

STAFF SUMMARY FOR DECEMBER 11-12, 2019

8. POSSESSION OF NONGAME ANIMALS (NUTRIA) (CONSENT)**Today's Item**Information ☐Action ☒

Consider adopting proposed changes to regulations to exclude nutria from the list of nongame animals that can be possessed alive with a special permit.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|------------------------------------|
| • Notice hearing | Aug 7-8, 2019; Sacramento |
| • Discussion hearing | Oct 9-10, 2019; Valley Center |
| • Today's adoption hearing | Dec 11-12, 2019; Sacramento |

Background

Nutria (*Myocastor coypus*) is a mammal of the order Rodentia; subsection 671(c)(2)(J) designates nutria, as part of that order, as a "detrimental animal." Based on its designation, possession is restricted but not prohibited entirely. Nutria is a semi-aquatic rodent native to South America that is a highly destructive, invasive species. The detrimental impacts caused by nutria includes harm to the State's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture. Since early 2017, DFW has been planning and implementing eradication efforts with multiple partners in response to discovery of a pregnant nutria in a managed wetland in the San Joaquin Valley.

Under current law, possession of live nutria can be authorized by DFW under a restricted species permit. DFW has identified that, in addition to eradication efforts already underway, banning the possession of any live nutria is necessary to help prevent new introductions of nutria in the state. The proposed regulation scheduled for adoption today would amend Section 473, to make possession of live nutria unlawful and authorize DFW to deny any application for the possession of live nutria.

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

FGC staff: Determine, based on the record, that this approval is exempt from the California Environmental Quality Act (CEQA) pursuant to the guidelines in sections 15307 and 15308, Title 14, California Code of Regulations, under two CEQA categorical exemptions (Class 7 and Class 8), and adopts the proposed regulations in Section 473, as recommended by DFW, related to the possession of nongame animals in order to exclude possession of live nutria.

DFW: Determine that the action is exempt from CEQA, and adopt the proposed regulation changes as detailed in the initial statement of reasons (ISOR).

Exhibits

1. [ISOR](#)
2. [Draft notice of exemption](#)
3. [Economic and fiscal impact statement \(Std. 399\)](#)

STAFF SUMMARY FOR DECEMBER 11-12, 2019

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 4-8 on the consent calendar.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 473
Title 14, California Code of Regulations
Re: Possession of Nongame Animals: Nutria

I. Date of Initial Statement of Reasons: June 11, 2019

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing: | Date: | August 7, 2019 |
| | Location: | Sacramento |
| (b) Discussion Hearing: | Date: | October 9, 2019 |
| | Location: | Valley Center |
| (c) Adoption Hearing: | Date: | December 11, 2019 |
| | Location: | Sacramento |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

This amendment of Section 473 would protect the State's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture from the detrimental impacts caused by invasive nutria (*Myocastor coypus*) by banning the possession of live nutria and thereby preventing new introductions of nutria in the state. The Department of Fish and Wildlife ("Department") has implemented a multi-million dollar nutria eradication program, and this regulation is an important part of this effort.

Current Regulation

Section 671, Importation, Transportation and Possession of Live Restricted Animals, restricts the possession of many non-native species. Nutria are a mammal of the order Rodentia; subsection 671(c)(2)(J) designates all rodents, including nutria, as a "detrimental animal." Nonetheless, possession of live nutria is authorized "under permit issued by the department," i.e., a "Restricted Species Permit."

Subsection 671.1, Permits for Restricted Species, describes the types of Restricted Species Permits issued by the Department and the qualifications needed to obtain a Restricted Species Permit. In addition, subsection 671.1(c)(5) sets forth the criteria for denying a new Restricted Species Permit application and the amendment of an

existing permit. The criteria include failure to comply with the terms and conditions of the permit; failure to comply with state, federal, or municipal statutes or regulations; or, if the Department finds that application documents do not support the statement of use of the requested restricted species. But these denial criteria do not authorize the Department to deny an application solely because the applicant would like to possess a live nutria.

Section 650 authorizes the Department to issue permits to take or possess wildlife for scientific, educational, and/or propagation purposes ("Scientific Collecting Permits"). Like Section 671, Section 650 also provides for the legal possession of live nongame mammals, including nutria. Subsection 650(r), which addresses Permit Denial, sets forth criteria for denial of a new Scientific Collecting Permit application and the amendment of an existing permit. As with Restricted Species Permits, the Department does not have the authority to deny a request from a Scientific Collecting Permit applicant solely because the applicant would like to possess live nutria.

Section 679, Possession of Wildlife and Wildlife Rehabilitation, also provides for the legal possession of live nongame mammals, including nutria, by wildlife rehabilitation facilities authorized under a Department-issued permit to rehabilitate injured, diseased, or orphaned animals. Subsection 679(e)(2)(E) specifies that the Department may deny a permit if either an applicant fails to allow an inspection, the facility does not meet standards set forth in the Minimum Standards for Wildlife Rehabilitation, 2000, Third Edition, or if the applicant fails to meet all applicable standards specified in subsections 679(e)(2)(A)-(D). If the applicant is in good standing and qualified to handle and treat injured or diseased nutria, the Department does not have the authority to deny the request.

Section 473, Possession of Nongame Animals, states "Any nongame bird or mammal that has been legally taken pursuant to this chapter may be possessed." This regulation does not prohibit the possession of nutria pursuant to a Department-issued permit.

Proposed Regulation

The amendment of Section 473 makes it clear that the possession of a live nutria, including a live nutria possessed pursuant to a Department-issued permit, is unlawful. This amendment states:

"(b) It is unlawful to possess live nutria (*Myocastor coypus*), and the Department shall not issue any permit authorizing possession of any live nutria."

Thus, the proposed amendment to Section 473 would make any possession of live nutria unlawful and authorize the Department to deny any application for the possession of live nutria.

Background

Nutria are semi-aquatic rodents native to South America and are one of the world's most destructive invasive species. Nutria are notorious for the extensive damage their herbivory and burrowing cause to wetlands, water conveyance infrastructure, and agriculture. Nutria were initially introduced to North America for the fur trade in the early 1900s and farmed in California in the 1930s-40s. Following the collapse of the market, nutria were released into the environment and established feral populations. Nutria were subsequently eradicated from the state in the 1970s.

In March 2017, a pregnant nutria was discovered in a managed wetland in California's San Joaquin Valley. Recognizing the extensive impacts nutria will undoubtedly cause to California's wetlands and wildlife, water conveyance and flood protection infrastructure, and California's agriculture, the Department responded by instituting an Incident Command System ("ICS") and redirecting staff and resources to implement long-term planning and eradication efforts. Since that time over 525 nutria have been taken, with additional detections confirmed, across San Joaquin, Stanislaus, Merced, Fresno, Mariposa, and Tuolumne Counties. The State's response now includes the Department of Food and Agriculture, U.S. Department of Agriculture, Department of Water Resources, and U.S. Fish and Wildlife Service. This effort has already cost the State millions of dollars to respond to this introduction and resulting infestation. In FY 19-20, the Department is slated to receive an on-going budget from the Legislature to address the problem, an \$8.5 million grant from the Sacramento-San Joaquin Delta Conservancy, and will transition from the ICS to a dedicated, long-term Nutria Eradication Program; we anticipate the successful eradication of nutria from California, in total, will cost the State tens of millions of dollars.

Other State's Efforts at Eradication of Nutria

Resulting from broader introductions for the fur trade, nutria are now established in nearly 20 states, with most notable feral populations in Louisiana and the Chesapeake Bay. While both regions documented environmental damages in the 1950s, by the 1990s Louisiana had documented damage to and/or complete loss of over 100,000 coastal wetland acres and the Chesapeake Bay documented loss of over 50% of the marsh habitat within the Blackwater National Wildlife Refuge. Oregon and Washington have very high relative densities of nutria and have experienced extensive damage from nutria burrowing into levees, canals, and waterways.

The Chesapeake Bay Nutria Eradication Program was established in 2002, has now spent over \$17 million to remove approximately 14,000 nutria from the Peninsula, and anticipates declaring successful eradication within the next few years. In contrast, the nutria population in Louisiana has been estimated in the millions and beyond eradication. Since 2002, Louisiana has paid up to \$2.0 million per year in \$5/tail bounties for harvest of up to 400,000 nutria every year in an effort to contain

the population and reduce environmental damage. The populations in the Pacific Northwest are also beyond eradication, and the states have not been able to secure adequate funding for control.

(b) Goals and Benefits of the Regulation:

The goal of this regulation change is to prevent the possession of live nutria in California. This regulation will benefit the Department, the State, and its resources, by reducing the potential for future, additional introductions via released or escaped nutria. Ultimately, this regulation protects California's wetlands, waterways, infrastructure, water supplies, human health and safety, and agriculture.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section 4150, Fish and Game Code.

Reference: Sections 2118, 3005.5, and 4150, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

"Discovery of Invasive Nutria in California" (Attachment A)

"Nutria Eradication Program Update" (Attachment B)

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

Implementation of the eradication effort is ongoing and has been supported by individuals and environmental and agricultural groups interested in the protection of the environment and infrastructure from damage by nutria. To date, the following meetings regarding nutria have been held:

3/12/2018	CDFW outreach meeting to Ag Commissioners, trappers - San Luis NWR
3/12/2018	CDFW outreach meeting to Water Agencies, Land Managers - San Luis NWR
3/28/2018	Delta Conservancy Board Meeting
4/11/2018	Senate Ag Informational Committee Meeting
4/11/2018	Wildlands IPM Symposium
5/17/2018	Delta Protection Commission Meeting
5/19/2018	Grasslands Water District Public Meeting
5/22/2018	California Ag Commissioners and Sealers Association Spring Meeting
5/24/2018	Wildlife Conservation Board
6/13/2018	MARAC (Mutual Aid Region Information Exchange Meeting)
6/13/2018	San Joaquin Farm Bureau Board Meeting
6/22/2018	Central Valley Flood Protection Board
7/11/2018	San Joaquin Farm Bureau Federation Workshop/Coalition for a Sustainable Delta
7/16/2018	WAFWA AIS Committee

7/18/2018	MARAC meeting - Region IV (Modesto)
7/25/2018	MARIX Meeting - Region V (Fresno)
7/27/2018	Department of Water Resources field staff
8/6/2018	Stanislaus County Ag Advisory Board Meeting
8/16/2018	CA Invasive Species Council Meeting
8/21/2018	San Joaquin County Board of Supervisors Meeting
8/22/2018	State Parks' Division of Boating and Waterways field staff
8/23/2018	Rotary Club of Newman
9/5/2018	Collaborative Science and Adaptive Management Program - Policy Group Meeting
9/11/2018	Bay-Delta Science Conference
10/23/2018	San Joaquin Farm Bureau Water Committee
11/5/2018	Delta Stewardship Council - Delta Interagency Implementation Committee (DPIIC)
11/6/2018	Delta Rec District Winter Weather Briefing (CalOES hosted)
11/8/2018	Alameda County grower CE training
11/8/2018	California Invasive Plant Council
11/14/2018	SSJ Delta Conservancy Board Meeting
11/14/2018	CA Forest Pest Council Meeting
11/29/2018	Association of Applied IPM Ecologists Conference (Visalia)
12/6/2018	Delta Independent Science Board non-native species workshop
2/7/2019	Western Section of the Wildlife Society Annual Meeting
3/19/2019	Wildlands IPM Symposium
4/4/2018	Yolo Basin Foundation Flyway Nights
4/8/2019	Delta Plan Interagency Implementation Committee
4/12/2019	Mokelumne River Association
4/30/2019	Assembly Committee on Water, Parks, and Wildlife Hearing on AJR-8
5/18/2019	Grasslands Water District Public Meeting
5/21/2019	California Association of Ag Commissioners and Sealers Association Spring Meeting
5/24/2019	Central Valley Flood Protection Board
6/5/2019	California Invasive Species Action Week - Lunchtime Webinar Series

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change: No alternative was considered.

(b) No Change Alternative:

If no regulatory change occurs, live nutria could be lawfully possessed by holders of restricted species, wildlife, rehabilitation, and scientific collecting permits.

Possession of these animals would increase the risk of accidental or intentional reintroduction of nutria, frustrating Department efforts to eradicate this non-native invasive species and reverse the severe environmental impacts it causes.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action: None.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action is an additional component of the state's nutria eradication program that is anticipated to minimize the costly risks to infrastructure and resources that nutria pose. Reducing the potential for the spread of escaped nutria should help protect California's business activities that draw upon well-functioning wetlands, waterways, infrastructure, and water supplies, such as agriculture and associated businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates no impacts on the creation or elimination of jobs within the state and no impact on the creation of new businesses or the elimination of existing businesses because the proposed amendment is anticipated to aid in the preservation of existing water infrastructure with no cost to current business activities. The Commission anticipates benefits to the health and welfare of California residents by the protection of water supplies. The proposed action is not anticipated to directly affect worker safety. The Commission anticipates benefits to the State's environment by supporting strategies that further the control of invasive species.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No new costs to the State. Additionally, the proposed action will aid in the prevention of future importations and releases, preventing loss of state agency and/or federal funding to response costs.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission anticipates no impacts on the creation or elimination of jobs within the state because the proposed action would have such limited scope to affect businesses or the demand for labor.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission does not anticipate any effects of the proposed regulation on the creation of new businesses or the elimination of existing businesses within the state because it would not directly affect the demand for business products or services.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission does not anticipate the any effects of the proposed regulation on the expansion of businesses currently doing business within the state because the proposed action would not directly affect the demand for business products or services.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates benefits to the health and welfare of California residents by contributing toward the protection of water supplies.

(e) Benefits of the Regulation to Worker Safety:

The Commission does not anticipate benefits to worker safety because the proposed amendment would not impact working conditions.

(f) Benefits of the Regulation to the State's Environment:

The Commission anticipates benefits to the State's environment through support of strategies that control damaging invasive species.

(g) Other Benefits of the Regulation: None.

Informative Digest/Policy Statement Overview

This amendment of Section 473 would ban the possession of live nutria to prevent new introductions of nutria in the state. Nutria affect the State's wildlife by damaging wetland habitats, and put waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture at risk from damage through their burrowing and herbivory of aquatic vegetation. The Department has implemented a multi-million dollar nutria eradication program, and this regulation is an integral part of this effort.

Possession of nutria is only possible under a permit issued by the Department. But, the permit denial provisions in California Code of Regulations, Title 14, subsection 671.1(c)(5), sections 670 and 650 have no provisions for banning the possession of live nutria in California.

Section 473 provides exceptions to FGC 4150, allowing for the possession of legally taken non-game birds and mammals, including rodents such as nutria, but not prohibiting the possession of live nutria pursuant to a Department-issued permit. Thus, the Commission proposes an addition to subsection 473(b) stating:

“It is unlawful to possess live nutria (*Myocastor coypus*), and the Department shall not issue any permit authorizing possession of any live nutria.”

Goals and Benefits of the Regulation:

The goal of this regulation change is to prohibit any possession of live nutria and ensure the Department no longer issues permits allowing the possession of live nutria in California. This regulation will benefit the Department, State, and its resources by reducing the potential for future, additional introductions via released or escaped nutria and thereby protect California's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture.

Proposed Regulatory Language

Section 473, Title 14, CCR, is amended to read:

§ 473. Possession of Nongame Animals.

(a) Any nongame bird or mammal that has been legally taken pursuant to this chapter may be possessed.

(b) It is unlawful to possess live nutria (*Myocastor coypus*), and the Department shall not issue any permit authorizing possession of any live nutria.

Note: Authority cited: Section 4150, Fish and Game Code. Reference: ~~Section~~ Sections 2118, 3005.5, and 4150, Fish and Game Code.

Discovery of invasive nutria in California

Landowners, we need your help...

CDFW has deployed nutria survey teams from the Delta through the San Joaquin Valley and needs written access permissions to enter or cross private properties for the purposes of conducting nutria surveys and, where detected, implementing trapping efforts. Landowners and tenants, [we need your help](#); so CDFW can survey for and remove destructive nutria from your properties, complete and submit the [Nutria Project Temporary Entry Permit](#).

How to Report a Sighting

Suspected observations or potential signs of nutria should be **photographed** and immediately reported to CDFW's [Invasive Species Program online](#), by e-mail to invasives@wildlife.ca.gov, or by phone at (866) 440-9530. Observations on state or federal lands should be immediately reported to local agency staff on the property. Reports will be followed up on by the interagency nutria response team and will help in their eradication effort. If possible, photos of animals should include views of the whiskers, front or hind foot, or tail; for optimal photos of tracks, include an object for size reference (e.g., pencil, quarter, wallet) and take the photo from the side, at an angle ($\leq 45^\circ$) to cast shadows into the track.

Please consult the [nutria identification flyer \(PDF\)](#) or "Nutria Identification" section below for reference images and other commonly confused species. Additionally, the Delta Stewardship Council has developed a convenient [nutria pocket guide](#) to aid in field identification of nutria; to request the printed pocket guide(s), please contact CDFW at Invasives@wildlife.ca.gov or (866) 440-9530.

General Information

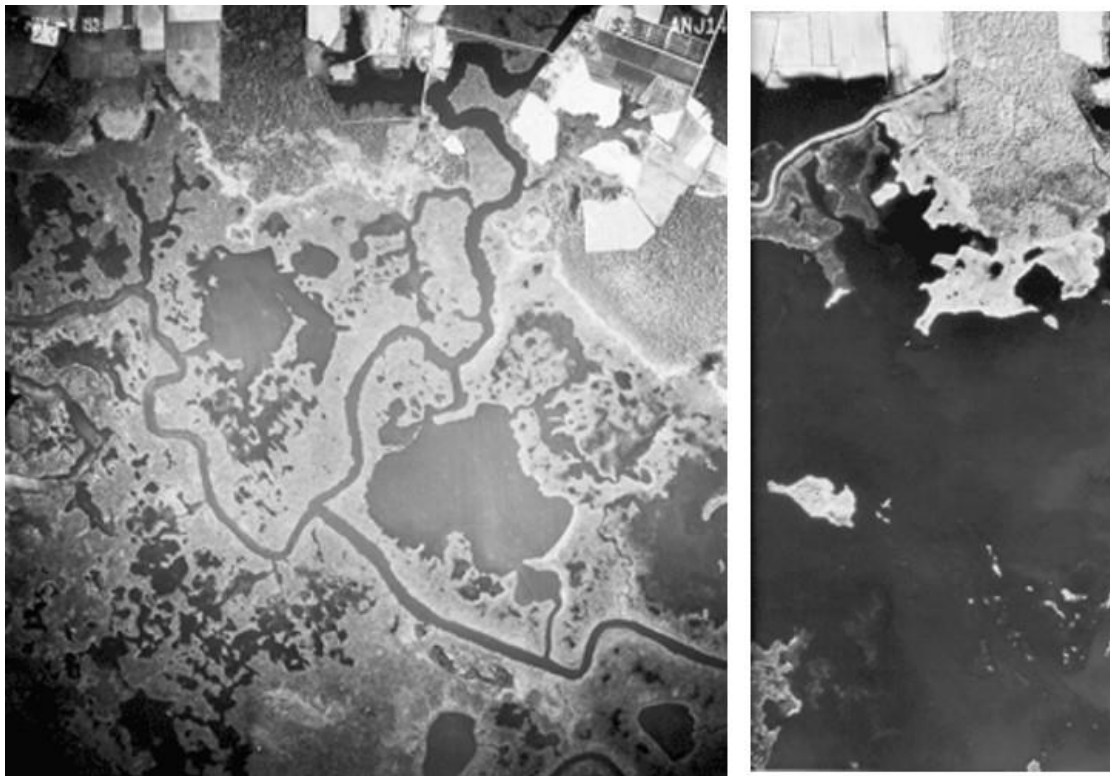
For general information on nutria biology and ecology please see the [nutria species profile page](#).



Large, male nutria trapped in a private wetland in Merced County, June 2017. CDFA photo.

Nutria Impacts

Through their extensive herbivory and burrowing habits, nutria have devastating impacts on wetland habitats, agriculture, and water conveyance/flood protection infrastructure. Nutria consume up to 25% of their body weight in above- and below-ground plant material each day. Due to their feeding habits, up to 10 times the amount of plant material consumed is destroyed, causing extensive damage to the native plant community, soil structure, and nearby agricultural crops. The loss of plant cover and soil organic matter results in severe erosion of soils, in some cases converting marsh to open water. Further, nutria burrow into banks and levees, creating complex dens that span as far as 6 meters deep and 50 meters into the bank and often cause severe streambank erosion, increased sedimentation, levee failures, and roadbed collapses.



Wetland loss caused by nutria damage in Blackwater National Wildlife Refuge, Delmarva Peninsula, Chesapeake Bay. Left, normal marsh in 1939 before nutria introduction in the 1940s. Right, by 1989, over 50% of the Refuge's marshes had been converted to open water due to the destructive feeding habits of nutria. Photos courtesy of USFWS.



An exclosure experiment in a Louisiana marsh demonstrating the severe ecological damages caused by nutria herbivory in wetland habitats. Photo courtesy of Louisiana Dept. of Wildlife and Fisheries.





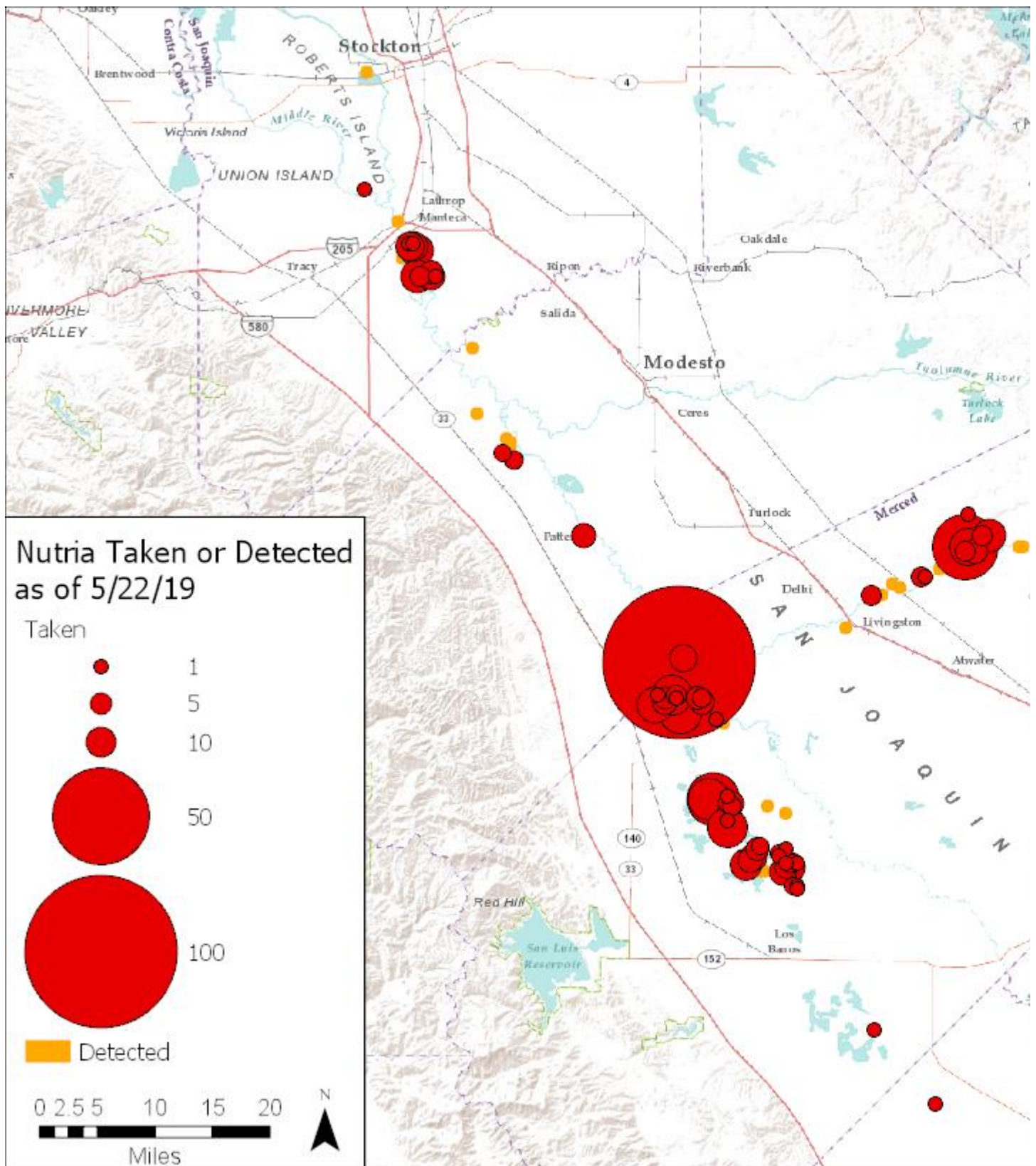
Nutria burrowing causes extensive damage to water infrastructure, banks, and levees, and creates a hazard for people, livestock, and machine operators. Potential levee and dike failures due to nutria burrowing have serious implications for flood protection, water delivery, and agricultural irrigation in California. Left, nutria burrow in Tualatin National Wildlife Refuge in Oregon. Photo courtesy of USFWS. Right, extensive burrowing damage by nutria in Oregon. Photo courtesy of Trevor Sheffels, PSU.

Discovery in California

Confirmed detections of nutria in California can be viewed in the [nutria detection map \(PDF\)](#). As of May 22, 2019, 510 nutria have been taken in California, with several additional animals confirmed present, across Merced, Stanislaus, San Joaquin, Fresno, Tuolumne, and Mariposa Counties. In September 2018, the first reproducing population of nutria within the legal Sacramento-San Joaquin Delta boundary was discovered south of Lathrop (San Joaquin County). In May 2019, a nutria was detected near Rough and Ready Island, approximately 16 miles north of the nearest known population and previous detections.

Nutria Taken in California, by County (as of 5/22/19)

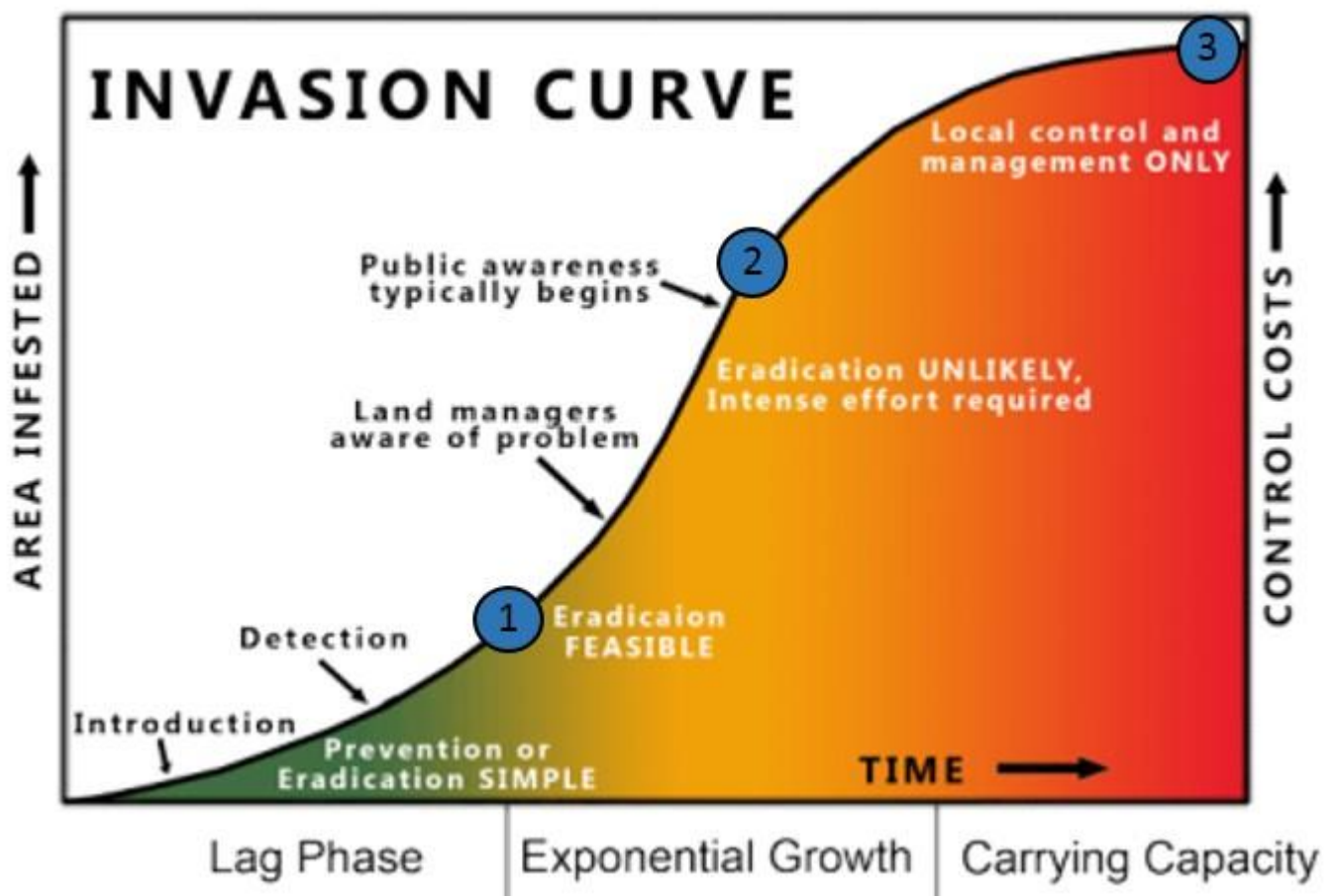
Total	Merced	San Joaquin	Stanislaus	Mariposa	Fresno
510	430	65	12	2	1



Eradication Effort

CDFW is collaborating with other agencies and local partners to develop the most effective strategy for eradicating nutria from California. As depicted in the "Invasion Curve" figure below, invasive species infestations typically experience a lag phase, while population size and area infested are relatively small, successful eradication is most feasible, and control efforts are most cost-efficient. As time progresses, the population size, area infested, and costs required for control increase exponentially, and the probability of successful eradication is lost.

Conceptually, (1) represents where we believe the current extent of the nutria population is in California; eradication is feasible with rapid response; (2) represents the nutria population in the Chesapeake Bay (Delmarva Peninsula) prior to implementation of the [Chesapeake Bay Nutria Eradication Project \(CBNEP\)](#). The CBNEP strategically removed over 14,000 nutria from 2000-2015 and has not detected a nutria since early 2015. (3) represents the [nutria population in Louisiana](#), where population control costs up to \$2 million dollars each year for bounty harvests alone.



Currently, there is a small window of opportunity to successfully eradicate the population of nutria from California. As time progresses, the population size and geographic area of infestation are increasing, along with the effort, resources, and funds required for successful eradication. Over time, the probability of successful eradication decreases, and California would be left to manage and mitigate the devastating impacts of nutria on wetlands, agriculture, and water conveyance/flood control infrastructure.

The interagency Nutria Response Team includes representatives from CDFW, the California Departments of Food and Agriculture, Parks and Recreation, and Water Resources, the U.S. Department of Agriculture, the U.S. Fish and Wildlife Service and local county agricultural commissioner offices. The team is currently preparing an eradication plan, the first stage of which is determining the full extent of the infestation. Assistance from local landowners and the public throughout the Central Valley, Sacramento-San Joaquin Delta, and beyond is critical to successfully delineating the population.

Take by Landowners/Hunters

CDFW has classified nutria as a nongame mammal. [Fish and Game Code §4152](#) specifies property owners or their agents (who possess written permission from the owner or tenant) may take nutria at any time by any legal means to address damage to crops or property. Restrictions apply to the use of traps and types of traps. Nutria are a Restricted Species in California under the California Code of Regulations, Title 14, Section 671, and cannot be imported, transported, or possessed live in the state of California.

Given their very similar appearances, particularly in overlapping size classes, citizens should take extra precaution to [distinguish nutria from other aquatic mammals \(PDF\)](#); the majority of nutria reports received by CDFW have been muskrats, as have been some "nutria" featured in the media. Any nutria taken on private or public land should be reported to CDFW as soon as possible for purposes of delineating the extent of the infestation. At minimum, CDFW needs photos to confirm identification; preferably, CDFW needs the carcass to determine sex, age, and reproductive status.

Nutria Identification

Nutria are large, semi-aquatic rodents that reach up to 2.5 feet in body length, 12- to 18-inch tail length and +20 pounds in weight. Nutria strongly resemble native beaver and muskrat, but are distinguished by their round, sparsely haired tails and white whiskers (see CDFW's [nutria ID guide \(PDF\)](#) or Delta Stewardship Council's [nutria pocket guide](#)). Both nutria and muskrat often have white muzzles, but muskrats have dark whiskers, nearly triangular (laterally compressed) tails and reach a maximum size of five pounds. Beavers have wide, flattened tails and dark whiskers and reach up to 60 pounds. Other small mammals can sometimes be mistaken for nutria if seen briefly or in low light conditions, including river otters and mink.



Adult nutria discovered in a private pond in Tuolumne County, east of Don Pedro Reservoir. Though muskrats may have a white muzzle, both muskrats and beaver have dark whiskers. Nutria have characteristic white whiskers, and most often have conspicuous, dark ears with light-colored fur underneath, as seen in this image. Photo courtesy of Peggy Sells.





California has several aquatic mammals that occur in the same habitats and may be confused with nutria. Top left, muskrat, note the nearly triangular tail and dark whiskers that distinguish muskrats from small nutria, photo courtesy of Missouri Dept. of Conservation. Top right, American beaver, note the broad, flat tail that, along with dark whiskers, distinguishes small beavers from nutria, CDFW photo. Bottom, American mink, note the fully furred tail, dark whiskers, and weasel-like body form, photo courtesy of Alaska Dept. of Fish and Game.

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Left, juvenile river otters, pictured here in a cattail marsh, may also be mistaken for nutria. Note the long body and thick, fully-furred tail, CDFW photo. Right adult river otter, photo courtesy of National Park Service.



Nutria often have a dark undercoat, with lighter-colored guard hairs. Their dark, conspicuous ears, with lighter fur underneath, are helpful in distinguishing nutria from other aquatic mammals when their round tail is not clearly visible. CDFW photos.



Left, nutria front foot, showing the four toes visible in tracks and the barely visible fifth, residual toe on the inner, lower area of the foot. Right, nutria hind foot, showing the webbing between the inner four toes and outer, fifth toe free from webbing. CDFW photos.

Habitat

Nutria can be found anywhere in or near freshwater or estuaries. Thus far, they have been found in cattail and tule marshes, ponds, canals, sloughs, and rivers. All currently known locations are upstream of the Sacramento-San Joaquin Delta, which provides a vast amount of ideal and interconnected habitat for nutria.

Look for nutria and signs of nutria presence in wetlands, canals, rivers, and creeks, along levees and riparian areas, in flooded agricultural fields adjacent to waterways, and in the transition zone between wetland and terrestrial habitat.

Because nutria are wasteful feeders, signs of presence typically include cut, emergent vegetation (e.g. cattails and bulrushes), with only the basal portions eaten and the cut stems left floating, or grazed tops of new growth. Nutria create runs between feeding sites and burrows. Nutria often pile cuttings to create feeding/grooming platforms. Nutria construct burrows with entrances typically below the water line, though changing water levels may reveal openings. Nutria tracks have four visible front toes and, on their hind feet, webbing between four of five toes. Tracks are often accompanied by narrow tail drags.&





Nutria cuttings have a 45 degree angle bite and often have a residual strip attached to the stem. CDFW photos.



Top left, nutria often pile their vegetation cuttings into feeding/grooming beds. Top right, cattails cut by nutria and left lying in the marsh, a characteristic sign of nutria presence. Bottom, a vegetation clearing or "eat out" with cuttings floating throughout the area, characteristic signs of nutria herbivory damage. CDFW photos.



Nutria create "runs" in the vegetation between feeding areas and near entry/exit points along the water's edge. CDFW photo.



Nutria scat is distinctly grooved and floats on the water's surface. CDFW photos.



Left, closeup of nutria tracks showing webbing between 4 of 5 toes on the hind foot. CDFW photo. Right, nutria tracks and tail drag. Photo courtesy of USDA.

Habitat Conservation Planning Branch

1700 9th Street, 2nd Floor, Sacramento, CA 95811
Mailing: P.O. Box 944209, Sacramento, CA 94244-2090
(916) 653-4875



CDFW Invasive Species Program
1416 Ninth Street, 12th Floor
Sacramento CA 95814



Nutria Eradication Program Update

Since implementing the Nutria Eradication Incident Command System in March 2018, the California Department of Fish and Wildlife's redirected field crews, along with three USDA-Wildlife Services trappers and the California Department of Food and Agriculture's delimitation crews, have:

- Completed full and/or rapid assessments on over 480K acres
- Set up 753 camera stations
 - Conducted over 2845 camera checks
- Confirmed nutria within 143 [40-acre] cells (Figure 1)
- Deployed 1269 trap sets for a total of 16018 trap nights
- Taken or accounted for the take of 525 nutria (since Mar 2017)
 - Merced- 438
 - San Joaquin- 69 (68 from Walthall Slough)
 - Stanislaus- 15
 - Mariposa- 2
 - Fresno- 1
- Of 521 necropsies:
 - 1.18 sex ratio (M:F)
 - Of the females captured:
 - 25% of juvenile (2-6 mos.) females have been pregnant
 - 59% of subadult (6-14 mos.) females have been pregnant
 - 75% of adult (>14 months of age) females have been pregnant
 - Along with the pregnant females, 626 fetal nutria have been removed from the population
 - Litter size ranged from 2-11, with an average of 6.1
 - Average litter size for adult females (> 14 mos.) is 6.8

With dedicated program funding anticipated through the Governor's FY 19-20 budget and grants from the Wildlife Conservation Board, U.S. Fish and Wildlife Service, and Sacramento-San Joaquin Delta Conservancy (SSJDC), including a new \$8.5 M award from the SSJDC, the Department is currently building a dedicated team of 30-40 to eradicate nutria from California. The Department expects to transition from the ICS into the dedicated program during summer 2019.

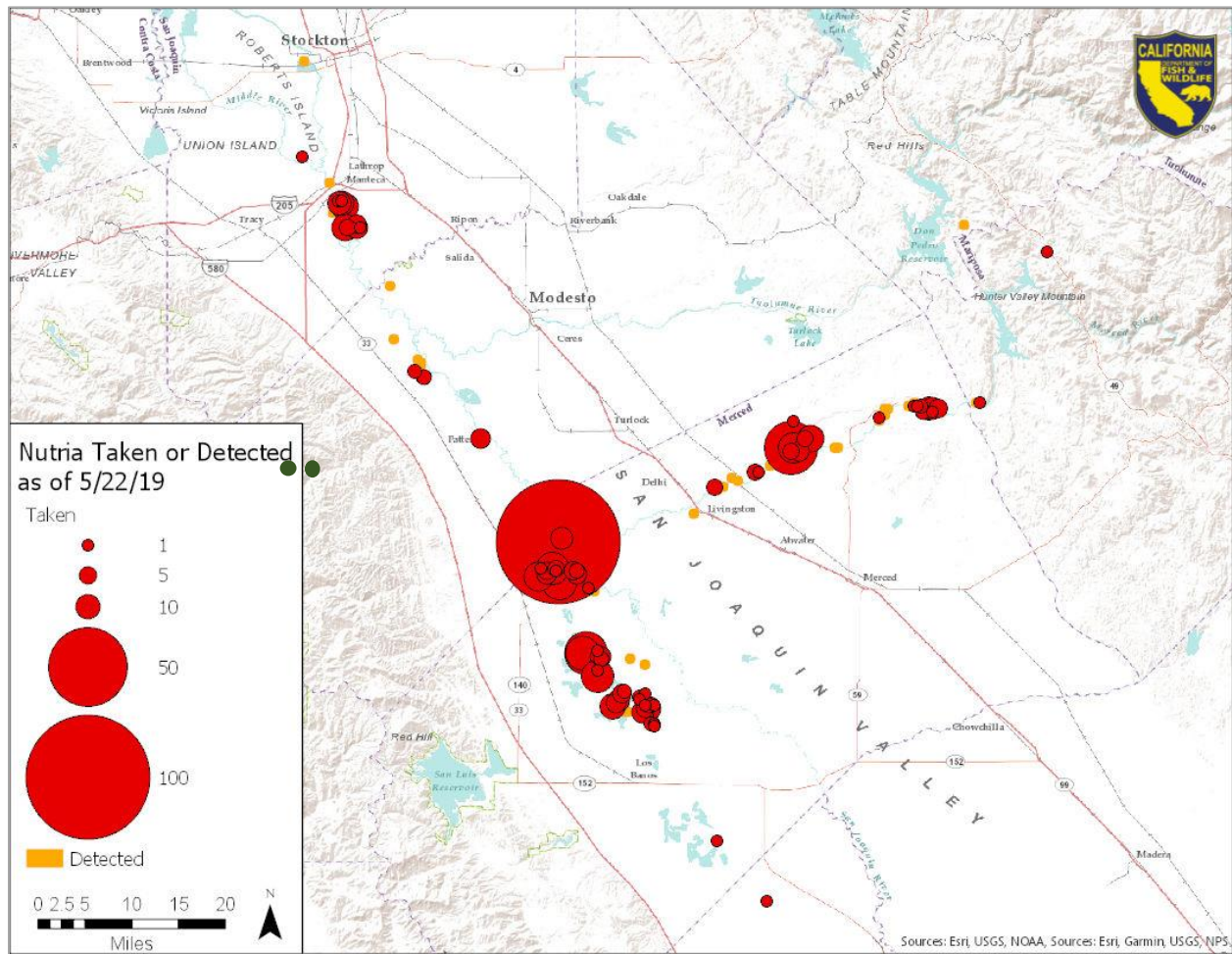


Figure 1. As of June 2019, 525 nutria have been taken or otherwise confirmed taken in California, with the following distribution of take by county: Merced – 438; San Joaquin – 69; Stanislaus – 15; Mariposa – 2; Fresno – 1; Tuolumne – 0; confirmed present. Map of take densities by 40-acre cell is as of 5/22/19.

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: N/A

From: (Public Agency):
California Fish and Game Commission
PO Box 944209, Sacramento, CA
94244-2090
(Address)

Project Title: Amend Title 14, CCR, Section 473, Possession of Non-game Animals: Nutria

Project Applicant: California Fish and Game Commission

Project Location - Specific:

Statewide

Project Location - City: N/A Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The amendment of Section 473 would ban the possession of live nutria (*Myocastor coypus*), to prevent new introductions of the destructive rodent to the state.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Sections 15307, 15308, Title 14, CCR
☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed amendments do not have the possibility of impact on the environment because the changes are an effort to protect the State's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture from the detrimental impacts caused by invasive nutria (*Myocastor coypus*).

Lead Agency

Contact Person: Melissa Miller-Henson Area Code/Telephone/Extension: 916-653-4899

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: _____ Date: _____ Title: Executive Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

DRAFT

December 12, 2019

ATTACHMENT TO NOTICE OF EXEMPTION Amendment of Section 473, Title 14, California Code of Regulations Possession of Nongame Animals: Nutria

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and the Administrative Procedure Act (APA) with respect to the project discussed on December 11, 2019. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 *et seq.*), the Commission adopted the regulations relying on the CEQA exemption for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Regulations

In an effort to protect the State's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture from the detrimental impacts caused by invasive nutria (*Myocastor coypus*), the amendment of Section 473 would ban the possession of live nutria to prevent new introductions of the destructive rodent to the state. The Department of Fish and Wildlife has implemented a multi-million dollar nutria eradication program and the regulation is an important part of this effort.

Categorical Exemptions to Protect Natural Resources and the Environment

The purpose of this explanation is to describe staff's analysis of use of the categorical exemptions under the California Environmental Quality Act (CEQA) as it relates to this regulatory action.

The Commission's adoption of the proposed regulations is an action subject to CEQA. The review by Department staff pursuant to CEQA Guidelines Section 15300, Title 14, CCR, leads staff to conclude that adoption of the regulations would properly fall within the Class 7 and Class 8 categorical exemptions (sections 15307, 15308). These two exemptions are related to agency actions authorized by statute to protect natural resources and the environment.

The proposed amendments do not have the possibility of impact on the environment because the changes are an effort to protect the State's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture from the detrimental impacts caused by invasive nutria (*Myocastor coypus*),

No Exceptions to Categorical Exemptions Apply

As to the exceptions to categorical exemptions set forth in CEQA Guidelines section 15300.2, including the prospect of unusual circumstances and related effects, staff has reviewed all of the available information possessed by the Department relevant to the issue and does not believe adoption of the regulations poses any unusual circumstances that would constitute an exception to the categorical exemptions set forth above.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**[SAM Section 6601-6616](#)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan margaret.duncan@	EMAIL ADDRESS wildlife.ca.gov	TELEPHONE NUMBER 916 653-4674
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Section 473 Title 14, CCR, Re: Possession of Nongame Animals: Nutria			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

Presently there are no businesses or persons to be impacted by this regulation***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.******If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total
businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with
other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____
 - a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - d. Describe other economic costs that may occur: _____
2. If multiple industries are impacted, enter the share of total costs for each industry: _____
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____
4. Will this regulation directly impact housing costs? ☐ YES ☐ NO
 If YES, enter the annual dollar cost per housing unit: \$ _____
 Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☐ NO
 Explain the need for State regulation given the existence or absence of Federal regulations: _____
 Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?
 Explain: _____
3. What are the total statewide benefits from this regulation over its lifetime? \$ _____
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No other alternative were considered.
 The proposed action was found to be the most effective and least burdensome to affected private persons and businesses.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NOExplain: _____
_____**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE



[Signed] D. Farrell, Staff Services Manager, CDFW Budget Branch

DATE

June 19, 2019

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



[Signed] Melissa A. Miller-Henson, Acting Executive Director, FGC

DATE

July 16, 2019

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE