than scientific wildlife management, concerns and treatment.

Although many items have been identified for possible inclusion in the Fish and Game Code, further code language would still be needed to assure that there are no inappropriate interpretations of statute or the establishment of "emergency wild pig regulations" that override the code. The commission has the authority to do so under current California Fish and Game Code section 219 which provides authority to supersede by regulation ". . . any section of this code designated by number in the regulation, but shall do so only to the extent specifically provided in the regulation. . .".

Of specific concern are current code sections that could be overridden by employing section 219, such as those that prevent poisoning and other forms of depredation control that result in large scale killing of wild pigs and other wildlife, and the wasting of wild pigs killed by property owners, their tenants, their paid employees, or employees of government agencies.

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If the wild pig were made a nongame mammal, this would seem to allow the use of any method to kill depredating wild pigs, and it could be in conflict with safeguards against this elsewhere in the options. It may be necessary to include clarifying language to assure that there is no confusion relative to what would be permitted.

The options do not contain language preventing the use of other codes, such as the Food and Agricultural Code or the Public Resources Code, to circumvent the Fish and Game Code relative to managing wild pig depredation. If one of the options is to be adopted, such a provision should be included.

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Both bills were opposed by OSCC at that time.

Although OSCC recognizes that the current options make an effort to resolve the objections of OSCC and other stakeholder groups, more work would be needed on them to assure that the department, commission, landowners, or government agencies cannot find a pathway to engage in the uncontrolled, large scale killing of wild pigs and the wastage of their carcasses.

Specific Changes to the Fish and Game Code under Option 1:

Remove all references to wild pig in sections 4181 and 4181.1 (required permits and reporting for depredation)

Repeal Section 4181.2 (definition of damage)

Comments:

By repealing the definition of damage, and the requirement that there be damage or a threat of imminent damage, property owners could just kill pigs upon sighting them, thus potentially excessively and unnecessarily destroying the wild pig resource.

There should be specific statutory language to specify more clearly when land owners, their tenants, or their employees could actually kill pigs under a claim of depredation.

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Comments:

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Modify Section 4651 (management plan) to simplify requirements to those identified in 4651(b)(1), (b)(2), (b)(3) and (b)(4)

Comments:

The proposed modifications would maintain a management plan for wild pigs that is the same as the current law except for the establishment of management zones based on regional needs and opportunities, and the authorization to trap and relocate wild pigs would be repealed. OSCC does not object to this provision.

Modify Section 4654(a) and (b) to adjust for a new base fee for the wild pig license validation, modify language governing the number of tags, and update license year from the current 2004 to 2019

Comments:

Since there would no longer be a limit on how many wild pigs a hunter could take each year, this change would remove the provision limiting the number of tags that could be purchased per year. OSCC does not object to this provision.

Modify Section 4657 to remove all language related to affixing tags to pigs or reporting the taking of a pig (as there no longer would be a tag or reporting requirement), and modify the possession requirement to include language pursuant to regulations adopted by the Commission.

Comments:

This would pave the way for using license “wild pig validations” instead of physical tags that must be carried while hunting, and would allow the commission to establish regulations governing the transportation of pig carcasses and any harvest reporting to the department which the commission may decide to require.

OSCC does not object to this provision.

Changes to Title 14 Regulations under Option 1

As in the proposed changes to the Fish and Game Code, OSCC opposes changing the wild pig’s status to a nongame mammal. Notwithstanding this position, the following are OSCC’s comments on the options being discussed for changes to the regulations:

Modify sections 251.3, 251.8, 257.5, and 260.2 to include wild pig

Comments:

If the law were changed so that the wild pig would no longer be a game mammal, these proposed regulatory changes would apply the restrictions on taking game mammals to wild pigs as well. This would include a prohibition against feeding them, extend the restrictions on transporting game species taken on Indian reservations to include wild pig, prohibit taking pigs within 400 yards of a baited area, and also apply the restrictions on taking game species on the Lake Oroville State Recreation Area to wild pigs.

OSCC does not object to such a provision.

Remove references to wild pig from sections 350, 352, and 401

Comments:

These proposed changes would provide consistency with the proposed changes to the code by removing wild pigs from the list of game mammals, deleting big game restrictions on hunting and shooting hours for wild pigs, and move the wild pig to the list of Nongame Animals.

Though OSCC opposes removal of the wild pig's game mammal status, this provision if adopted would be consistent with changing the wild pig from a Game mammal to a Nongame animal.

Repeal Section 368

Comments:

This would move the requirements pertaining to wild pigs from the game mammal section of the regulations and place them under the provisions for taking nongame animals (sections 472, 474, and 475 described below).

Though OSCC opposes the removal of game mammal status, this would be consistent with changing the wild pig from a Game mammal to a Nongame animal.

Add wild pig to sections 472, 474, and 475

Comments:

These sections govern general provisions, hours for taking, and methods of take for Nongame birds and Nongame mammals. Specifies that the take of wild pig shall be in accordance with the provisions of Section 3950 of the Fish and Game Code (Game Mammals) and Section 257.5 of Title 14 regulations (prohibition on taking within 400 yards of any baited area).

This is consistent with changing the wild pig from a Game mammal to a Nongame animal, but keeping such restrictions on taking.

Add new section(s) specifically for wild pig for licensing/tag requirements, hunting provisions, and depredation provisions

Comments:

Would establish a hunting license wild pig "validation" instead of a physical tag, provides that wild pig hunting season will be year-round (no closed season) and removes any bag limit.

Would provide that no hunting license or validation would be required for taking wild pigs causing, or immediately threatening to cause, depredation by a landowner, their tenant, or their employees, and allows landowners to designate government employees, agents (such as licensed hunters) and other persons to take depredating pigs on their property. They must use the method of take specified in the regulations for taking Big Game or trapping, as applicable.

The use of artificial lights would be allowed at night by landowners, their tenants, or their employees for the taking of depredating wild pigs.

This would appear to allow the live cage trapping of wild pig(s) and shooting them while they are in the trap. OSCC would oppose a provision allowing this practice.

Repeal section 708.13, Wild pig license tags, and integrate tag requirements into a new subsection specifically for wild pig licensing/tag requirements.

Comments:

Conforms to the establishment of the wild pig license validation for licensed hunters, but requires that land owners or their tenants attach a tag to a pig before transporting off of the property.

OSCC does not object to this provision.

Option 2: Change Wild Pig Designation from Game Mammal to a New Designation

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

This option is essentially the same as option one, except that wild pigs would have their own designation instead of being Nongame Animals.

Changes to Fish and Game Code under Option 2

The same changes to the Fish and Game Code proposed under Option 1 would also be necessary under this option.

OSCC's comments would remain the same for such changes.

Changes to Title 14 Regulations under Option 2

Modify sections 251.3, 251.8, 257.5, and 260.2 to include wild pig

Comments:

If, by law, the wild pig would no longer be a game mammal, these proposed regulatory changes would apply restrictions on taking game mammals to wild pigs as well. This would include a prohibition against feeding them, extend the restrictions on transporting game species taken on Indian reservations to include wild pig, prohibit taking pigs within 400 yards of a baited area, and also apply the restrictions on taking game species on the Lake Oroville State Recreation Area to wild pigs.

OSCC would not oppose this if the wild pig were no longer a game mammal, as it would keep the current restrictions in place for taking wild pigs. However, OSCC would not support changing the game mammal status of wild pigs.

Remove references to wild pig from sections 350, 352, 353, and 401

Comments:

Would remove wild pig from the regulatory definition of "Big game" which is opposed by OSCC.

Would also remove the restrictions on hunting and shooting them at night for property owners, tenants, or paid employees taking wild pigs that are destroying, or immediately threatening to damage or destroy, land or property. In this situation, no hunting license or validation would be required.

Would eliminate the depredation permit and reporting requirement to take depredating wild pigs and prohibit wasting of carcasses.

There would no longer be department oversight of the handling of wild pig depredation by landowners, their tenants, or their employees, and no reports would have to be made by them to the department. The department would no longer know how many wild pigs they kill or the methods used to kill them.

OSCC would oppose most of these provisions.

The method of take for wild pigs would be the same as for game mammals, thus legally prohibiting such methods of take as poisoning or baiting. However, current code section 219 would allow the commission to override this provision.

Repeal Section 368

Comments:

This moves the requirements pertaining to wild pigs from the game mammal section of the regulations. It would be consistent with changing the wild pig from a Game mammal to a separate designation.

Create a chapter in subdivision 2 of the regulations specifically for wild pig regulations, separate from Game Mammals and Nongame Animals.

Within the new regulatory chapter, add sections to establish bag and season, methods of take, hours for take, licensing and validation, and depredation provisions as proposed under Option 1.

Repeal section 708.13 and integrate wild pig license validation and other requirements into a new subsection (4XX) specifically for wild pig.

Comments:

Conforms to the establishment of the wild pig license validation for licensed hunters, but requires that land owners or their tenants attach a tag to a pig before transporting off of the property. OSCC would oppose if the wild pig's game mammal status would be removed.

Comments on Appendix F - Proposed Changes to Fish and Game Code and Title 14, CCR Sections Related to Wild Pigs under an Option Maintaining the Current Game Mammal Status

Appendix F provides an example of how wild pig code and regulation sections could be modified to integrate the proposed changes while maintaining the current big game status of wild pigs.

OSCC would support keeping the game mammal status of wild pigs, and thus the protections afforded by keeping the same methods and hours of take. Its comments relative to the remaining provisions that this option would have in common with options 1 and 2 would remain the same as for those options.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Ringgenberg". The signature is fluid and cursive, with a large loop at the end.

Keith Ringgenberg
President, Outdoor Sportsmen's Coalition

cc: Outdoor Sportsmen's Coalition of California



The California
Sportsman's Lobby, Inc.

September 28, 2017

VIA E-Mail

Ms. Valerie Termini, Executive Director
Fish and Game Commissioners
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Comments on Options for Possible Changes in Statutes and Regulations for Managing Wild Pig Depredation, Fish and Game Commission Meeting, October 11, 2017, Agenda Item 4

Dear Ms. Termini and Commissioners:

CSL has reviewed the two options for possible changes to the Fish and Game Code and Title 14 regulations pertaining to wild pig depredation management that have been discussed by the Wildlife Resources Committee (WRC).

CSL is opposed to the removal of game mammal status for wild pigs, but could support changes to the depredation laws that give property owners more flexibility.

Accordingly, CSL asks that a third option be considered that would keep the wild pig as a game mammal, but would modify the depredation laws and regulations to give property owners experiencing property damage more flexibility for dealing with it.

The following is CSL's response to the individual provisions of the two options that were before the Wildlife Resources Committee at its meeting on September 13th:

Of significant concern is that some of the most critical subject areas in the options could be subjected to political, rather than scientific wildlife management, concerns and treatment.

Although many items have been identified for possible inclusion in the Fish and Game Code, further code language would still be needed to assure that there are no inappropriate interpretations of statute or the establishment of "emergency wild pig regulations" that override the code.

The Fish and Game Commission (FGC) has the authority to do so under current California Fish and Game Code section 219 which provides authority to supersede by regulation ". . . any section of this code designated by number in the regulation, but shall do so only to the extent specifically provided in the regulation. . .".

Of specific concern are current code sections that could be overridden by employing section 219, such as those that prevent poisoning and other forms of depredation control that result in large scale killing

of wild pigs and other wildlife, and the wasting of wild pigs killed by property owners, their tenants, their paid employees, or employees of government agencies.

There are many provisions addressed by the two options, but there is no protection proposed that would prevent the commission from employing section 219. Such protection is considered to be a critical issue.

The options do not propose to modify current code section 4152 relative to the taking of depredating wild pigs. Section 4152 provides that nongame mammals (except furbearers) “. . . may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises. . .”.

If the wild pig were made a nongame mammal, this would seem to allow the use of any method to kill depredating wild pigs, and it could be in conflict with safeguards against this elsewhere in the options. It may be necessary to include clarifying language to assure that there is no confusion relative to what would be permitted.

The options do not contain language preventing the use of other codes, such as the Food and Agricultural Code or the Public Resources Code, to circumvent the Fish and Game Code relative to managing wild pig depredation. If one of the options is to be adopted, such a provision should be included.

Option 1: Change Designation from Game Mammal to Nongame Mammal

CSL opposes the proposed change in game mammal designation for the wild pig.

A number of statutory and regulatory revisions would be required under this option.

Appendix D in the complete option document contains the specifically proposed language changes to both statutory and regulatory code sections that are generally described below.

Many of these changes were contained in [AB 2268](#) (Bigelow – 2014) and in [AB 290](#) (Bigelow – 2015).

Both bills were opposed by CSL at that time.

Although CSL recognizes that the current options make an effort to resolve the objections of CSL and other stakeholder groups, more work would be needed on them to assure that the department, commission, landowners, or government agencies cannot find a pathway to engage in the uncontrolled, large scale killing of wild pigs and the wastage of their carcasses.

Specific Changes to the Fish and Game Code under Option 1:

Remove all references to wild pig in sections 4181 and 4181.1 (required permits and reporting for depredation)

Repeal Section 4181.2 (definition of damage)

Comments:

By repealing the definition of damage, and the requirement that there be damage or a threat of imminent damage, property owners could just kill pigs upon sighting them, thus potentially excessively and unnecessarily destroying the wild pig resource.

There should be specific statutory language to specify more clearly when land owners, their tenants, or their employees could actually kill pigs under a claim of depredation.

Remove all reference to wild pigs in Section 4188 (permits for licensed hunters)

Comments:

Since depredation permits would no longer be needed to take depredating wild pigs, such permits for licensed hunters on private land would no longer be relevant.

CSL does not object to this provision.

Modify Section 4304 to add wild pig to game mammals and game birds (waste of game carcass prohibited).

Comments:

This would keep the waste of wild pig carcasses law the same as it is currently, thus not allowing the abandonment of carcasses in the field to rot.

However, this proposal would allow landowners to determine for themselves whether a carcass can be left in the field due to high ambient temperatures, disease or parasites (proposed in Title 14). There is no proposed requirement that such persons be qualified to make these determinations or, in the case of disease or parasites, that they possess and know how to use the proper scientific analytical equipment.

If wild pigs were killed on a summer morning, but not checked on until sometime later in the day, there is a good chance of spoilage. There should be a provision that pigs must be recovered immediately upon killing.

Again, however, current code section 219 would allow the commission to override any of these provisions were they to be enacted.

Modify definition of wild pig in Section 4650.

Comments:

The proposed definition, based on physical characteristics and an absence of any kind of owner branding, appears to be reasonable. CSL does not object to this provision.

Modify Section 4651 (management plan) to simplify requirements to those identified in 4651(b)(1), (b)(2), (b)(3) and (b)(4)

Comments:

The proposed modifications would maintain a management plan for wild pigs that is the same as the current law except for the establishment of management zones based on regional needs and opportunities, and the authorization to trap and relocate wild pigs would be repealed. CSL does not object to this provision.

Modify Section 4654(a) and (b) to adjust for a new base fee for the wild pig license validation, modify language governing the number of tags, and update license year from the current 2004 to 2019

Comments:

Since there would no longer be a limit on how many wild pigs a hunter could take each year, this change would remove the provision limiting the number of tags that could be purchased per year. CSL does not object to this provision.

Modify Section 4657 to remove all language related to affixing tags to pigs or reporting the taking of a pig (as there no longer would be a tag or reporting requirement), and modify the possession requirement to include language pursuant to regulations adopted by the Commission.

Comments:

This would pave the way for using license “wild pig validations” instead of physical tags that must be carried while hunting, and would allow the commission to establish regulations governing the transportation of pig carcasses and any harvest reporting to the department which the commission may decide to require.

CSL does not object to this provision.

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The same changes to the Fish and Game Code proposed under Option 1 would also be necessary under this option.

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Sincerely,



Randy Walker
President, California Sportsman's Lobby

cc: California Sportsman's Lobby