# California Fish and Game Commission

# Wildlife Resources Committee

# Meeting Binder

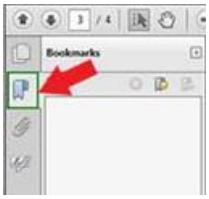
## January 13, 2022

## Webinar/Teleconference

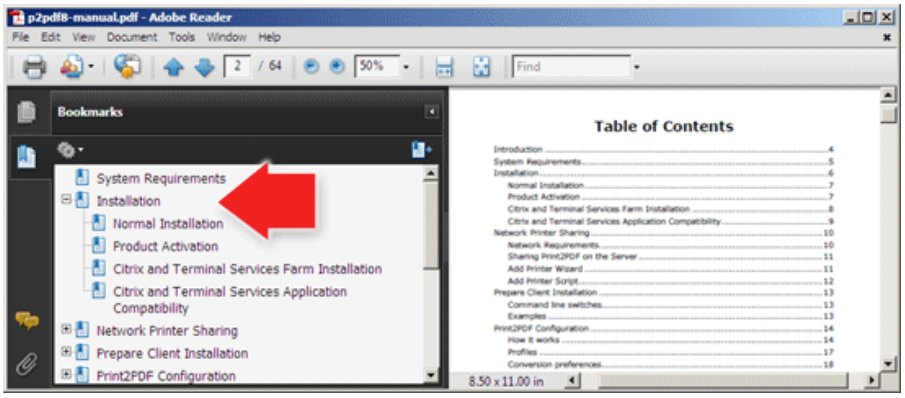
## EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.

2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the "bookmark symbol" located near the top left-hand corner.




3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:




4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.

5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction.

6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.

7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.

8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.

9. Do not hesitate to contact staff if you have any questions or would like assistance.

# OVERVIEW OF FISH AND GAME COMMISSION COMMITTEE MEETING

- Welcome to this meeting of the _____ Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned by the Commission annually.

- Our goal today is informed discussion to guide future decision making, and, we need your cooperation to ensure a lively and comprehensive dialogue.

- We are operating under Bagley-Keene Open Meeting Act, but it is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

- These proceedings may be recorded and posted to our website for reference and archival purposes.

- Items may be heard in any order pursuant to the determination of the Committee Co-Chairs.

- As a general rule, requests for regulatory change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

- Committee meetings operate informally and provide opportunity for everyone to provide comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:
    1. Raise your hand and wait to be recognized by the Committee.
    2. Provide your name, affiliation (if any), and the number of people you represent.
    3. Time is limited; please keep your comments precise to give others time to speak.
    4. If several speakers have the same concerns, please appoint a group spokesperson.
    5. If speaking during public comment, the subject matter you present should <u>not be related</u> to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item).

# INTRODUCTIONS FOR FISH AND GAME COMMISSION WILDLIFE RESOURCES COMMITTEE

**FISH AND GAME COMMISSIONERS**

| | |
|---|---|
| Peter Silva | Co-Chair (Jamul) |
| Erika Zavaleta | Co-Chair (Santa Cruz) |

**COMMISSION STAFF**

| | |
|---|---|
| Melissa Miller-Henson | Executive Director |
| Ari Cornman | Wildlife Advisor |
| Cynthia McKeith | Staff Services Analyst |

**DEPARTMENT OF FISH AND WILDLIFE**

| | |
|---|---|
| Garry Kelley | Acting Deputy Director, Wildlife and Fisheries Division |
| David Bess | Deputy Director and Chief, Law Enforcement Division |
| Jay Rowan | Chief, Fisheries Branch |
| Scott Gardner | Chief, Wildlife Branch |
| Chris Stoots | Assistant Chief over Administration/Training |
| Brad Burkholder | Environmental Program Manager, Wildlife Branch |
| Jonathan Nelson | Environmental Program Manager, Fisheries Branch |
| Karen Mitchell | Senior Environmental Scientist, Fisheries Branch |

I would also like to acknowledge special guests who are present:
*(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)*

_____

_____

**Commissioners**
**Peter S. Silva,** President
Jamul
**Samantha Murray,** Vice President
Del Mar
**Jacque Hostler-Carmesin,** Member
McKinleyville
**Eric Sklar,** Member
Saint Helena
**Erika Zavaleta**, Member
Santa Cruz

STATE OF CALIFORNIA
Gavin Newsom, Governor

# Fish and Game Commission

*Wildlife Heritage and Conservation*
*Since 1870*

**Melissa Miller-Henson**
**Executive Director**
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov

www.fgc.ca.gov

## WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Silva and Commissioner Zavaleta

**Meeting Agenda**
**January 13, 2022; 1:30 p.m.**

**Webinar and Teleconference**

Pursuant to California Government Code Section 11133, the California Fish and Game Commission is conducting this committee meeting by webinar and teleconference. Commission members will participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

***To participate in the meeting, you may join via Zoom or by telephone. Click here or go to https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=195954&inline for instructions on how to join the meeting.***

**Note: Please see important meeting procedures and information at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.** All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission, but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order

**1. Approve agenda and order of items**

**2. General public comment for items not on agenda**
The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting [Sections 11125, 11125.7(a), Government Code].

**3. Department updates**
The Department will highlight items of note since the last committee meeting.
(A) Wildlife Branch
(B) Fisheries Branch
(C) Law Enforcement Division

**4. Inland sport fishing**

Discuss and potentially make recommendations on two inland sport fishing rulemakings.

(A) Game fish contests

(B) Freshwater sport fishing updates

**5. Preference points and refunds for hunting tags**

Discuss a potential rulemaking to provide the Department general authority to address returns of mammal hunting preference points and fee refunds in response to potential future public land closures.

**6. Bullfrogs and non-native turtles**

Discuss preliminary results of the American Bullfrog and Non-native Turtles Stakeholder Engagement Project.

**7. Regulation Change Petition 2021-017**

Vet and discuss various changes to big game hunting regulations proposed under petition 2021-017.

**8. Future agenda items**

(A) Review work plan agenda topics and timeline

(B) Potential new agenda topics for Commission consideration

Adjourn

# California Fish and Game Commission
# Meeting Schedule

**Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.**

| Meeting Date | Commission Meeting* | Committee Meeting* |
|---|---|---|
| February 16-17, 2022 | Natural Resources Building<br>Auditorium<br>715 P Street, 1st Floor<br>Sacramento, CA 95814 | |
| March 24, 2022 | | **Marine Resources**<br>Natural Resources Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814 |
| April 19, 2022 | | **Tribal**<br>Monterey/Santa Cruz area |
| April 20-21, 2022 | Monterey/Santa Cruz area | |
| May 19, 2022 | Redding – Teleconference | |
| May 19, 2022 | | **Wildlife Resources**<br>Redding |
| June 15-16, 2022 | Los Angeles/Orange County | |
| July 14, 2022 | | **Marine Resources**<br>San Diego area |
| August 16, 2022 | | **Tribal**<br>Fortuna |
| August 17-18, 2022 | Fortuna | |
| September 15, 2022 | | **Wildlife Resources**<br>Los Angeles/Inland Empire area |
| October 12-13, 2022 | Truckee | |
| November 17, 2022 | | **Marine Resources**<br>Monterey area |
| December 13, 2022 | | **Tribal**<br>San Diego area |
| December 14-15, 2022 | San Diego area | |

**** All Commission and committee meetings are anticipated to include a teleconference option, via webinar and/or phone.***

# Other Meetings of Interest

**Association of Fish and Wildlife Agencies**

- September 18-21, 2022 – Fort Worth, TX

**Pacific Fishery Management Council**

- March 8-14, 2022 – San Jose, CA
- April 6-13, 2022 – San Jose, CA
- June 7-14, 2022 – Vancouver, WA
- September 7-14, 2022 – Boise, ID
- November 2-8, 2022 – Orange County, CA

**Pacific Flyway Council**

- March 15, 2022 – Spokane, WA
- August or September 2022 – Dates and location to be determined

**Western Association of Fish and Wildlife Agencies**

- January 6-10, 2022 – Tucson, AZ
- July 10-15, 2022 – Oklahoma City, OK

**Wildlife Conservation Board**

- February 24, 2022 – Location TBD
- May 26, 2022 – Location TBD
- August 25, 2022 – Location TBD
- November 17, 2022 (subject to change) – Location TBD

## IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Wildlife Resources Committee. The Committee is composed of and chaired by up to two Commissioners; these assignments are made by the Commission each year.

The goal of the Committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The Committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is preserving our outdoor heritage and conserving our natural resources through informed decision-making; Committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

### PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at (916) 653-9089 or EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) Interpreters should be submitted at least two weeks prior to the event. Requests for Real-Time Captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

### SUBMITTING WRITTEN MATERIALS

The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email** to fgc@fgc.ca.gov; **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; or **deliver** to California Fish and Game Commission, 715 P Street, 16th floor, Sacramento, CA 95814.

### COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is 5:00 p.m. on **January 3, 2022**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is noon on **January 10, 2022**. Comments received by this deadline will be made available to Commissioners at the meeting.

*The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed by the Commission. If you wish to provide comment on a noticed item, please provide your comments during Commission business meetings, via email, or deliver to the Commission office.*

**Note:** Materials provided to the Committee may be made available to the general public.

## REGULATION CHANGE PETITIONS

As a general rule, requests for regulatory change must be redirected to the full Commission and submitted on the required petition form, FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (Section 662, Title 14, California Code of Regulations). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

## SPEAKING AT THE MEETING

Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

1. You will be given instructions during the meeting for how to be recognized by the Committee co-chair(s) to speak.
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
5. If speaking during public comment for items not on the agenda (Agenda Item 2), the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public comment is an opportunity to bring matters to the attention of the Committee, but you may also do so via email or standard mail. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

## VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Written Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov or delivered to the Commission on a USB flash drive by the deadline.
2. All electronic formats must be Windows PC compatible.

COMMITTEE STAFF SUMMARY FOR JANUARY 13, 2022 WRC

## 2. GENERAL PUBLIC COMMENT

**Today's Item** **Information ☒** **Action ☐**

Receive public comments for items not on the agenda.

**Summary of Previous/Future Action (N/A)**

**Background**

WRC receives two types of correspondence or comment under general public comment: requests for WRC to consider new topics and informational items. As a general rule, requests for regulation changes must be submitted to FGC on petition form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change*. However, WRC may, at its discretion, request staff to follow up on items of potential interest for possible recommendation to FGC.

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

**Recommendation**

Staff recommends any potential new agenda items — based on issues raised — be held for discussion under Agenda Item 8, *Future agenda items.*

**Exhibits (N/A)**

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

COMMITTEE STAFF SUMMARY FOR JANUARY 13, 2022 WRC

## 3. DEPARTMENT UPDATES

**Today's Item** **Information** ☒ **Action** ☐

Receive updates on DFW activities.

**Summary of Previous/Future Actions (N/A)**

**Background**

This is a standing agenda item for DFW to provide updates on activities of interest related to wildlife and inland fisheries. Verbal updates are expected from:

(A) Wildlife Branch

(B) Fisheries Branch

(C) Law Enforcement Division

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

**Recommendation (N/A)**

**Exhibits (N/A)**

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

## 4. INLAND SPORT FISHING

**Today's Item** **Information ☐** **Action ☒**

Discuss and potentially make recommendations on two inland sport fishing rulemakings.

(A) Game fish contests

(B) Inland sport fishing updates

**Summary of Previous/Future Action**

| | |
|---|---|
| • Initial vetting of potential regulation changes | Sep 16, 2021; WRC, Webinar/Teleconference |
| • **Today's discussions and potential recommendations** | **Jan 13, 2022; WRC, Webinar/Teleconference** |
| • FGC considers WRC recommendations | Feb 16-17, 2022; Sacramento/Teleconference |

**Background**

This item provides the public an opportunity to engage in discussions with WRC, FGC staff, and DFW staff on two angling rulemaking proposals. WRC may potentially make recommendations on these proposals based on discussions at today's meeting.

### *(A) Permits for Game Fish Contests*

DFW has proposed a rulemaking to amend regulations regarding game fish tournaments and derbies in inland waters to update applicable application processes, protect fishery resources, and address fairness and equality for permits. DFW will present its overall recommended changes to WRC, based on past WRC discussions and a meeting with stakeholders. Significant changes include:

- adding a new event type;
- changes to permit terms and conditions;
- changes to applicable forms;
- providing clearer authority for permit denial or revocation;
- establishing a formal DFW role in pre-draw conflict resolution (i.e., overlapping permit applications); and
- better defining applicant eligibility.

See Exhibit 1 for further details on the potential rulemaking.

### *(B) Inland Sport Fishing Updates*

DFW will propose a rulemaking to revise numerous inland sportfishing regulations to adapt to current fishery conditions and harsher environmental conditions in several areas, including:

- extensions of the low-flow closure restrictions in coastal streams north of San Francisco Bay and on portions of the Eel River;
- black bass (including changes at Eastman Lake, Hensley Lake, Isabella Lake, Kaweah Reservoir, and Success Reservoir);
- landlocked salmon (at the Upper Scotts Flat Reservoir);
- trout in the East Fork Walker River;
- catfish at Lafayette Lake;
- steelhead in the Carmel River;
- striped bass in Lake Elsinore;
- trout fishing in the Fall River Complex; and
- minor clarifications, changes, and updates to the sport fish simplification rulemaking adopted by FGC in Oct 2020.

See exhibits 2 and 3 for further detail on each aspect of the potential rulemaking.

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

**Recommendation**

***FGC Staff:*** Prior to developing recommendations for the *permits for game fish contests* and the *inland sport fishing updates* rulemakings, consider DFW recommendations and public comments provided during the meeting.

**Exhibits**

1. DFW presentation (game fish contests)
2. DFW presentation (inland sport fishing)
3. List of proposed minor sport fishing regulation changes 2022 from DFW (undated)

**Committee Direction/Recommendation**

The Wildlife Resources Committee recommends that the Commission support the proposed regulation changes for game fish contests and inland sport fishing, as recommended by the Department and discussed today.

COMMITTEE STAFF SUMMARY FOR JANUARY 13, 2022 WRC

## 5. PREFERENCE POINTS AND REFUNDS FOR HUNTING TAGS

**Today's Item** **Information ☒** **Action ☐**

Discuss and consider recommendations on a potential rulemaking to provide DFW general authority to address returns of mammal hunting preference points and fee refunds in response to potential future public land closures.

**Summary of Previous/Future Actions**

| | |
|---|---|
| • FGC adopted preference point and tag fee regulation for the 2020 license year | Feb 10, 2021; Webinar/Teleconference |
| • Notice hearing for a preference point and tag fee regulation for the 2021-22 license years | Oct 14, 2021; Webinar/Teleconference |
| • **Today discuss a potential long-term preference points and tag fees regulation** | **Jan 13, 2021, WRC; Webinar/Teleconference** |
| • Adoption hearing, preference point and tag fee regulation for the 2021-22 license years | Feb 16-17, 2022; Sacramento/Teleconference |

**Background**

In recent years, California has experienced catastrophic wildfire activity at an unprecedented level; this has prompted federal and state land management agencies to close public lands due to public safety concerns, affecting more hunting in California than in previous seasons. In Feb 2021, FGC adopted a regulation to allow partial refunds and/or preference point restoration for selected big game hunts that experienced a significant or total loss of hunting opportunity due to wildfire-related closures (Exhibit 1).

FGC is currently considering similar amendments to mammal hunting regulations to allow restoration of preference points and refunds of certain tag fees in instances where certain public lands were or will be closed due to wildfires during license years 2021 and 2022 (Exhibit 2). The current rulemaking before FGC entails a standard for which hunts would be eligible for partial refunds and/or points restoration; it also adds point restoration of certain premium deer hunts to the list of eligible species (elk, antelope, and bighorn sheep) established in the first rulemaking. However, the current rulemaking remains a temporary solution for what appears will be a long-term issue.

FGC requested its staff to work with DFW to develop a long-term solution (i.e., beyond license year 2022) that addresses mammal hunting preference points restoration and fee refunds in response to potential future public land closures. WRC is continuing the discussion from its Sep 2021 meeting regarding such a plan, including major decision points around relevant standards for eligibility based on the nature of the closures, applicable big game species and hunts, tag return protocols, and other considerations. Some of the Sep 2021 discussion included:

- including preference point returns for premium deer tags;
- considering refunds for deer fees despite the understanding that the cost of administering the refunds exceeds the refunded amount (perhaps a credit might be issued in lieu of a refund);
- giving monetary refunds for elk, antelope and sheep tags;
- not refunding tag fees, stating that the funds should go to conservation;
- setting tighter timelines for tag returns;
- exploring altering the timing of hunting season for some mammals to better coincide with times of the year that are less fire-prone;
- recognizing the significant amount of time DFW staff spends reissuing tags (using a list of alternates) if they are returned before the season starts or if a hunter chooses not to purchase a tag after being drawn.

Importantly, the two proposed regulatory actions do not shorten or close any hunting season, nor do they close any public lands. FGC does not have authority to close or keep open any federal public lands; such decisions are made by the pertinent federal agencies. Decisions regarding closing or opening lands managed by DFW in response to public safety hazards are made by DFW under its day-to-day management authority. Instead, the intent of the proposed rulemakings is to mitigate some of the burden borne by hunters when public lands are closed due to public safety concerns.

This item is intended for discussion only today.

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

**Recommendation (N/A)**

**Exhibits**

1. Initial statement of reasons for the adopted preference point and tag fee regulation for the 2020 license year
2. Initial statement of reasons for a preference point and tag fee regulation for the 2021-22 license years

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

## 6. BULLFROGS AND NON-NATIVE TURTLES

**Today's Item** **Information ☒** **Action ☐**

Discuss preliminary results of the American Bullfrog and Non-native Turtles Stakeholder Engagement Project.

**Summary of Previous/Future Actions**

| | |
|---|---|
| • Project referred to WRC | Dec 12-13, 2018; Oceanside |
| • Most recent updates and discussion | Sep 16, 2021; WRC, Webinar/Teleconference |
| • **Today's discussion** | **Jan 13, 2022; WRC, Webinar/Teleconference** |
| • Further discussion, including in-depth analyses of stakeholder group outcomes | May 19, 2022; WRC, Webinar/Teleconference |

**Background**

Annually, approximately two million non-native American bullfrogs and 300,000 non-native turtles (mostly red-eared sliders and softshell turtles) are imported into California for food and the pet trade. Even though these species are not imported into California with the intent of being released, they have established wild populations that threaten native amphibians, fish, and wildlife by direct predation, competition for resources and habitat, and disease.

In Dec 2018, FGC referred to WRC a stakeholder engagement plan, to track progress in implementation. The plan involves three independent groups developing situation analyses and strategies for addressing the threats, challenges, and opportunities posed by bullfrogs and non-native turtles and their impacts on native wildlife. The fourth group identified in the plan is the California State Legislature, which will be engaged in the process upon completion of the *Conservation Standards* work (see below). WRC received three progress updates in 2020 and three in 2021.

For the situation analyses and strategies work, independent groups were formed, composed of representatives from three different spheres of California society that have a vested interest in bullfrog and non-native turtle concerns. The first group was composed of representatives from local, state, and federal government agencies, the second from environmental and animal welfare groups, and the third from various commercial sector and industry groups. The groups met separately and worked on the same task (in parallel) to analyze: (1) threats to California's environment posed by bullfrogs and non-native turtles, (2) benefits and cultural values of bullfrogs and turtles in California's communities and other intersections with human well-being values, (3) knowledge gaps in our understanding of the relevant systems and operative biological processes, and (4) opportunities for progress in addressing the issues posed by invasive bullfrogs and non-native turtles in California's environment.

The three groups used a flexible, comprehensive process called the *Open Standards for the Practice of Conservation* (see https://conservationstandards.org/about/ for more information) to

guide their analyses. Exhibit 1 presents a preliminary compilation of the results of that process for all three groups, embodied in:

- a conceptual diagram which lays out conservation targets that experience some level of risk, the extant threats to those targets, and various strategies that may be implemented to address those threats;
- a ranking of proximate threats performed by the agencies group, with grids that outline how those assessments were developed;
- "results chains" for all strategies that enumerate the stepwise, logical process by which those strategies may be expected to work; and
- notes that expand, clarify, and/or qualify certain elements of each assessment.

After completing their individual analyses, each group had an initial opportunity for cross-dialogue, to clarify and discuss the approaches taken by the other groups. A number of questions were raised during that dialogue and members of the groups requested another opportunity for cross-dialogue after having sufficient time to digest the preliminary results of the three groups' efforts and the benefit of hearing discussion at this WRC meeting.

Today, WRC will receive and consider the preliminary results from the open standards work of the three stakeholder groups and discuss issues surrounding bullfrogs and non-native turtles with DFW, stakeholders, and the public. After todays' meeting (and before the May WRC meeting), the three stakeholder groups will convene for one final discussion to allow more cross-group dialogue and provide additional input. Staff will also begin engaging legislative staff in conversations about the outcomes of the open standards work. At the May 2022 WRC meeting, staff will provide some in-depth analyses of the three frameworks, along with recommendations for WRC consideration, based on the work to date, public input, and the final stakeholder meeting. Ultimately, staff anticipates that WRC will recommend a comprehensive suite of options for FGC to take to address the issues surrounding bullfrogs and non-native turtles in California's environment.

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

**Recommendation (N/A)**

**Exhibits**

1. *Preliminary Results from the Conservation Standards Work in the Bullfrog and Non-Native Turtle Stakeholder Engagement Process*, updated Jan 7, 2022

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

COMMITTEE STAFF SUMMARY FOR JANUARY 13, 2022 WRC

## 7. REGULATION CHANGE PETITION 2021-017

**Today's Item** **Information ☒** **Action ☐**

Vet and discuss various changes to big game hunting regulations proposed under petition 2021-017.

**Summary of Previous/Future Actions**

- FGC received petition 2021-017 — Oct 14, 2021; Webinar/Teleconference
- FGC referred petition to WRC — Dec 15-16, 2021; Webinar/Teleconference
- **Today discuss petition** — **Jan 13, 2021, WRC; Webinar/Teleconference**

**Background**

At its Dec 2021 meeting, FGC referred petition 2021-017 (Exhibit 1) to WRC for discussion and recommendation. The petition requests a number of changes to the big game hunting program, that fall broadly into five categories: General regulations, bear, elk, bighorn sheep, and deer.

***General Regulations***

- Party application - tag returns
- Return tag reissuance

***Bear***

- Second bear tag

***Elk***

- Antlerless hunts in the Marble Mountains and Siskiyou units
- Additional hunting opportunities
- Backup dates or longer seasons

***Bighorn sheep***

- Adding tags to archery and muzzleloader hunts

***Deer***

- General deer tag archery/rifle separation
- Split rifle C zones
- Split X3B zone
- General hunts G40-G44
- Muzzleloader hunts M8 and M13-M16
- Split C zone archery tags

- Establish new hunts A26, A34, and A36
- Establish new apprentice hunts J23 and J24

See Exhibit 1 for more details regarding each proposal. Today's meeting begins a process in which WRC will vet these proposals with DFW, stakeholders, and the public; this item is for discussion only.

**Significant Public Comments**

A hunter writes to: (1) support some of the petition's proposals for bear hunting, the tag drawing system, and hunting zone boundary changes, (2) offer a new proposal, and (3) recommend that an implementation plan be developed (Exhibit 2).

**Recommendation (N/A)**

**Exhibits**

1. Petition 2021-017, received Sep 2, 2021
2. Email from Mike Costello, received Dec 31, 2021

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

## 8. FUTURE AGENDA ITEMS

**Today's Item** **Information ☐** **Action ☒**

Review upcoming agenda items scheduled for the next and future WRC meetings, hear requests from DFW and stakeholders for future agenda items, and identify new items for consideration.

**Summary of Previous/Future Actions**

| | |
|---|---|
| • **Today's discussion** | **Jan 13, 2022; WRC, Webinar/Teleconference** |
| • FGC potentially approves WRC recommendations | Feb 16-17, 2022; Sacramento/Teleconference |
| • Next WRC meeting | May 19, 2022; WRC, Redding/Teleconference |

**Background**

Committee topics are referred by FGC and scheduled as appropriate. FGC-referred topics and the current schedule are shown in the WRC work plan (Exhibit 1). WRC agendas currently include one complex and time-intensive topic, related to bullfrogs and non-native turtles. The committee has placed emphasis on issues of imminent regulatory importance.

***WRC Work Plan***

Draft agenda topics identified for the May 2022 WRC meeting are shown in Exhibit 1.

***Discuss and Recommend New WRC Topics***

Today provides an opportunity to identify any potential new agenda topics to recommend to FGC for referral to WRC.

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

**Recommendation**

***FGC staff:*** Review WRC work plan and current FGC rulemaking timetable (Exhibit 2), and identify any new topics to recommend for WRC evaluation.

**Exhibits**

1. WRC work plan, updated Jan 3, 2022
2. *FGC Perpetual Timetable for Anticipated Regulatory Actions*, updated Dec 23, 2021

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

# T14 §230

# Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish

Fish and Game Commission

Wildlife Resources Committee

January 13, 2022

# Overview

- Overarching Goals
- Process Update
- Public Outreach
- Key Stakeholder Input
- Department Recommendations
- Items still In-progress

# Overarching Goals

- Improve the Process
- Protect the Resource
- Involve the Stakeholders
- Consider Fairness and Equality of Opportunity for Permits
- Build an Adaptive Process to Allow for Industry Innovation and Evolution

# Process Update

- WRC #1 – September 2021
- Townhall Meetings – December 2021
- WRC #2 (Today) – January 2022
- April 2022 **FGC Notice**
- April 2022 OAL
- May 2022 **FGC Discuss**
- June 2022 **FGC Adopt**
- Effective **August 2022** (to revert to July timeframe in 2023 and beyond)

# Public Outreach

- 2020 Survey
- **August** Stakeholder Meeting
- **September** WRC
- **December** Townhall Meetings
  - Bass Pro/Virtual (December 1st, 2021)
    - 9 In-Person Attendees, 2 Virtual
    - 3 Hours of Discussion
  - Virtual Only (December 2nd , 2021)
    - 1 Attendee

# Key Stakeholder Input

- Angler/Boat Threshold
- $1,000 Threshold
- Type-A Issuance Procedures
  - Establishment of Clear Issuance Procedures
  - Collaborative Issuance Procedures for Type-A Permits
  - Seniority Proposal
- Allowing Industry Flexibility
  - CPR/CWR
  - Multi-Day Contests
  - Online Platforms

# Department Recommendations

- **Permit Definitions**
  - Elimination of $1,000 Inducement Threshold
  - Adjustment to Participant Threshold to **60 anglers**
  - Addition of Type C, and D Permit Definitions

# Department Recommendations

- **Issuance**
  - Annual Water-Specific List of Number of Permits Issued
  - Expansion of Departmental Authority (to include the environment and other users)
  - Create a New Form to Apply for Initial Offering of Type-A Permits
  - Define “initial offering” guidelines for Type A permits
  - Redefine “Applicant” and Define Authority of Department to Deny/Revoke if Provided with Misleading/false information

# Department Recommendations

- **Administrative**
  - Permit Changes
    - Place Limit on the Number of Times an Approved Permit May be Changed
    - Allow Cross-Region Location Changes for Type-A Permits
  - Update Observer Fee
  - Update Forms to Reflect Changes to Regulation Text
  - Remove Application Submission Location Restrictions

# In-progress

- Form Revision
- Legally Defensible Definitions
- Defining Annual Water-Specific List of Number of Permits Issued
- Defining Type-A Issuance Initial Offerings Procedures

# Questions?

# Proposed Changes to Sport Fishing Regulations 2022

**Wildlife Resources Committee Meeting**
**January 13, 2022**
**Karen Mitchell**
**Fisheries Branch**

# Overview

- Black Bass and Landlocked Salmon bag and size limits
- Walker River, East Fork, trout fishing
- Lafayette Lake catfish bag limit
- Low Flow Restrictions: Sections 8.00(a) and 8.00(b)
- Low Flow Restrictions: South Central Coast Streams
- Carmel River trout bag limit
- Lake Elsinore Striped Bass bag and size limit
- Fall River Complex trout fishing
- General Corrections

# Black Bass

- Eastman Lake, Hensley Lake, Isabella Lake, Kaweah and Success reservoirs
- Return to the statewide standard of 12-inch minimum, 5 fish daily bag limit
- Efforts to produce larger fish have been unsuccessful
  - Eastman Lake: 22-inch minimum, 1 fish bag limit
  - Hensley Lake, Isabella Lake, Kaweah and Success reservoirs: 15-inch minimum, 2 fish bag limit

# Landlocked Salmon

- Upper Scotts Flat Reservoir
  - Return to statewide standard of a 5 fish daily bag limit and 10 fish possession limit
  - Currently 10 fish daily bag limit, 20 fish possession limit exception
  - DFW discontinued supplemental stocking of Kokanee fingerlings in 2014
  - After 14 years of stocking, never developed into satisfactory Kokanee sport fishery

# Walker River, East Fork

- Propose 0 (zero) bag limit, artificial lures with barbless hooks, no change to season
  - Currently 2 trout, artificial lures, 18-inch minimum, last Saturday in April through November 15
- Increase protection for one of California's premier trophy Brown Trout fisheries
- Response to feedback from local businesses and angling groups
- Decrease hooking mortality concerns
- Uncertainty of future stocking and drought

# Low-Flow Restrictions
# Title 14, Sections 8.00(a) and (b)

- (a) Eel, Mad, Mattole, Smith and Van Duzen rivers and Redwood Creek; (b) Mendocino, Sonoma, and Marin County coastal streams
- Extend low flow closure periods to September 1 through April 30
- Make recently adopted emergency regulations permanent
- Extends opportunity to close streams to fishing when flows are too low for fish to pass

# Low-Flow Restrictions
# South Central Coast Streams

- Add a minimum low flow target of 40 cubic feet per second at gauging station on San Lorenzo River
- Most heavily fished steelhead stream in coastal Santa Cruz and San Mateo counties
- One of the longest fishable sections of any stream in District 5
- Streams include Scott Creek and Waddell Creek, two last remaining streams with returning Coho Salmon south of the Golden Gate Bridge

# Lafayette Lake Catfish Fishing

- Lafayette Lake, Contra Costa County
- Reduce bag limit from 10 catfish to 5 catfish
- Consistent with nearby reservoirs
- Concerned with overharvest by anglers who take a disproportionate share of the catfish

# Carmel River Steelhead Fishing

- Carmel River and tributaries above Los Padres Dam
  - Currently 5 trout, no more than 2 Rainbow Trout, with 10 to16 inch slot limit
- This regulation should be consistent with Los Padres Reservoir
  - 5 brown trout, 0 Rainbow Trout
- Prohibit harvest of Rainbow Trout to protect federally threatened juvenile steelhead trout

# Lake Elsinore
# Striped Bass Fishing

- Lake Elsinore, Riverside County
- Currently 2 fish bag limit, 18 inches minimum
- Align with the Southern District & Colorado District standard of 10 fish, no size limit
- Only waterbody in the area without the regional 10 fish bag limit and no size limit
- Stocking of sterile hybrid striped bass/white bass has resumed

# Fall River Complex Trout Fishing

- Fall River Complex, Shasta County
- Expand to include Bear Creek, Fall River Lake, and Fall River Pond
- Propose 0 (zero) fish bag limit, year-round
  - Currently 2 fish bag limit, Saturday preceding Memorial Day through September 30
- Protect Rainbow Trout locally adapted to this unique spring fed and snow melt system

# Questions / Thank You

| Proposed Sport Fishing Regulation Changes 2022<br>DFW Proposed Minor Regulation Changes | | | | |
|---|---|---|---|---|
| **#** | **Title 14 Section** | **Title** | **Proposed Change** | **Justification** |
| 1 | 2.00(a) | Fishing Methods - General | This section refers to the *District Trout, Salmon, and Special Regulations* for exceptions for when two rods can be used. 1. The title is incorrect, and this section should instead reference section 7.00, Trout, and 7.50, Special Fishing Regulations. | Correction |
| 2 | 2.25(a) | Bow and Arrow Fishing | Change wester sucker to Sacramento (western) Sucker. Western Sucker is an unofficial and outdated common name for Sacramento Sucker. | Update |
| 3 | 2.30(b) | Spearfishing | Change western sucker to Sacramento (western) Sucker. Western Sucker is an unofficial and outdated common name for Sacramento Sucker. | Update |
| 4 | 5.00(5) | Barrett Lake | Change “No black bass shall be possessed” to “catch and release only.” This change is being proposed to be consistent with other regulations that only allow catch and release angling. | Consistency |
| 5 | 5.00(8) | Bass, Lake Cuyamaca | (1) Change “no size limit” to “no size limit for Largemouth Bass.” (2) For clarity and consistency purposes change “No smallmouth bass shall be possessed” to “catch and release for Smallmouth Bass only.” | Clarity |
| 6 | 5.00(19) | Otay Lake | Change “No black bass shall be possessed” to “catch and release only.” This change is being proposed to be consistent with other regulations that only allow catch and release angling. | Consistency |
| 7 | 5.20(d) | Clams, Freshwater | The section references Chapter 3 (District Trout and Salmon Special Regulations) The title of | Correction. Makes reference to an incorrect subsection due to regulatory text restructuring. |

| Proposed Sport Fishing Regulation Changes 2022<br>DFW Proposed Minor Regulation Changes | | | | |
|---|---|---|---|---|
| | | | Chapter 3 is incorrect. Change to "Trout, Salmon, and Special Regulations." | |
| 8 | 5.20(d) | Clams, Freshwater | The reference to Section 7.00 is no longer correct. Section 7.00 now encompasses regulations for anadromous waters, not freshwater. | Correction |
| 9 | 5.79(e) | White Sturgeon Report Card and Tagging Requirements for Inland Waters | The Sturgeon Fishing Report Card fee is referenced as being specified in "Section 701." For clarity purposes it should instead read "Section 701(c)." | Clarity |
| 10 | 5.85(a)(1) | Trout | Amend current language to read *All inland lakes, reservoirs, and ponds; including these types of waters residing on private lands, are open to fishing all year with a five-trout daily bag limit, and 10 trout possession limit, with the exception of those listed in Section 7.50(b).* | Clarity. The purpose of this change is to clarify that the regulation includes lakes and reservoirs on private lands and ponds not on private lands. |
| 11 | 5.85(a)(2) | Trout | Add reference to Section 7.40(b). | Clarity. The purpose of this change is to clarify that the specified seasons also do not apply to waters in 7.40(b). |
| 12 | 5.85(a)(2) | Trout | From Nov. 16 through the Fri. preceding the last Sat. in Apr., a 0 (zero) trout bag limit applies, and only artificial lures with barbless hooks may be used <u>for all species of fish.</u> | Clarity. The purpose of this change is to clarify that the gear restriction applies to all fish species during the open season, not just to trout. |
| 13 | 5.85(a)(3) | Trout | Add (B) *All waters in Section 7.40(b), Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations.* | Clarity. The purpose of this change is to clarify that the trout regulations do not apply to the anadromous waters listed in Section 7.40. |
| 14 | 5.87(h) | North Coast Salmon Report Card Requirement | North Coast Salmon Report Card fee is referenced as being specified in "Section 701." For clarity purposes, it should instead read "Section 701(b)." | Clarity |

| Proposed Sport Fishing Regulation Changes 2022<br>DFW Proposed Minor Regulation Changes | | | | |
|---|---|---|---|---|
| 15 | 5.88 | Steelhead Report and Restoration Card Requirements for Inland Waters | The fee is not referenced in Section 701. Therefore, the reference to Section 701 needs to be removed from the heading. | Correction |
| 16 | 7.00(e) | District General Regulations. South Central District | Combine subsections 7.00 (e)(2) and (e)(3) and reword as: "All anadromous streams and portions of streams except those listed in subsection (e)(1) above or by name in Section 7.40, Special Regulations." Closed to all fishing all year. | Correction. During the Regulation Simplification process the Dept removed the season and bag limit for trout and added the language "Closed to the take of salmon." Because the language in 7.00(a) states that waters closed to hatchery trout and hatchery steelhead fishing are closed to fishing for all other species, the non-anadromous waters in Alameda, Contra Costa, and Santa Clara counties are now, mistakenly, closed to trout fishing. |
| 17 | 7.40(a)(2) | | Gear restrictions listed in this section apply to the take of all species of fish ~~covered in subsection (b)~~ unless otherwise noted. | Clarity. The gear restrictions apply to all fish species in those waters listed in subsection (b) not just to salmon and steelhead. |
| 18 | 7.40(a)(3) | | Change "Cos" to "counties." | Consistency |
| 19 | 7.40(a)(4) | | Delete subsection (4) as this language is not relevant to hatchery trout/steelhead and salmon. | Correction |
| 20 | 7.40(b)(39) | Earl Lake/Talawa (Del Norte County) | The correct title/spelling for the tribe is Tolowa Dee-ni' Nation. Change Talawa to Tolowa. | Correction |
| 21 | 7.40(b)(80) | Sacramento River and tributaries below Keswick Dam. | Delete "and tributaries" as this section only applies to the mainstem Sacramento River. Add "mainstem" to the heading. | Correction |
| 22 | 7.50(a)(2) | | Change "Counties" to "counties." | Consistency |
| 23 | 7.50(b)(44)(B) | Eagle Lake inside the breakwater at the Gallatin Marina | During the regulation simplification process the following language was accidentally deleted: *and Pine Creek Slough and Pine Creek below* | Correction |

| Proposed Sport Fishing Regulation Changes 2022<br>DFW Proposed Minor Regulation Changes | | | | |
|---|---|---|---|---|
| | | | *State Highway 44*. The Dept proposes to reinstate this language. | |
| 24 | 7.50(b)(44)(C) | Eagle Lake tributaries, including Pine Creek | During the regulation simplification process the following language was accidentally deleted: "…above State Highway 44." The Dept proposes to reinstate this language. | Correction |
| 25 | 7.50(b)(56)(A) | Heenan Lake | In the Regulation Simplification process, Section 3.00 removed a sentence defining Heenan Lake fishing hours as 'sunrise to sunset' – but that sentence wasn't added to section 7.5(b)(56)(A). Now Section 3.00 states that Heenan Lake has special fishing hours, but those hours are not stated anywhere. The solution is to add the fishing hours restriction of 'sunrise to sunset' to the Heenan Lake special fishing regulation. | Correction |
| 26 | 7.50(44)(B) | Eagle Lake inside the breakwater at the Gallatin Marina. | During the Regulation Simplification process part of the geographic area description was deleted. Propose to add it back.<br>(B) Eagle Lake inside the breakwater at the Gallatin Marina <u>and Pine Creek Slough and Pine Creek below State Highway 44.</u> | Correction |
| 27 | 7.50(44)(C) | Eagle Lake tributaries, including Pine Creek. | During the Regulation Simplification process, part of the geographic area description was accidentally deleted. Propose to add it back.<br>(C) Eagle Lake tributaries, including Pine Creek <u>above State Highway 44</u>. | Correction |
| 28 | 8.00(b)(1) and (2). | Low Flow Restrictions | "all streams tributary to the ocean…" The ocean does not have tributaries. Streams feed or flow into the ocean but are not tributaries to the ocean.<br>Change to… | Correction |

| Proposed Sport Fishing Regulation Changes 2022<br>DFW Proposed Minor Regulation Changes | | | | |
|---|---|---|---|---|
| | | | *All rivers, creeks, and streams that flow directly into the Pacific Ocean and……" "This excludes sections and reaches above fish migration barriers, dams, and natural features that prevent upstream anadromous fish migration…."* | |
| 29 | 8.00(c)(1) | Low Flow Restrictions | **1**) Remove subsection (1) for Upper Penitencia Creek and Lower Coyote Creek. **2**) Remove reference to 8.00(c)(1), Low Flow Restrictions, from section 7.40(b)(34), Coyote Creek, and 7.40(b)(72), Upper Penitencia Creek. **3**) Renumber subsection (c)1-9 to (c)1-8. | Update. The open fishing seasons for these waters fall outside the low flow restriction closure period of December 1 through March 7, making this regulation no longer valid. |
| 30 | 29.85 | Crabs | a) Any individual who fishes for crabs using crab trap(s) pursuant to subsection 29.80(c), shall have in possession a valid Recreational Crab Trap Validation ~~for the current license year~~ (Section 701, Title 14, CCR). | Update. Remove this portion in anticipation of the upcoming 365-day fishing license. |

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Add Section 708.19
Title 14, California Code of Regulations
Re: Elk, Bighorn Sheep, and Pronghorn Antelope Preference Points and Tag Refunds

I. Date of Initial Statement of Reasons: November 14, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 10, 2020 Location: Teleconference

(b) Discussion Hearing

Date: January 12, 2021 Location: Teleconference

(c) Adoption Hearing

Date: February 10, 2021 Location: Teleconference

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The Fish and Game Commission (Commission) periodically considers recommendations from the Department of Fish and Wildlife (Department) in establishing big game mammal regulations. Specifically, the Department manages elk, bighorn sheep, and pronghorn antelope resources in California. Elk hunting tags, bighorn sheep hunting tags, and pronghorn antelope hunting tags are required to hunt these species in California. The Department distributes hunting tags for elk, bighorn sheep, and pronghorn antelope annually via the big game drawing. Public demand for elk, bighorn sheep, and pronghorn antelope hunting tags exceeds the available opportunities; therefore, a modified preference point system was implemented in 2002 (currently Section 708.14) to provide preference to hunters who have applied for, but not drawn, tags in past drawings. Each year a hunter applies for an elk, bighorn sheep, or pronghorn antelope hunting tag and is not drawn, the hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the quota for elk, bighorn sheep, and pronghorn antelope tags is allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

The catastrophic and unprecedented 2020 fire season caused public land closures, including the temporary closure of all national forests in California beginning on September 9, 2020. The

closure occurred before or during the elk, bighorn sheep, and pronghorn antelope hunting seasons for the hunts addressed in the proposed regulation. This resulted in a loss of opportunity for hunters who had “once in a lifetime” elk or pronghorn antelope hunting tags. The resulting loss of opportunity meant some hunters received little or no chance to hunt using tags acquired using many years of accumulated preference points. Some hunters used up to 18 years of preference points to obtain the required hunting tags for the hunts specified in the proposed regulation.

**Preference Point Reinstatements and Tag Refunds**

The purpose of the proposed regulation is to authorize the Department to refund tag fees, reinstate preference points, and award one preference point for the license year for specific elk, bighorn sheep, and pronghorn antelope hunts. The Department is proposing to add Section 708.19 to allow elk, bighorn sheep, and pronghorn antelope hunters with specific tags to return their tags for a refund, preference point reinstatement, and earn one preference point for the license year for the species. This new section would remain in effect only until June 30, 2021. The proposed regulation would allow the refund of tag fees, reinstatement of preference points, and award of one preference point for the license year for hunters who endured a loss of opportunity due to forest closures or a fire in the hunt zone.

This regulation change is necessary for the Commission to provide a method for hunters to obtain refunds and preference points for elk, bighorn sheep, and pronghorn antelope tags that were not usable due to public land closures caused by fires. The proposal would affect hunters who were drawn for the following 14 elk hunts referenced in Section 364, 1 bighorn sheep hunt referenced in Section 362, and 2 pronghorn antelope hunts referenced in Section 363:

<u>Elk</u>

- Marble Mountain General Methods Roosevelt Elk Apprentice (Hunt 408 - subsection 364(v)(1)(A))
- Marble Mountains antlerless (Hunt 301 – subsection 364(r)(3)A))
- Marble Mountains bull (Hunt 302 – subsection 364(r)(3)(A))
- Northeastern California Archery Only Rocky Mountain Elk (Hunt 411 - subsection 364(w)(1)(A))
- Northeastern California apprentice (Hunt 409 – subsection 364(v)(2)(A))
- Northeastern California bull (Hunt 305 - subsection 364(s)(1)(A))
- Northwestern California antlerless (Hunt 374 – subsection 364(r)(2)(A))
- Northwestern California bull (Hunt 355 – subsection 364(r)(2)(A)
- Northwestern California either sex (Hunt 483 – subsection 364(r)(2)(A))
- Siskiyou antlerless (Hunt 401 - subsection 364(r)(1)(A))
- Siskiyou bull (Hunt 300 – subsection 364(r)(1)(A))
- East Park Reservoir antlerless (Hunt 463 - subsection 364(u)(13)(A))
- East Park Reservoir bull (Hunt 461 – subsection 364(u)(13)(A)

- Lake Pillsbury Period 1 antlerless (Hunt 331 – subsection 364(u)(16)(A))

Bighorn Sheep

- Zone 7 - White Mountains (subsection 362(a)(7))

Pronghorn Antelope

- Likely Tables Period 2 buck (Hunt 732 - subsection 363(c)(2)(A))
- Lassen Period 2 buck (Hunt 742 – subsection 363(d)(2)(A))

The cost of a resident elk tag is $461.50. The cost of a resident bighorn sheep tag is $443.25 and $1,641.00 for a non-resident bighorn sheep tag. The cost of a resident pronghorn antelope tag is $155.27. The cost of an elk, bighorn sheep, or pronghorn antelope tag for a junior hunter is $21.12. Hunters who request preference points and a refund of their tag fees under the proposed regulation would receive a refund of their fees, reinstatement of their preference points, and earn one preference point for the license year, but they would be required to pay the $30.90 nonrefundable big game tag return processing fee specified in Section 702. There are 68 elk hunters (including 4 apprentice hunters), 3 bighorn sheep hunters, 1 non-resident bighorn sheep hunter, and 38 pronghorn hunters who either did not hunt or did not harvest an animal in these hunts. A total of 110 hunters would be eligible to receive a refund of their tag fees, reinstatement of their preference points, and earn one preference point for the license year pursuant to this proposed regulation. The total amount refunded to hunters would be as much as $35,092.49.

(b) Goals and Benefits of the Regulation

The goal of the proposed regulation is to provide equity of opportunity by allowing elk, bighorn sheep, and pronghorn antelope hunters who lost “once in a lifetime” hunting opportunities due to public land closures caused by unprecedented catastrophic wildfires, the option to obtain tag fee refunds, reinstatement of preference points, and one preference point for the license year. Some hunters with tags for the affected elk, bighorn sheep, and pronghorn hunts used many years (up to 18) of earned preference points to obtain their hunting tags. This proposal would allow hunters with specific tags, who lost opportunities due to public land closures caused by the wildfires in 2020, to use their accumulated preference points in the future to enter drawings for elk, bighorn sheep, or pronghorn antelope tags. This proposal is consistent with the Department’s efforts to recruit, retain, and reactivate hunters.

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

Authority: Sections 200, 203, 219, 331, 1050 and 10502, Fish and Game Code.

Reference: Sections 331, 332, 713, 1050, 10500 and 10502, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None

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

Commission's Wildlife Resources Committee meeting held on September 14, 2020, virtual meeting.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Preference Points and Tag Refunds

No reasonable alternatives were identified. Unforeseen, unprecedented, and catastrophic wildfires in California lead to closures of public lands which limited certain elk, bighorn sheep, and pronghorn antelope tag holders from certain hunting opportunities. The Department looked at the concept of potentially reissuing the tags for the following hunt season to the impacted hunters but determined that was not feasible without significant changes to multiple existing regulatory sections. There is currently no authority to transfer license or tag items across license years. If it were determined that there was authority to do so, the Department currently does not have an efficient method in place to reissue tags to hunters for the following year and would have to make some operational changes to its licensing system at a minimum.

Additionally, if tags are reissued to hunters, the license system would have to be programmed to remove these tags from those available through the drawing process for 2021, thereby reducing the number of tags available for hunters in the 2021 big game drawing and changing the odds of being drawn. A reduction in available tags through the drawing could reduce participation in hunting by the public. More than 4 million acres have burned during the unprecedented 2020 fire season. While we currently do not have any evidence to suggest any significant impacts to big game populations, there is the potential that tag quotas could be adjusted for 2021 depending on population monitoring and habitat assessments. Depending on those efforts, there is the potential for changes that could complicate the feasibility of re-issuing the tags when there is a potential that some of these zones might have reduced or zero tags available for the 2021-2022 season

If reissuing tags to hunters for the following season is a priority of the Commission, this is an option that could be considered in the future through more deliberative public discussions and analysis but given the complexity of the issue, there is not enough time to work through all of the potential issues before next year's license and big game tags become available to the public. The Department can review existing authorities and complete an assessment of the steps that might be necessary through either legislative changes that might be necessary as well as any regulatory changes that may be needed to do so.

The proposed alternative to reinstate the hunter's preference points plus an additional point for the current license year is the only feasible option. These hunters will remain in the pool of hunters who have maximum points and theoretically have the same or similar odds to draw the tag the next year.

(b) No Change Alternative

Preference Points and Tag Refunds

The “no-change” alternative was considered and rejected because it would not meet project objectives. Given the unprecedented closure of public lands statewide due to a catastrophic and historic fire season, it would be unfair not to allow elk, bighorn sheep, and pronghorn antelope tag holders the opportunity to have their tags refunded, preference points restored, and earn a preference point for the license year. These tags are considered premium opportunities and once in a lifetime drawing, so allowing hunters to restore their points, earn a preference point for the license year, and receive a refund is justified.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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. Considering the relatively small number of tags to be returned from the elk and pronghorn antelope tags over the entire state, this proposal is economically neutral to business.

(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 impact on the creation or elimination of jobs within the state, no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action. A $30.90 nonrefundable big game tag return processing fee per refund, as specified in Section 702, is deducted from the amount refunded. The choice to obtain a refund is not required and is purely discretionary for each individual.

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

Under the proposed regulation, a total of 110 hunters could be eligible for tag refunds. Hunters would be required to pay the $30.90 nonrefundable big game tag return processing fee specified in Section 702. There are 68 elk hunters (including four apprentice hunters), 3 resident and 1 non-resident bighorn sheep hunters, and 38 pronghorn antelope hunters who either did not hunt or did not harvest an animal during these hunts. At most, the Department would be required to issue 110 tag refunds for up to a net total of approximately $35,092.49.

(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

This regulatory action is not anticipated to create any adverse impacts to businesses or the state economy. The areas of the state that were closed to the public were closed to all access and types of recreation, not just hunting. Any negative impacts are specifically attributed to wildfires and the subsequent public land closures. This specific regulation to refund select tag fees, restore preference points, and award one preference point for the license year permits the mitigation of some of the adverse negative impacts to individuals from the public land closures.

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

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. This proposed regulation pertains to preference points and tag refunds that are temporary and necessary to address unprecedented conditions that significantly limited public access and opportunities during a specific time period. The proposed regulation is unlikely to cause the elimination of existing businesses.

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

The proposed preference point reinstatements and tag refunds are unlikely to impact

expansion of businesses currently doing business in the state. The proposed regulations are short-term and are not anticipated to sustainably impact the long-term viability of various businesses that serve recreational hunters.

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

Although the closure of public lands to hunting in 2020 due to catastrophic and unprecedented wildfires kept members of the public from hunting outdoors in potentially dangerous conditions, including hazardous air quality, generally hunting is an outdoor activity that provides health and welfare benefits to California residents, and the unexpected closure of public lands limited this activity. Allowing preference point and tag fee returns will ensure these hunters are not unnecessarily and unfairly penalized by unprecedented circumstances beyond their control.

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

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

As set forth in Fish and Game Code section 1801, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the providing of recreational opportunities. The hunters affected by the proposed regulation would be eligible to apply for a refund of their elk, bighorn sheep, and pronghorn antelope tag fees, reinstatement of their preference points, and earn one preference point for the license year, thus allowing these hunters to reapply for elk, bighorn sheep, and pronghorn antelope tags using their accumulated preference points in the future. If the preference points are not reinstated and an additional preference point awarded for the license year for the hunters affected by the proposed regulation, these hunters would be less likely to draw the tags required for hunting elk, bighorn sheep, and pronghorn antelope (therefore reducing their opportunity to hunt).

(g) Other Benefits of the Regulation

Preference point reinstatement, award of additional preference points for the license year, and tag fee refunds will help maintain support for hunting programs and conservation efforts by minimizing the impact to the public when their access was significantly impacted by unprecedented, catastrophic circumstances beyond their control. The refund allows them to purchase other related or unrelated goods and services.

## Informative Digest/Policy Statement Overview

The California Department of Fish and Wildlife (Department) manages elk, bighorn sheep, and pronghorn antelope resources in California. Elk hunting tags, bighorn sheep hunting tags, and pronghorn antelope hunting tags are required to hunt these species in California. The Department distributes hunting tags for elk, bighorn sheep, and pronghorn antelope annually via the big game drawing. Public demand for elk, bighorn sheep, and pronghorn antelope hunting tags exceeds the available opportunities; therefore, a modified preference point system was implemented in 2002, (currently Section 708.14) to provide preference to hunters who have applied for, but not received, tags in past drawings. Each year a hunter applies for an elk, bighorn sheep, or pronghorn antelope hunting tag and is not drawn, that hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the tag quota for elk, bighorn sheep, and pronghorn antelope tags is allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

The historic and catastrophic 2020 fire season caused unprecedented public land closures including the temporary closure of all national forests in California beginning on September 9, 2020. The closure occurred before or during the hunting seasons for all the hunts addressed in the proposed regulation. This resulted in a loss of opportunity for hunters who had “once in a lifetime” elk, bighorn sheep, or pronghorn antelope hunting tags. Hunters used many years of accumulated preference points (in many cases 18 years of preference points) to obtain the required tags for the hunts specified in the proposed regulation.

The Department is proposing to add Section 708.19 to allow hunters who lost their opportunity to hunt in 2020 due to land closures caused by unprecedented fires to return specified elk, bighorn sheep, and pronghorn antelope tags for a refund, reinstatement of the preference points used to obtain the tag through the drawing, and earn one preference point for the license year. Hunters who request a refund would be required to pay the $30.90 nonrefundable big game tag return processing fee specified in Section 702. This proposal would affect up to 110 hunters.

<u>Benefits of the regulations</u>

The proposed regulation will authorize the Department to reinstate preference points, award one additional preference point for the license year, and issue tag fee refunds to hunters who lost elk, bighorn sheep, and pronghorn antelope hunting opportunities due unprecedented fires and forest closures in 2020.

<u>Non-monetary benefits to the public</u>

The Commission expects this proposal will provide non-monetary benefits to the public by promoting fairness in the allocation of public hunting opportunities because hunters who lost elk, bighorn sheep, and pronghorn antelope hunting opportunities in 2020 will have the ability to have their preference points reinstated, earn a preference point for the license year, and have another chance to obtain an elk, bighorn sheep, or a pronghorn antelope tag in the future. The Commission does not anticipate non-monetary benefits to the public through the protection of public health and safety, worker safety, the prevention of discrimination, the promotion social equity and the increase in openness and transparency in business and government.

Consistency and compatibility with existing state regulations

The Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate elk, bighorn sheep, and pronghorn antelope hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk, bighorn sheep, and pronghorn antelope tag allocations are consistent with Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

## Proposed Regulatory Language

Section 708.19, Title 14 CCR, is added to read:

**§708.19. Preference Points and Tag Returns.**

(a) Notwithstanding any other provision of this Chapter, upon written request by the tag holder, the department may reinstate the preference points and refund the tag fees used to acquire any of the tags described in subsection (c). A refund for tag fees shall be subject to the nonrefundable processing fee specified in Section 702 with the request. This section shall only apply to tags issued through the big game drawing pursuant to section 708.14.

(b) The department has determined that holders of the tags described in subsection (c) may apply for reinstatement of the preference points, earn one preference point for the license year, and refund of tag fees by returning their unfilled tag along with a written request for them and stating that they did not harvest due to the statewide closure of all National Forests and other affected lands due to unprecedented wildfire in September 2020. Written requests, along with the unused tag, shall be submitted on or before May 1, 2021, to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090. Applications postmarked after May 1, 2021, shall be denied.

(c) Big Game Species
(1) Elk
(A) Marble Mountains Apprentice (Hunt 408 - subsection 364(v)(1)(A))
(B) Marble Mountain antlerless (Hunt 301 – subsection 364(r)(3)(A))
(C) Marble Mountain bull (Hunt 302 – subsection 364(r)(3)(A))
(D) Northeastern CA Archery Only (Hunt 411 - subsection 364(w)(1)(A))
(E) Northeastern CA apprentice (Hunt 409 – subsection 364(v)(2)(A))
(F) Northeastern CA bull (Hunt 305 - subsection 364(s)(1)(A))
(G) Northwestern CA antlerless (Hunt 374 – subsection 364(r)(2)(A))
(H) Northwestern CA bull (Hunt 355 – subsection 364(r)(2)(A)
(I) Northwestern CA either sex (Hunt 483 – subsection 364(r)(2)(A))
(J) Siskiyou antlerless (Hunt 401 - subsection 364(r)(1)(A))
(K) Siskiyou bull (Hunt 300 – subsection 364(r)(1)(A))
(L) East Park Reservoir antlerless (Hunt 463 - subsection 364(u)(13)(A))
(M) East Park Reservoir bull (Hunt 461 – subsection 364(u)(13)(A)
(N) Lake Pillsbury Period 1 antlerless (Hunt 331 – subsection 364(u)(16)(A))
(2) Nelson Bighorn Sheep
(A) Zone 7 - White Mountains (subsection 362(a)(7))
(2) Pronghorn Antelope
(A) Likely Tables Period 2 buck (Hunt 732 - subsection 363(c)(2)(A))
(B) Lassen Period 2 buck (Hunt 742 – subsection 363(d)(2)(A))

(d) This section shall remain in effect only until June 30, 2021, and as of that date is repealed.

Note: Authority cited: Sections 219, 265, 331 and 1050, Fish and Game Code. Reference: Sections 331, 713 and 1050, Fish and Game Code.

State of California
Fish and Game Commission
**DRAFT** Initial Statement of Reasons for Regulatory Action

Amend Section 708.14
Title 14, California Code of Regulations

Re: Big Game Preference Points Reinstatement and
Tag Refunds Due to Public Land Closures

I. Date of Initial Statement of Reasons: September 20, 2021

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: October 14, 2021 Location: Teleconference

(b) Discussion Hearing

Date: December 15-16, 2021 Location: Teleconference

(c) Adoption Hearing

Date: February 16-17, 2022 Location: Sacramento

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

**BACKGROUND**

The Fish and Game Commission (Commission) periodically considers recommendations from the Department of Fish and Wildlife (Department) in establishing big game mammal hunting regulations. Specifically, the Department manages deer, bighorn sheep, pronghorn antelope and elk resources in California. Deer hunting tags, elk hunting tags, bighorn sheep hunting tags, and pronghorn antelope hunting tags are required to hunt these species in California.

**CURRENT REGULATIONS**

Deer hunts and seasons are described in sections 360 and 361, bighorn sheep in Section 362, pronghorn antelope in Section 363, and elk in Section 364. The Department distributes hunting tags for deer, elk, bighorn sheep, and pronghorn antelope annually via a big game drawing for a specific area and season. Some deer tags for certain hunt zones include both an early archery-only season and a subsequent “general” season by firearm.

Public demand for certain deer tags and all bighorn sheep, pronghorn antelope, and elk hunting tags exceeds the available opportunities; therefore, a modified preference point

system (currently Section 708.14(a)) provides preference to hunters who have applied for, but not drawn, tags in past drawings. Before the start of the hunting license year (which runs from July 1 through June 30), a hunter may apply through the Automated License Data System (ALDS) between April 15 through June 2 for a deer, bighorn sheep, pronghorn antelope, or elk hunting tag. If the hunter is not drawn, the hunter receives a preference point which gives that hunter preference in future drawings for that game species. A portion of the tags for each species are issued randomly to allow some opportunity for new hunters or hunters that do not have enough preference points to draw through the preference point portion of the drawing.

Many big game hunts require years of accumulated preference points in order to even have the opportunity. Others require the maximum number of preference points, and are 'once in a lifetime' draws. For example, a number of hunt zones for the 2021 season were only available to applicants that had accumulated the maximum number of preference points (19 points for this license year which equates to 19 years of accumulating points) to potentially draw the tag.

For deer, hunters may make up to three hunt choices. Applicants can indicate their preferred 'first tag choice,' which is taken into account along with the number of accumulated preference points. All remaining unsuccessful applications are then sorted by second tag choice, in random number order (starting with the lowest random number to the highest random number). A second round of drawings is then conducted for any zones and hunts with tags remaining without consideration of accumulated points.

Deer tags are classified pursuant to Subsection 708.1(a)(2)(A) by three types:

- Premium, which include those tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year;
- Restricted, which include all non-Premium tags where the tag quota filled on or before on or before the first business day after August 1 in the immediately preceding license year; and
- Unrestricted, which include those tags where the tag quota did not fill on or before the first business day after August 1 in the immediately preceding license year.

Existing regulations in Subsections 708.14(j) and 708.14(k) outline the process for returning a big game tag if a hunter was unable to hunt for first tag choice tag holders. That process requires the hunter submit to the Department a written request to retain their existing preference point total and earn one preference point for that year. Request for refunds for bighorn sheep, pronghorn, and elk tag fees also exists under subsection 708.14(k). The Department may consider the request if it is returned to the Department's License and Revenue Branch ***before*** the season starts for which the tag is valid. There is currently no mechanism for considering the request if the tag is returned to the License and Revenue Branch ***after*** the season has started.

## PROPOSED REGULATORY CHANGES

Regulations to address conditions resulting from the 2021 fire season are needed to allow hunters to return their first tag choice tags after the season starts. The catastrophic and unprecedented 2021 fire season that temporarily closed all national forests in California in

early September impacted many of the deer, bighorn sheep, pronghorn antelope, and elk hunting seasons and resulted in a loss of opportunity for many hunters who had “once in a lifetime” hunting tags. The Commission adopted a similar regulation (addition of Section 708.19) for the loss of opportunities during the 2020 wildfire season that authorized the Department to reinstate preference points and refund tag fees for certain bighorn sheep, antelope, and elk hunts if the written requests were submitted to the Department on or before May 1, 2021.

While fire has always been somewhat problematic during big game hunting season, the scale and magnitude has dramatically changed over the past several years. The potential for future public land closures and increasingly hazardous conditions such as poor air quality is likely given the increasing likelihood of large-scale wildfires, and closures could more commonly occur later into the summer and fall because environmental conditions are drier and the risk increases. This timeframe for fire susceptibility to public lands overlaps with the start of certain earlier big game seasons, such as those for archery. The resulting loss of opportunity means some hunters receive little or no chance to hunt with tags acquired using many years of accumulated preference points.

**PUBLIC LAND CLOSURES**

In response to the Dixie Fire and extreme fire conditions, the Pacific Southwest Region of the U.S. Department of Agriculture Forest Service (USFS) (Region 5) closed the Lassen National Forest (NF) from August 12 to November 30, 2021 (Forest Order No. 06-21-08). In response to the Caldor Fire and potential extreme fire conditions, the USFS closed the Eldorado National Forest (NF) from August 17 – September 30, 2021 (Forest Order No. 03-21-14). Subsequent closures of nine other NFs became effective from August 22 – September 6, 2021 (Forest Order No. 21-04) and were later replaced by the statewide closure to all 18 NFs from August 31 – September 17, 2021 (Forest Order No. 21-07), which was terminated as of September 15, 2021. Additionally, the Department closed 33 properties surrounding those NFs due to extreme fire conditions, but re-opened those as of September 16, 2021.

The purpose of the proposed regulation is to authorize the Department to consider reinstatement of preference points and award one preference point for the license year for certain deer tags and to refund tag fees, reinstate preference points, and award one preference point for the license year for bighorn sheep, pronghorn antelope, and elk hunts whose hunt zones are inaccessible for sixty-six percent (66%) or more of the season as a result of public land closures.

This package is necessary to allow consideration of lost opportunities resulting from natural disasters such as fire preference point reinstatement and/or refunds of tag fees by the Department for certain deer, bighorn sheep, pronghorn antelope, and elk tags in the event public lands are closed and inaccessible to hunting.

**Amend Subsection 708.14(j):** Process for requesting preference point reinstatements and tag refunds for deer.

Subsection 708.14(j) is amended to include new subsection (1) and (2) for deer tags. The words in parentheses “(becoming a tag holder)” are added to clarify terminology of the

hunter's status after they have successfully drawn a tag; therefore, the term "applicant" has been changed to "tag holder" after this first mention in subsection 708.14(j). The words "[may] return their unfilled (i.e., unused) tag and" are added to make clear that returning an unfilled tag should include a written request for preference point reinstatement and/or refund. In one instance, the word "application" has been stricken after the words "resident deer tag" to clarify that the fee paid is for the tag itself. The added words "for that license year" clarify the year for which the +1 preference point would apply. A sentence added at the end of the subsection states how, and the date by which, a tag must be returned to the Department and references the newly added eligibility criteria in subsection 708.14(j)(1) and (2).

Subsection 708.14(j)(1): This new subsection outlines the circumstances under which hunters may return their deer tags and request preference point reinstatement before the season starts, which could be for reasons other than loss of opportunity attributable to public land closures. Language for returning the tag to the Department's License and Revenue Branch is moved from subsection (j) to this new subsection (j)(1) and expanded to include the post office box address for mailing the written request and clarify when that the request must be received. Including the word "earliest" clarifies that the written request would need to be submitted before the start of the first season when the tag is valid for more than one season (archery only usually occurs before the "general" season, whereby archery and firearms may be typically used) for that hunting license year. Language describing that the Department may refund the difference between the fee paid for a nonresident deer tag and resident deer tag has been moved from subsection (j) to the end of this new subsection (j)(1), with the striking of the word "application" in two instances after the words "nonresident deer tag" to clarify that the fee paid is for the tag itself.

708.14(j)(2): This new subsection outlines the circumstances under which hunters may return their deer tags and request preference point reinstatement after the season starts, given loss of opportunity due to public land closures.

(A): The Department has determined that when access to the hunt zone is restricted due to a public land closure for more than two-thirds (66 percent) or more of a hunt season, the resulting loss of opportunity would qualify a hunt for the applicable preference point reinstatement and/or tag refunds (for bighorn sheep, pronghorn antelope, or elk only) as proposed in amended subsections 708.14(j) and (k). The threshold of 66% or more was chosen to recognize a basic estimation of the majority of the season that would be unhuntable if public lands are closed, equating to 33% or less of the season available for hunting. Thus, premium deer tag holders whose hunt zones are inaccessible for sixty-six percent (66%) or more of the respective hunt season as a result of public land closures could return their tag with a written request after the season starts to be considered for preference point reinstatement and earn one preference point for the license year.

The timeframe for subsection 708.14(j)(2)(A) applies to tags issued in the 2021 hunting license year (commencing July 1, 2021). Considering that public lands access restrictions have changed during the preparation of these regulatory documents (fall 2021), this regulation aims to function retroactively. The description of returning the tag to the Department's License and Revenue Branch is paired with a required postmark date of May 1, 2022 in order to allow enough time for department staff to review and process requests

so that points will be restored for customers for the following year's license application sales. Any requests with a postmark after May 1 shall not be considered.

(B) For the hunting license year commencing July 1, 2022, the same 66% threshold for public land closure leading to hunter eligibility to pursue reinstatement applies. The Department requires the hunter submit the unfilled tag and written request for point reinstatement to the Department's License and Revenue Branch on or prior to February 28 of the current license year. This particular date was chosen as it signifies the end of the month by which the last big game season concludes, allowing for requests for reinstatement to be submitted through February.

**Amend Subsection 708.14(k):** Process for requesting preference point reinstatements and tag refunds for bighorn sheep, pronghorn antelope, and elk.

Subsection 708.14(k) is amended to include new subsections (1) and (2) for bighorn sheep, pronghorn antelope, and elk. The words in parentheses "(becoming a tag holder)" are added to clarify terminology of the hunter's status after they have successfully drawn a tag; therefore, the term "applicant" has been changed to "tag holder" after this first mention in subsection 708.14(k). The words "[may] return their unfilled (i.e., unused) tag and" are added to make clear that returning an unfilled tag should include a written request for preference point reinstatement and/or refund. The added word "license" for "that license year" clarifies the year for which the +1 preference point would apply, and the words "and seek refund of the tag free" clarifies that a refund may be requested. Existing language regarding paying the nonrefundable processing fee as specified in Section 702 remains unchanged. A sentence added at the end of the subsection states how, and the date by which, a tag must be returned to the Department and references the newly added eligibility criteria in subsection 708.14(k)(1) and (2).

Subsection 708.14(k)(1): This new subsection outlines the circumstances under which hunters may return their bighorn sheep, pronghorn antelope, or elk tags and request preference point reinstatement and refund before the season starts, which could be for reasons other than loss of opportunity attributable to public land closures. Language for returning the tag to the Department's License and Revenue Branch is moved from subsection (k) to this new subsection (k)(1) and expanded to include the post office box address for mailing the written request and clarify when that the request must be received.

Subsection 708.14(k)(2): This new subsection outlines the circumstances under which hunters may return their bighorn sheep, pronghorn antelope, or elk tags and request preference point reinstatement and tag refund after the season starts, given loss of opportunity due to public land closures.

(A): As noted above for justification of subsection 708.14(j)(2)(A), public land closure for 66% or more of a hunt season resulting loss of opportunity would qualify a bighorn sheep, pronghorn antelope, or elk hunt for the applicable preference point reinstatement and tag refunds. Thus, tag holders whose hunt zones are inaccessible for sixty-six percent (66%) or more of the respective hunt season as a result of public land closures could return their tag with a written request after the season starts to be considered for preference point reinstatement and earn one preference point for the license year, and be eligible for a refund.

As with subsection 708.14(j)(2)(A), the timeframe for subsection 708.14(k)(2)(A) applies to 2021 hunting license year bighorn sheep, pronghorn antelope, or elk tags, and will function retroactively. The same postmark date of May 1, 2022 and rationale applies as for deer.

(B) As noted above for justification of subsection 708.14(j)(2)(B), the 66% threshold aims to serve as a prescriptive criterion focusing on potential future land closures. The bighorn sheep, pronghorn antelope, or elk hunter would submit the unfilled tag and written request for point reinstatement to the Department's License and Revenue Branch postmarked on or prior to February 28 of the current license year.

## Necessity

This regulation is necessary for the Commission to allow consideration of reinstatement of preference points and refund of some tag fees after the start of the season for first tag choice for deer, bighorn sheep, pronghorn antelope, and elk tags that were not usable due to public land closures caused by fires. The proposal would affect hunters who were drawn for the following deer, bighorn sheep, pronghorn antelope, and elk hunts:

### DEER

- Those deer zones defined in Title 14, Section 708.1 and described as Premium Deer Hunt Tags
    - The approximate number of premium deer hunt tags eligible for points re-instatement (as of September 16, 2021): **15,037** across 14 archery zones and 6 general zones

### BIGHORN SHEEP

- Those zones defined in Title 14, Section 362
    - The approximate number of bighorn sheep hunt tags affected (as of September 16, 2021): **0.** No sheep hunts are affected by known public land closures and thus the proposed regulation.

### PRONGHORN ANTELOPE

- Those zones defined in Title 14, section 363
    - The approximate number of pronghorn antelope hunt tags affected (as of September 16, 2021): **106**

### ELK

- Those zones defined in Title 14, Section 364
    - The approximate number of elk hunt tags affected (as of September 16, 2021): **113** across 7 general zones, 1 archery zone, and 2 apprentice zones

## IMPACT FROM PUBLIC LAND CLOSURES

The Department conducted an analysis to determine which premium deer, bighorn sheep, pronghorn antelope, and elk hunt seasons spatially and temporally overlapped with the affected National Forests as of August 31, 2021, and again on September 16, 2021 with the re-opening of most forests on September 15, 2021 to assess closures on the numbers of issued tags by species and hunt type. The Department considered loss of opportunity

based on the number of days closed of each season and tallied those hunts resulting in 66 percent or greater of days closed.

**Table 1** shows the premium deer hunt zones affected by 66% or greater of the season lost due to public land closures, which as of September 16, 2021 included 14 archery hunt zones and 6 general hunt zones, one of which is Apprentices (J-21). Approximately 70 deer hunters had returned their tags prior to the start of their respective seasons. Up to 15,037 premium deer tags could be eligible for return based on the closure criteria. The majority of archery seasons started August 21, 2021, running through September 12, 2021, encompassing the major statewide closure of National Forests. Others starting later, such as X-1 and X-4 share range with the Lassen National Forest, which remains under a closure order through November 30, 2021. For those deer in impacted zones, the following quotas were allocated based on first tag choice and subsequent tag choice for the 2021 license year hunts:

- C-Zone: C-zone tags are issued for use in any of the C-zones. Of the 8,150 quota, 7,022 tags were first choice tags, the remaining 1,130 tags went to second choice.
- D14 Zone: Of the 3,000 quota, 1,860 tags were first choice tags, the remaining 1,140 tags went to second choice.
- D16 Zone: Of the 3,000 quota, 903 tags were first choice tags, the remaining 733 tags went to second choice, 216 went to third choice, and rest went to over the counter.
- A1 Zone: Of the 1,945 quota, 703 tags were first choice, the remaining 1,242 remaining went to second choice.

**Table 1**. Affected premium deer hunts based on public land closures (as of September 16, 2021).

| **DEER Impacted Zones** | **Type** | **Season Start** | **Season Close** | **# days closed/ total hunt days** | **% Days of Hunt Impacted** | **1st choice Tags Issued[a]** | **Tags returned** 16-Sep-21 |
|---|---|---|---|---|---|---|---|
| D-14 | A | 04-Sep-21 | 26-Sep-21 | 19/23 | 83% | **1,860** | 0 |
| D-16 | A | 04-Sep-21 | 26-Sep-21 | 19/23 | 83% | **903** | 0 |
| A-1 Zone C-3 Archery | A | 21-Aug-21 | 12-Sep-21 | 23/23 | 100% | **703*** | 4 |
| A-1 Zone C-4 Archery | A | 21-Aug-21 | 5-Sep-21 | 16/16 | 100% | - | - |
| A-3 (Zone X-1 Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 100 | 1 |
| A-4 (Zone X-2 Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 10 | 2 |
| A-5 (Zone X-3a Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 40 | 0 |
| A-6 (Zone X-3b Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 71 | 4 |
| A-7 (Zone X-4 Archery) | A | 21-Aug-21 | 12-Sep-21 | 23/23 | 100% | 120 | 8 |
| A-11 (Zone X-6a Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 50 | 1 |
| A-12 (Zone X-6b Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 90 | 0 |
| A-13 (Zone X-7a Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 45 | 2 |
| A-14 (Zone X-7b Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 25 | 3 |
| A-15 (Zone X-8 Archery) | A | 21-Aug-21 | 12-Sep-21 | 22/23 | 96% | 40 | 1 |
| C-3 | G | 18-Sep-21 | 24-Oct-21 | 37/37 | 100% | **7,020*** | 0 |
| C-4 | G | 18-Sep-21 | 03-Oct-21 | 16/16 | 100% | - | - |
| X-1 | G | 02-Oct-21 | 17-Oct-21 | 16/16 | 100% | 786 | 0 |
| X-4 | G | 02-Oct-21 | 17-Oct-21 | 16/16 | 100% | 485 | 0 |
| G-1 Late Season Buck Hunt for Zone C-4 | G | 23-Oct-21 | 31-Oct-21 | 9/9 | 100% | 2,710 | 0 |
| J-21 East Tehama Apprentice Either-Sex Deer Hunt | G AP | 18-Sep-21 | 31-Oct-21 | 44/44 | 100% | 50 | 0 |
| **A = Archery** | | | | **Tags** | **impacted** | **15,108** | **71** |
| **AP = Apprentice** | | | | | | | |
| **G = General** | | | | **Points** | **Eligible** | **15,037** | |

[a] Quota allocated based on first tag choice and subsequent tag choice for the 2021 license year hunt

* Tags Issued: C-zone tags are issued for use across any of the C-1 through C-4 zones. Tags issued are across this group of zones, though only zones C-3 and C-4 were impacted by public land closures.

For pronghorn antelope, an estimated 106 tags are estimated to be eligible for preference point reinstatement (**Table 2**). This includes 100 general tag holders (8 hunt zones affected) and 6 apprentice tag holders (4 hunt zones affected). The non-apprentice tag holders would be eligible to pursue a refund. Junior (apprentice) hunt tags would not be issued dollar refunds because the tag fee is less than the processing costs. The estimated refund amount of $127.98 is multiplied by 100 for an estimated total antelope tag refund amount of $12,798.

For elk, an estimated 113 tags are estimated to be eligible for preference point reinstatement (**Table 3**). This includes 109 general tag holders (7 hunt zones affected), 4 apprentice tag holders (2 hunt zones affected), and an Archery hunt zone. The estimated refund amount of $443.32 is multiplied by 109 for an estimated total antelope tag refund amount of $48,322.

**Table 2**. Affected pronghorn antelope hunts based on public land closures (as of Sept.16, 2021).

| **PRONGHORN**<br>**Hunt Name** (Hunt Code) | **Hunt Type** | **2021 Tag Quota** | **Tags returned** 16-Sep-21 | **Season Start** | **Season Close** | **# Days Closed/ Total Hunt Days** | **% Days of Hunt Impacted** |
|---|---|---|---|---|---|---|---|
| Z1 Mount Dome Buck (710) | G | 2 | 1 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z2 Clear Lake Buck (720) | G | 15 | 5 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z3 Likely Tables Period 1 Buck (730) | G | 25 | 11 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z3 Likely Tables Period 2 Buck (732) | G | 25 | 5 | 04-Sep-21 | 12-Sep-21 | 9/9 | 100% |
| Z4 Lassen Period 1 Buck (740) | G | 35 | 13 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z4 Lassen Period 2 Buck (742) | G | 35 | 20 | 04-Sep-21 | 12-Sep-21 | 9/9 | 100% |
| Z5 Big Valley Buck (750) | G | 20 | 8 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z6 Surprise Valley Buck (760) | G | 10 | 4 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z3 Likely Tables Pd. 1 Either-Sex (734) | AP | 5 | 2 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z4 Lassen Period 1 Either-Sex (790) | AP | 5 | 4 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z5 Big Valley Either-Sex (780) | AP | 1 | 1 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |
| Z6 Surprise Valley Either-Sex (766) | AP | 4 | 2 | 21-Aug-21 | 29-Aug-21 | 8/9 | 89% |

| | | | | **Refund/Tag** | **Refund total** |
|---|---|---|---|---|---|
| Eligible Antelope Tags | G | 167 | 67 | $ 127.98 | $ 12,798.00 |
| No refund: Fee paid is less than process fee | AP | 15 | 9 | $ (10.68) | $ (64.08) |
| **Points Re-instatement Eligible** | **Total** | **106** | | | |

**A = Archery**
**AP = Apprentice**
**G = General**

**Table 3**. Affected elk hunts based on public land closures (as of Sept. 16, 2021).

| **ELK**<br>**Hunt Name** (Hunt code) | **Hunt Type** | **2021 Tag Quota** | **Tags returned** 16-Sep-21 | **Season Start** | **Season Close** | **# Days Closed/ Total Hunt Days** | **% Days of Hunt Impacted** |
|---|---|---|---|---|---|---|---|
| Northeastern CA either-sex (409) | AP | 2 | 0 | 15-Sep-21 | 26-Sep-21 | 12/12 | 100% |
| Marble Mountains either-sex (408) | AP | 4 | 2 | 08-Sep-21 | 19-Sep-21 | 10/12 | 67% |
| Northeastern CA either-sex (411) | A | 10 | 1 | 01-Sep-21 | 12-Sep-21 | 12/12 | 100% |
| Marble Mountain antlerless (301) | G | 8 | 0 | 08-Sep-21 | 19-Sep-21 | 8/12 | 67% |
| Marble Mountain bull (302) | G | 34 | 2 | 08-Sep-21 | 19-Sep-21 | 8/12 | 67% |
| Northeastern CA antlerless (304) | G | 10 | 2 | 10-Nov-21 | 21-Nov-21 | 12/12 | 100% |
| Northeastern CA bull (305) | G | 15 | 1 | 15-Sep-21 | 26-Sep-21 | 12/12 | 100% |
| Siskiyou antlerless (401) | G | 20 | 4 | 08-Sep-21 | 19-Sep-21 | 8/12 | 67% |
| Siskiyou bull (300) | G | 20 | 1 | 08-Sep-21 | 19-Sep-21 | 8/12 | 67% |
| Lake Pillsbury Pd. 1 antlerless (331) | G | 4 | 1 | 08-Sep-21 | 17-Sep-21 | 8/10 | 80% |

| | | | | **Refund/Tag** | **Refund total** |
|---|---|---|---|---|---|
| **Eligible Elk Tags Refunds** | G | 121 | 12 | $443.32 | $48,321.88 |
| No refund: Fee paid is less than process fee | AP | 6 | 2 | $ (10.68) | $ (42.72) |
| **Points Re-instatement Eligible** | **Total** | **113** | | | |

**A = Archery**
**AP = Apprentice**
**G = General**

This Initial Statement of Reasons documents a maximum impact for effects on individual big game hunters due to public land closures. Actual impacts should be less than the estimated maximums because hunters may avoid public land altogether based on preference or ability to do so. Most zones have some percentage of private property which would allow hunters to hunt despite closures to public lands, depending on the location, and severity of fires or any local ordinances for public safety.

The number of tags affected for the 2022 license year will not be known until after any closures of public lands occur in that license year. For purposes of this document, estimates of affected hunts and tag numbers are assumed to cover the same level of impact as the 2021 license year described herein as of September 16, 2021.

(b) Goals and Benefits of the Regulation

The goal of the proposed regulation is to provide equity of opportunity by allowing certain deer, bighorn sheep, pronghorn antelope, and elk hunters who lost “premium” or “once in a lifetime” hunting opportunities due to public land closures caused by wildfires, the option to obtain tag fee refunds, reinstatement of preference points, and one preference point for the license year. Some hunters with tags for the affected deer, bighorn sheep, pronghorn antelope, and elk hunts used many years (up to 19) of earned preference points to obtain their hunting tags. This proposal would allow hunters with certain tags, who lost opportunities due to public land closures caused by wildfires, to use their accumulated preference points in the future to enter drawings for deer, bighorn sheep, pronghorn antelope, or elk tags. This proposal is consistent with the Department’s efforts to recruit, retain, and reactivate hunters.

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

Authority: Sections 200, 203, 219, 331, 332,1050 and 10502, Fish and Game Code.

Reference: Sections 331, 332, 713, 1050, 10500 and 10502, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None

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

The Commission discussed the proposed regulations at its Wildlife Resources Committee meeting held on September 16, 2021, virtual meeting. The Department is considering ideas for a future rulemaking that addresses returns of mammal hunting preference points and fee refunds in response to potential future public land closures. Aspects such as standards for eligibility based on the nature of the closures, applicable big game species and hunts, season adjustments, tag return protocols, and other considerations will be considered at that time.

## IV. Description of Reasonable Alternatives to Regulatory Action

### (a) Alternatives to Regulation Change

#### Preference Point Reinstatement and Tag Refunds

No other alternatives to the proposed regulation were identified. Wildfires in California have always led to closures of some public lands during big game hunting seasons which reduced certain deer, bighorn sheep, pronghorn antelope, or elk tag holder hunting opportunities but not at the scale where all access was closed for the majority of seasons. The Department evaluated the prospect of reissuing the tags for the following hunt season to the impacted hunters in the 2020 regulatory package but determined that it was not feasible without significant changes to multiple existing regulatory sections. There is currently no authority to transfer license or tags across license years. Even if it were determined that there was authority to do so, the Department currently does not have an efficient method in place to reissue tags to hunters for the following year and would have to make some operational changes to its licensing system at a minimum which would result in an unbudgeted fiscal cost to the Department. Reissuing tags to the following year would also result in a loss of revenue because fewer tags could be sold the following year.

Additionally, if tags are reissued to hunters, the license system would have to be programmed to remove those tags from those available through the drawing process for next license year, thereby reducing the number of tags available for hunters in the big game drawing and changing the odds of being drawn. A reduction in available tags through the drawing could reduce participation in hunting by the public. This would also result in reductions in Department revenue due to having fewer tags. More than four million acres burned during the unprecedented 2020 fire season. An additional one million acres have burned thus far in the 2021 fire season.

The proposed alternative to reinstate the hunter's preference points plus provide an additional point for the current license year and a refund for bighorn sheep, pronghorn antelope, and elk tags is the most feasible option and least economically impactful. These hunters will remain in the pool of hunters who have maximum points and theoretically have the same or similar odds to draw the tag the next year.

### (b) No Change Alternative

#### Preference Points and Tag Refunds

The "no-change" alternative was considered and rejected because it would not meet project objectives of allowing for preference point reinstatement and tag fee returns for certain big game species after a hunt season has started. Given the increased scale and magnitude of closures of public lands statewide due to fires, it would be unfair not to allow certain deer, bighorn sheep, pronghorn antelope, and elk tag holders the opportunity to have their preference points restored, and earn a preference point for the license year, and tags refunded for affected sheep, antelope, and elk hunts. These tags are considered premium opportunities and a once-in-a-lifetime drawing, so allowing

hunters to restore their points, earn a preference point for the license year, and receive a refund is justified.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

The regulatory change is not expected to have an adverse impact on small business.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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. Considering the relatively small number of tags to be returned from the bighorn sheep, pronghorn antelope, elk and deer tags over the entire state, this proposal is economically neutral to business.

(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 impact on the creation or elimination of jobs within the state, no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action. A $31.93 nonrefundable big game tag return processing fee per refund, as established in Section 702, is deducted from the amount refunded. The choice to obtain a refund is not required and is purely discretionary for each individual.

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

Only bighorn sheep, pronghorn antelope, and elk tags following the proposed regulations would be eligible for tag refunds as a result of public land closures. The fees and quantities for refunds given the affected hunt areas (as of September 16, 2021) are outlined in **Table 4**. Hunters who request reinstatement of preference points and a refund of tag fees (sheep, pronghorn antelope, and elk only for refunds) under the proposed regulation would receive a

refund of their tag fees, reinstatement of their preference points, and earn one preference point for the license year, but they would be required to forfeit the $31.93 nonrefundable big game tag return processing fee specified in Section 702.

Hunters would be required to forfeit the $31.93 nonrefundable big game tag return processing fee specified in Section 702. There are 109 resident elk, and 100 pronghorn antelope tags estimated to potentially be impacted by public land closures, as of September 16, 2021. Should every hunter seek refund for every tag, and the total of 209 tags be returned, the Department would expend a total of approximately $61,120. Junior (apprentice) hunt tags would not be issued dollar refunds because the tag fee is less than the processing costs. All tags returned through this program would be eligible for points reinstatement.

**Table 4. Projected Tag Refunds Due to Public Land Closures (as of September 16, 2021)**

| Tag Type | Tag (Base) Fee | Surcharge | Total Fee | Individual Refund per Tag | Impacted Tags | Total Refund by Hunt |
|---|---|---|---|---|---|---|
| Bighorn Sheep | $449.00 | $7.50 | $456.50 | $424.57 | 0 | $0 |
| Resident Pronghorn Antelope | $155.25 | $4.66 | $159.91 | $127.98 | 100 | $12,798 |
| Resident Pronghorn Antelope (Apprentice) | $29.25 | $0.64 | $21.89 | No Refund/ Points only | (6) | $0 |
| Resident Elk | $467.75 | $7.50 | $475.25 | $443.32 | 109 | $48,321.88 |
| Resident Elk (Apprentice) | $21.25 | $0.64 | $21.89 | No Refund/ Points only | (4) | $0 |
| Tag Return Processing Fee | $31.00 | $0.93 | $31.93 | | | |
| | | | **Totals** | **Points & Refunds** | **209** | **$61,119.88** |
| | | | | **Points only** | **219** | |

Sources: CDFW Wildlife Branch, and License and Revenue Branch, 2021.

Big game tag fees are used to provide funding for environmental assessment and management of California's big game populations. For example, the Department's Big Game Program (Program) is composed of branch and field biologists who work together coordinating programs and implementing projects throughout the state. Biologists prepare monitoring plans, prepare population assessments, compile harvest information, conduct and direct research, enhance and restore habitat, develop hunting season and tag quota proposals, and prepare environmental documents associated with big game management and hunting. The Program is largely supported by hunters through the purchase of hunting licenses and big game tags. The management costs of the program to the do not change when fires cause forest closures, so some minor cost adjustments may be necessary if increased quantities of refunds are sought.

Additionally, the Department anticipates that the projected increase in the total number of refunds and point reinstatements may exceed staff time currently budgeted for those job tasks.

The per tag processing costs and typical annual aggregate costs are summarized in **Table 5** and **Table 6**. In the current hunt season, the total staff time/costs redirected to processing tag refunds and/or points reinstatements is estimated to exceed a typical year by $291,657.

**Table 5. Per Tag Processing Time/Cost by Classification**

| Classification | Hours | Rate | Total |
|---|---|---|---|
| Phone/Email Customer Service (7.5 min) | 0.125 | $ 53.77 | $ 6.72 |
| Seasonal Clerk (1.5 mins.) | 0.025 | $ 21.25 | $ 0.53 |
| Associate Govt Program Analyst (1.5 mins.) | 0.025 | $ 53.77 | $ 1.34 |
| Program Technician (3 mins.) | 0.050 | $ 29.59 | $ 1.48 |
| Mail Machine Operator I (1 min.) | 0.017 | $ 30.15 | $ 0.50 |
| Associate Govt Program Analyst (2 mins.) | 0.033 | $ 53.77 | $ 1.79 |
| Staff Services Manager I (1 min.) | 0.017 | $ 63.68 | $ 1.06 |
| Associate Govt Program Analyst (2 mins.) | 0.033 | $ 53.77 | $ 1.79 |
| Reinstatement total time in minutes | 19.50 | - | $15.22 |
| Overhead | | 24.32% | $3.70 |
| ***Reinstatement Cost per tag*** | | | **$ 18.93** |
| License Revenue Branch, AGPA – (5 mins.) | 0.083 | $ 53.77 | $ 4.48 |
| Accounting Officer (Specialist) – (20 mins.) | 0.333 | $ 49.09 | $ 16.36 |
| Refund total time in minutes | 25.00 | - | $20.84 |
| Overhead | | 24.32% | $5.07 |
| ***Refund Cost per Tag*** | | | **$25.91** |
| **Reinstatement & Refund Cost per tag** | | - | **$44.84** |

Source: California Department of Fish and Wildlife, License and Revenue Branch, 2021. Hourly Rates include benefits and are regular/non-overtime pay rates.

**Table 6. Typical, Recent and Projected LRB Tag Processing Costs**

| Year | Tags | Unit Cost | Processing Cost |
|---|---|---|---|
| Tag Processing Average 2011-2019 | 80 | $31.93 | $ 2,554.40 |
| 2020-21 (Pandemic and Fire Closures) | 1,277 | $31.93 | $ 40,774.61 |
| 2021-22 (NFS, BLM, & CDFW Public Land Closures) | | | |
| • Deer & Apprentice hunt reinstatements | 15,037 (deer) +10 (junior) | $18.93 | $284,839.71 |
| • Elk & Pronghorn refund & reinstatements | 209 | $44.84 | $9,371.56 |
| 2021-22 Projected Total Costs | | | $294,211.27 |
| Additional Costs more than Average Year | | | **$291,656.87** |

Source: California Department of Fish and Wildlife, License and Revenue Branch, 2021. [1]For 2011-2019 and 2020-2021, the processing cost is $31.93 per Section 702, Title 14 CCR (adjusted annually pursuant to FG Code Section 713). For 2021-22, the unit reinstatement cost is $18.93, and for reinstatement and refund the unit cost is $44.84, as itemized in Table 2.

NFS = National Forest Service; BLM = Bureau of Land Management; CDFW = California Department of Fish and Wildlife.

(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

This regulatory action is not anticipated to create any adverse impacts to businesses or the state economy. The areas of the state that were closed to the public were closed to all access and types of recreation, not just hunting. Any negative impacts are specifically attributed to wildfires and the subsequent public land closures. This specific regulation to refund select tag fees, restore preference points, and award one preference point for the license year permits the mitigation of some of the adverse negative impacts to individuals from the public land closures.

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

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. This proposed regulation pertains to preference points and tag refunds that are temporary and necessary to address unprecedented conditions that significantly limited public access and opportunities during a specific time period. The proposed regulation is unlikely to cause the elimination of existing businesses.

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

The proposed preference point reinstatements and tag refunds are unlikely to impact expansion of businesses currently doing business in the state. The proposed regulations are short-term and are not anticipated to sustainably impact the long-term viability of various businesses that serve recreational hunters.

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

Although the closure of public lands to hunting due to wildfires keeps members of the public from hunting outdoors in potentially dangerous conditions, including hazardous air quality, generally hunting is an outdoor activity that provides health and welfare benefits to California residents, and the closure of public lands limits this activity. Allowing preference point and tag fee returns will ensure these hunters are not unnecessarily and unfairly penalized by unprecedented circumstances beyond their control.

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

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

As set forth in Fish and Game Code section 1801, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, providing recreational opportunities. The hunters affected by the proposed regulation would be eligible to apply for a refund of their bighorn sheep, pronghorn antelope, and elk tag fees and/or reinstatement of deer, bighorn sheep, pronghorn antelope, and elk preference points, and earn one preference point for the license year, thus allowing these hunters to reapply for deer, elk, bighorn sheep, and pronghorn antelope tags using their accumulated preference points in the future. If the preference points are not reinstated and an additional preference point awarded for the license year for the hunters affected by the proposed regulation, these hunters would be less likely to draw the tags required for hunting deer, bighorn sheep, pronghorn antelope, and elk (thereby reducing their opportunity to hunt).

(g) Other Benefits of the Regulation

Preference point reinstatement, award of additional preference points for the license year, and tag fee refunds will help maintain support for hunting programs and conservation efforts by minimizing the impact to the public when their access was significantly impacted by unprecedented, catastrophic wildfire circumstances beyond their control.

**Informative Digest/Policy Statement Overview**

The California Department of Fish and Wildlife (Department) manages deer, bighorn sheep, pronghorn antelope, and elk resources in California. Deer hunting tags, bighorn sheep hunting tags, pronghorn antelope hunting tags, and elk hunting tags are required to hunt these species in California. The Department distributes hunting tags for certain deer, bighorn sheep, pronghorn antelope, and elk annually via the big game drawing. Public demand for deer, bighorn sheep, pronghorn antelope, and elk hunting tags exceeds the available opportunities; therefore, a modified preference point system (currently Section 708.14) provides preference to hunters who have applied for, but not received, tags in past drawings. Each year a hunter applies for a deer, bighorn sheep, pronghorn antelope, or elk hunting tag and is not drawn, that hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the tag quota for deer, bighorn sheep, pronghorn antelope, and elk tags are allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

The 2021 season trails the catastrophic 2020 fire season, and like 2020, has caused unprecedented public land closures, including the temporary closure of all national forests in California. These closures have resulted in a loss of opportunity for hunters who had “once in a lifetime” deer, bighorn sheep, pronghorn antelope, or elk hunting tags. Hunters used many years of accumulated preference points (in many cases 19 years of preference points) to obtain the required tags for the hunts specified in the proposed regulation.

Regulations to address conditions resulting from the 2021 fire season are needed to allow hunters to return their first-choice tags after the season starts. The Department is proposing to amend Section 708.14, subsections (j) (for deer) and (k) (for bighorn sheep, pronghorn antelope, and elk) to allow hunters who lost their opportunity to hunt due to land closures caused by fires to return certain deer, bighorn sheep, pronghorn antelope, and elk tags for reinstatement of the preference points used to obtain the tag through the drawing and earn one preference point for the license year after the start of the hunting season. The eligibility for tag refund continues to apply only to the elk, bighorn sheep, and pronghorn antelope tags. Hunters who request a refund would be required to pay the $31.93 nonrefundable big game tag return processing fee specified in Section 702.

The purpose of the proposed regulation is to authorize the Department to consider reinstatement of preference points and award one preference point for the license year for certain deer tags and to refund tag fees, reinstate preference points, and award one preference point for the license year for bighorn sheep, pronghorn antelope, and elk hunts whose hunt zones are inaccessible for sixty-six percent (66%) or more of the season as a result of public land closures. Considering that public lands access restrictions have changed during the preparation of these regulatory documents (fall 2021), this regulation aims to function retroactively, whereby written requests for point reinstatements (and refunds, if applicable) would need to be postmarked before May 1, 2022 for consideration. The regulation would act prospectively for the 2022 license year and beyond, and require postmark before February 28 of that license year.

The proposal would affect hunters who were drawn for the following deer, bighorn sheep,

pronghorn antelope, and elk hunts:

**DEER**

- Those deer zones defined in Title 14, Section 708.1 and described as Premium Deer Hunt Tags
    - The approximate number of premium deer hunt tags eligible for points re-instatement (as of September 16, 2021): **15,037** across 14 archery zones and 6 general zones

**BIGHORN SHEEP**

- Those zones defined in Title 14, Section 362
    - The approximate number of bighorn sheep hunt tags affected (as of September 16, 2021): **0.** No sheep hunts are affected by known public land closures and thus the proposed regulation.

**PRONGHORN ANTELOPE**

- Those zones defined in Title 14, section 363
    - The approximate number of pronghorn antelope hunt tags affected (as of September 16, 2021): **106**

**ELK**

- Those zones defined in Title 14, Section 364
    - The approximate number of elk hunt tags affected (as of September 16, 2021): **113** across 7 general zones, 1 archery zone, and 2 apprentice zones

Benefits of the regulations

The proposed regulation will authorize the Department to reinstate preference points and award one additional preference point for the license year for certain deer tags, and reinstate preference points, award one additional preference point for the license year, and issue tag fee refunds to hunters who lost elk, bighorn sheep, and pronghorn antelope hunting opportunities due public land closures.

Non-monetary benefits to the public

The Commission expects this proposal will provide non-monetary benefits to the public by promoting fairness in the allocation of public hunting opportunities because hunters who lost deer, elk, bighorn sheep, and pronghorn antelope hunting opportunities will have the ability to have their preference points reinstated, earn a preference point for the license year, and have another chance to obtain a deer, elk, bighorn sheep, or a pronghorn antelope tag in the future. The Commission does not anticipate non-monetary benefits to the public through the protection of public health and safety, worker safety, the prevention of discrimination, the promotion social equity and the increase in openness and transparency in business and government.

Consistency and compatibility with existing state regulations

The Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate deer, elk, bighorn sheep, and pronghorn antelope hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer, elk, bighorn sheep, and pronghorn antelope tag allocations are consistent with Title 14.

Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

**Proposed Regulatory Language**

**§ 708.14. Big Game License Tag Drawing System.**

. . . [No changes to subsections (a) through (i)] . . .

(j) Any applicant who was drawn for the applicant's first deer tag choice in the big game drawing (becoming a tag holder) and ~~can not~~ cannot hunt for any reason may return their unfilled tag and submit a written request to retain ~~the~~their accumulated preference point total and earn one preference point for deer for that license year. ~~Applicants shall return the tag to the department's License and Revenue Branch before the season starts for which the tag is valid for the department to consider the request.~~ If the request is granted, the ~~applicant~~ tag holder shall retain the preference point total the ~~applicant~~ tag holder accumulated prior to the big game drawing and earn one preference point for deer for that license year. The department shall not refund the fees paid for a resident deer tag ~~application~~. ~~The department may refund the difference between the fee paid for a nonresident deer tag application and a resident deer tag application for any nonresident.~~ To be eligible for preference point reinstatement, tag holders must meet one of the criteria below:

(1) Before a season starts. The tag holder must return the unfilled tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244−2090, postmarked prior to the earliest date the tag is valid for hunting. For tags that are valid for both an archery season, and a general season pursuant to sections 360 and 361 of these regulations, the written request must be postmarked prior to the opening date of the earliest season. The department may refund the difference between the fee paid for a nonresident deer tag and a resident deer tag for any nonresident.

(2) After a season starts.

(A) For the 2021 hunting license year, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of a hunt season (pursuant to sections 360 and 361 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement. For tags that are valid for both an archery season and a general season, only the general season shall be considered for the calculation of the percentage of hunt season lost. The tag holder must return their unfilled deer tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244−2090, postmarked prior to May 1, 2022. Requests postmarked on or after May 1, 2022 shall not be considered.

(B) Commencing with the 2022 hunting license year beginning July 1, 2022, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of a hunt season (pursuant to sections 360 and 361 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for

preference point reinstatement. For tags that are valid for both an archery season and a general season, only the general season shall be considered for the calculation of the percentage of hunt season lost. The tag holder must return their unfilled deer tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244−2090, postmarked on or prior to February 28 of the current license year. Requests postmarked after this date shall not be considered.

(k) Any applicant who was awarded an elk, antelope, or ~~big horn~~ bighorn sheep tag in the big game drawing (becoming a tag holder) and ~~can not~~ cannot hunt for any reason may return their unfilled tag and submit a written request to retain ~~the~~their accumulated preference point total, earn one preference point for elk, antelope or ~~big horn~~bighorn sheep for that license year, and seek refund of the tag fee. ~~Applicants shall return the tag to the department's License and Revenue Branch before the season starts for which the tag is valid for the department to consider the request.~~ The ~~applicant~~ tag holder shall ~~submit~~pay the nonrefundable processing fee specified in Section 702 with the request. If the request is granted, the ~~applicant~~ tag holder shall retain the preference point total the ~~applicant~~ tag holder accumulated prior to the big game drawing and earn one preference point for elk, antelope or ~~big horn~~ bighorn sheep. The department may refund the tag fee. To be eligible for preference point reinstatement and/or tag refund, tag holders must meet one of the criteria below:

(1) Before a season starts. The tag holder must return the unfilled tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244−2090, postmarked prior to the opening date of the season for which the tag is valid.

(2) After a season starts.

(A) For the 2021 hunting license year, a tag holder whose hunt area was inaccessible for sixty-six percent (66%) or more of the hunt season (pursuant to sections 362, 363 and 364 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement and/or tag refund. The tag holder must return their unfilled deer tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244−2090, postmarked prior to May 1, 2022. Requests postmarked on or after May 1, 2022 shall not be considered.

(B) Commencing with the 2022 hunting license year beginning July 1, 2022, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of the hunt season (pursuant to sections 362, 363, and 364 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement and/or tag refund. The tag holder must return their unfilled tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244−2090, postmarked on or prior to February 28

of the current license year. Requests postmarked after this date shall not be considered.

NOTE: Authority cited: Sections 200, 203, 219, 265, 270, 275, 331, 332, 1050, 1572, 4302 and 10502, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4902, 10500 and 10502, Fish and Game Code.

# Preliminary Results from the *Conservation Standards* Work in the Bullfrog and Non-Native Turtle Stakeholder Engagement Process

***January 7, 2022***

Since 2018, California Fish and Game Commission (Commission) staff has led a stakeholder engagement process with three stakeholder groups to identify potential regulatory and statutory changes, funding mechanisms, and strategies for existing wild populations of American bullfrogs and non-native turtles to reduce their impacts on California's native wildlife.

In Dec 2018, the Commission referred to its Wildlife Resources Committee a stakeholder engagement plan, to track progress in implementation. The plan involves three independent groups developing situation analyses and strategies for addressing the threats, challenges, and opportunities posed by bullfrogs and non-native turtles and their impacts on native wildlife. The fourth group identified in the plan is the California State Legislature, which will be engaged in the process upon completion of the situation analyses and strategies.

For the situation analyses and strategies work, independent groups were formed, composed of representatives from three different spheres of California society that have a vested interest in bullfrog and non-native turtle concerns. The first group was composed of representatives from local, state, and federal government agencies, the second from environmental and animal welfare groups, and the third from various commercial sector and industry groups. The groups met separately and worked on the same task (in parallel) to analyze: (1) threats to California's environment posed by bullfrogs and non-native turtles, (2) benefits and cultural values of bullfrogs and turtles in California's communities and other intersections with human well-being values, (3) knowledge gaps in our understanding of the relevant systems and operative biological processes, and (4) opportunities for progress in addressing the issues posed by invasive bullfrogs and non-native turtles in California's environment. After completing their individual analyses, each group had an initial opportunity for cross-dialogue, to clarify and discuss the approaches taken by the other groups.

## Group Analyses

The three groups used a flexible, comprehensive process called *Open Standards for the Practice of Conservation* (see https://conservationstandards.org/about/ for more information) to guide their analyses. This document presents a preliminary compilation of the results of that process for all three groups, embodied in:

- a conceptual diagram which lays out conservation targets that experience some level of risk, the extant threats to those targets, and various strategies that may be implemented to address those threats;
- a ranking of proximate threats performed by the agencies group, with grids that outline how those assessments were developed;
- "results chains" for all strategies that enumerate the stepwise, logical process by which those strategies may be expected to work; and
- notes that expand, clarify, and/or qualify certain elements of each assessment.

The main diagrams map the connections between various strategies, the threats they address, and conservation and human well-being targets they could be expected to affect. The results chains

illustrate the explicit mechanisms by which each strategy may be expected to influence the conservation threats and other factors, and to help confirm that strategies realistically can be implemented.

**Important Remarks**

- The terms “environmental” and “animal welfare” are intended to connote broad types of certain stakeholder organizations, not attitudes or philosophies inherent to any organization. It should be recognized that governmental agencies and industry groups are also concerned with the welfare of animals and with protecting California’s environment.

- Inclusion of a particular strategy in a group’s analysis is not intended to indicate that the group favors or recommends it. Sometimes a particular strategy is intended as an alternative action, or perhaps simply to analyze the consequences of non-recommended strategies that may ultimately be implemented in the future. Indeed, certain strategies within a single analysis are mutually exclusive.

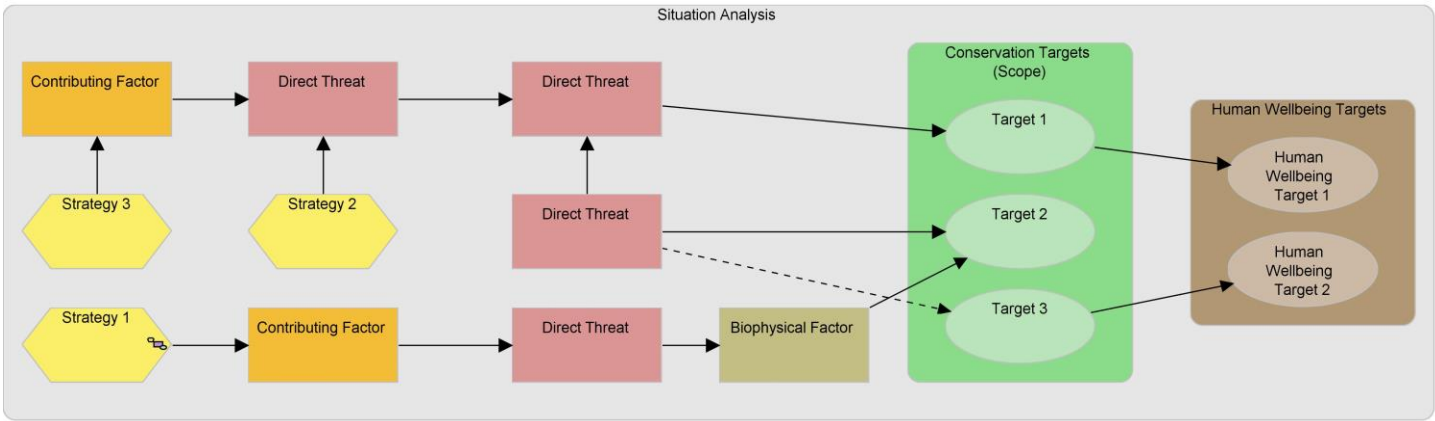
- While strategies that each group deemed generally infeasible were typically eliminated during the process of developing results chains, it should be recognized that some strategies may be more or less likely to succeed, and the actual efficacy of a particular strategy may be low or unclear.

- The diagrams are not intended to depict every single factor at play, nor every relationship between those factors; rather, they are intended to highlight the most significant and meaningful associations that are relevant to understanding and achieving the vision enumerated by each group.

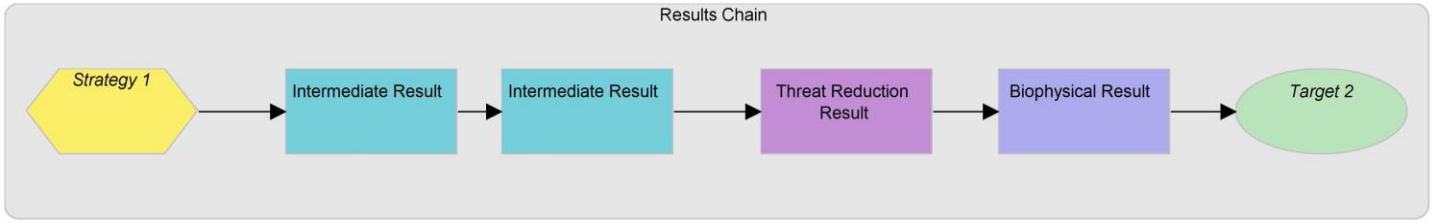
## Guide to Symbols and Diagrams

| |
|---|
| Results Chain |
| Target |
| Human Wellbeing Target |
| Direct Threat |
| Contributing Factor |
| Intermediate Result |
| Threat Reduction Result |
| Strategy |
| Text Box |
| Group Box |
| Causal Linkage |
| Uncertain Link |

## Situation Analysis Diagram




## Results Chain Diagram



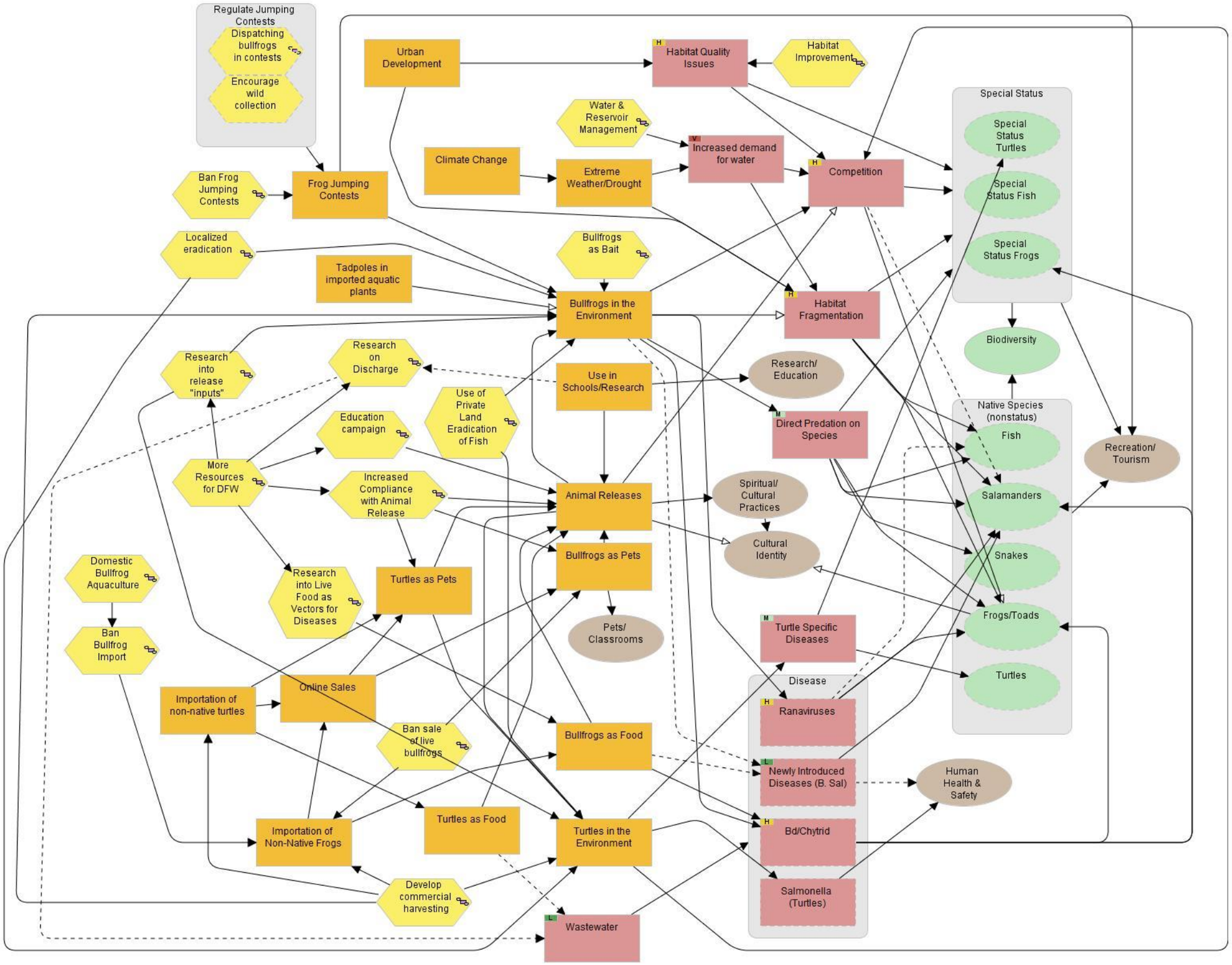

*Note: During their assessments, the groups did not elect to use "biophysical factors" in the situation analysis diagrams or "biophysical results" in the results chain diagrams.*

## Agency Group Analysis

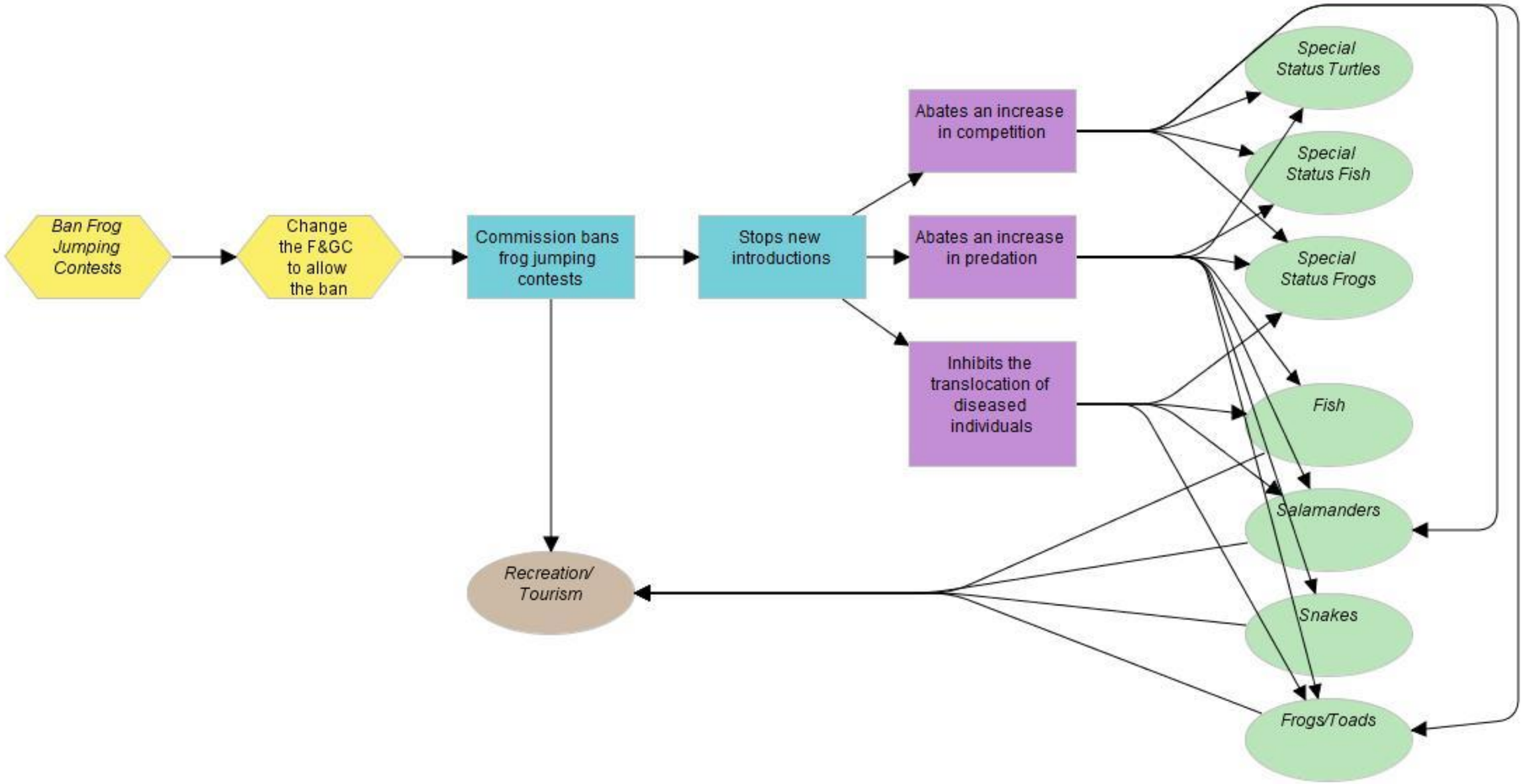
### *Scope and Vision*

| | |
|---|---|
| Scope/Site Name | Bullfrogs and non-native turtles in California |
| Vision Statement Text | To minimize the impacts to native species from bullfrog presence in California by managing, reducing, containing, controlling, regulating, and eventually eradicating them. Organizations should be provided the tools to limit populations and introductions. |
| Comments | There is a question as to whether or not eradication is feasible. |

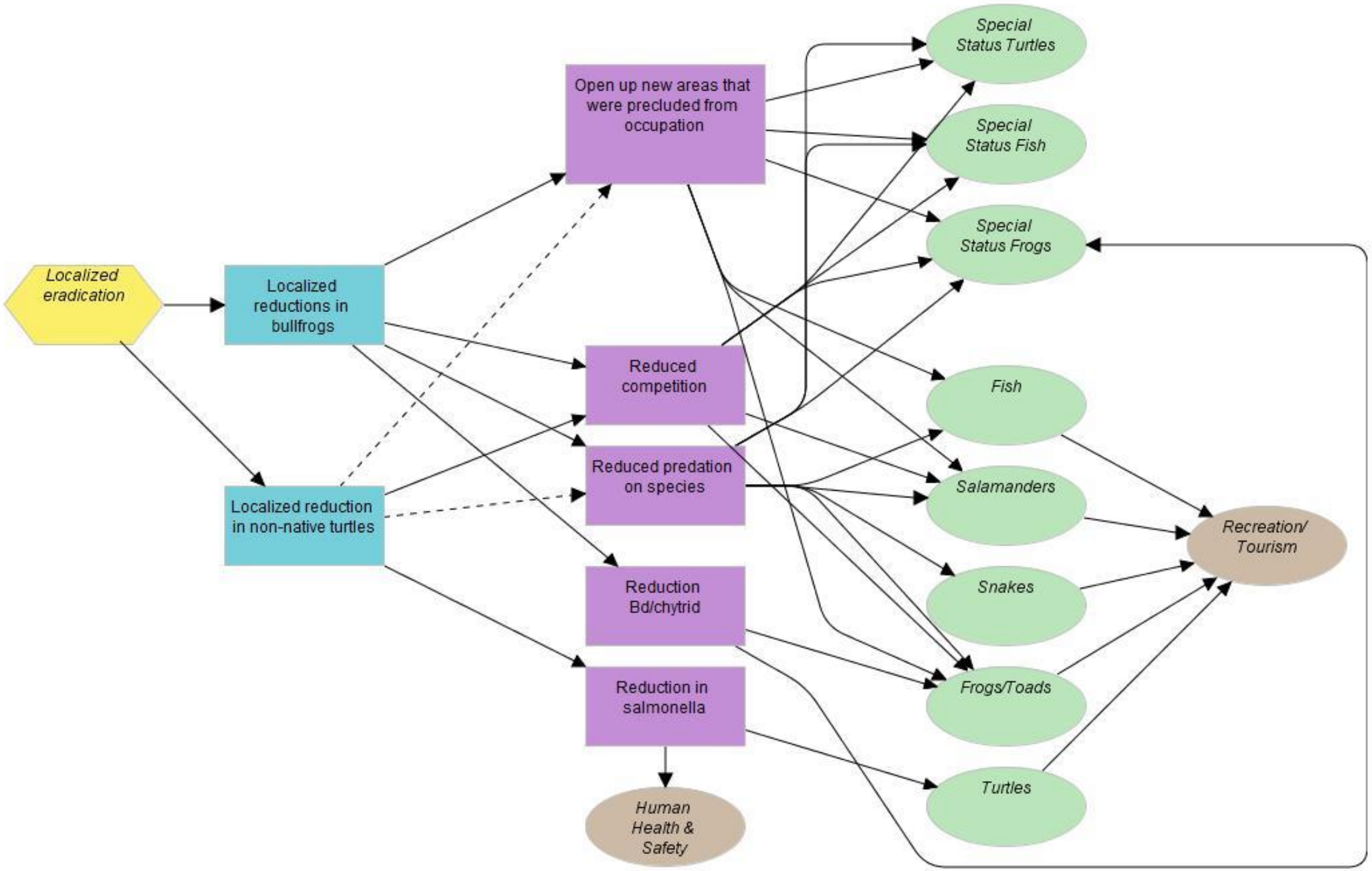
***Main Diagram***



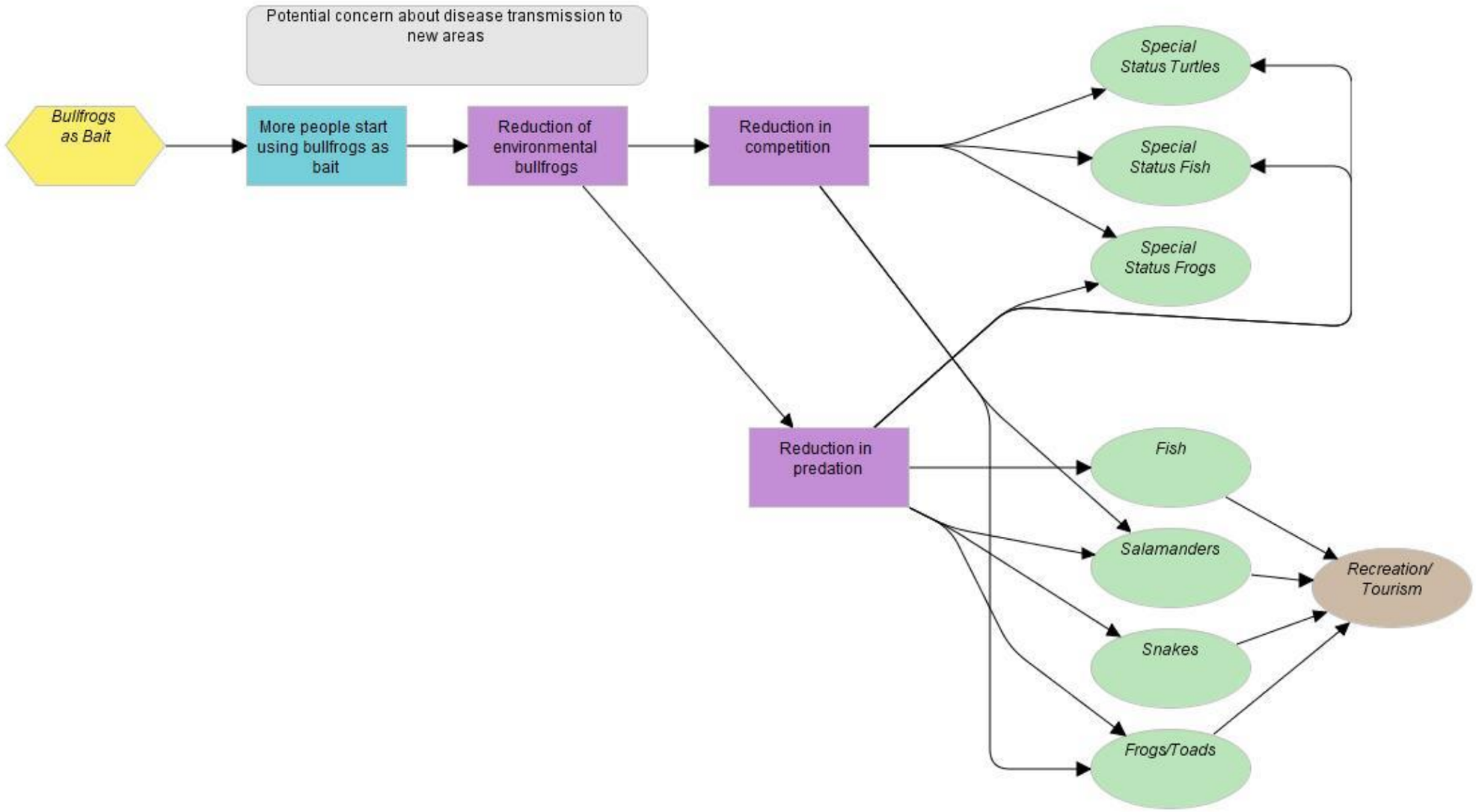
***Results Chain: Ban frog jumping contests***



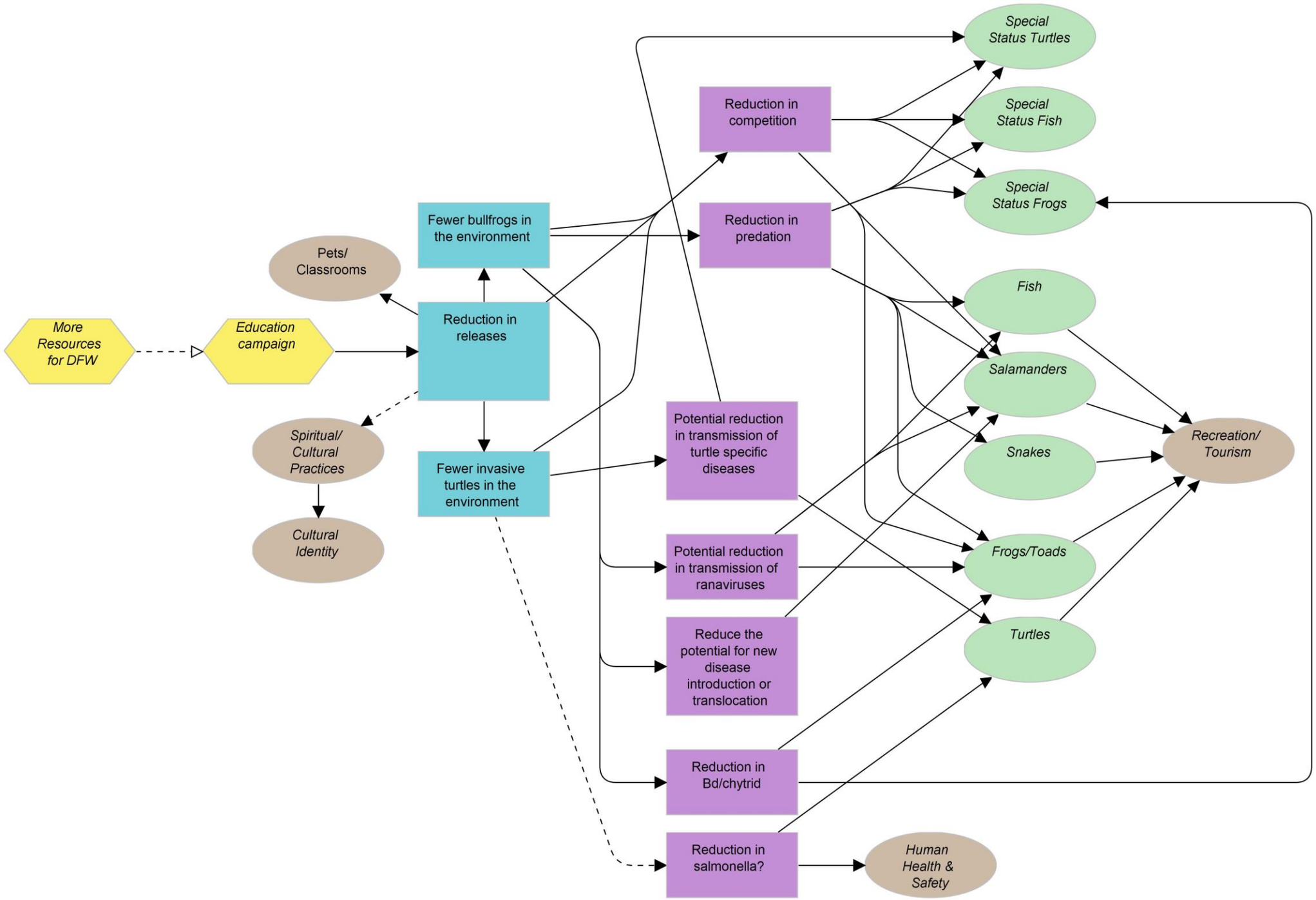
***Results Chain: Localized eradication***



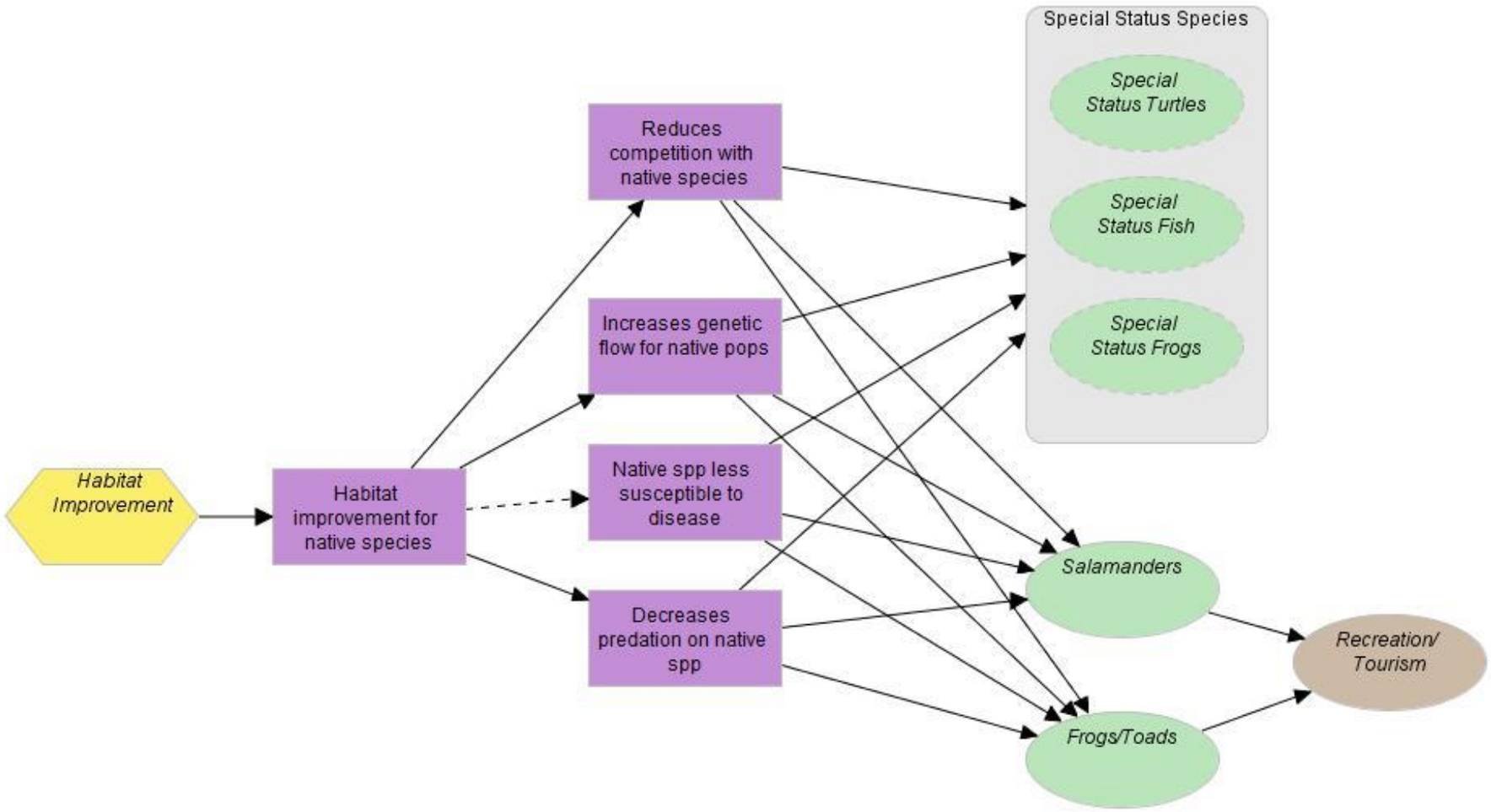
***Results Chain: Bullfrogs as bait***



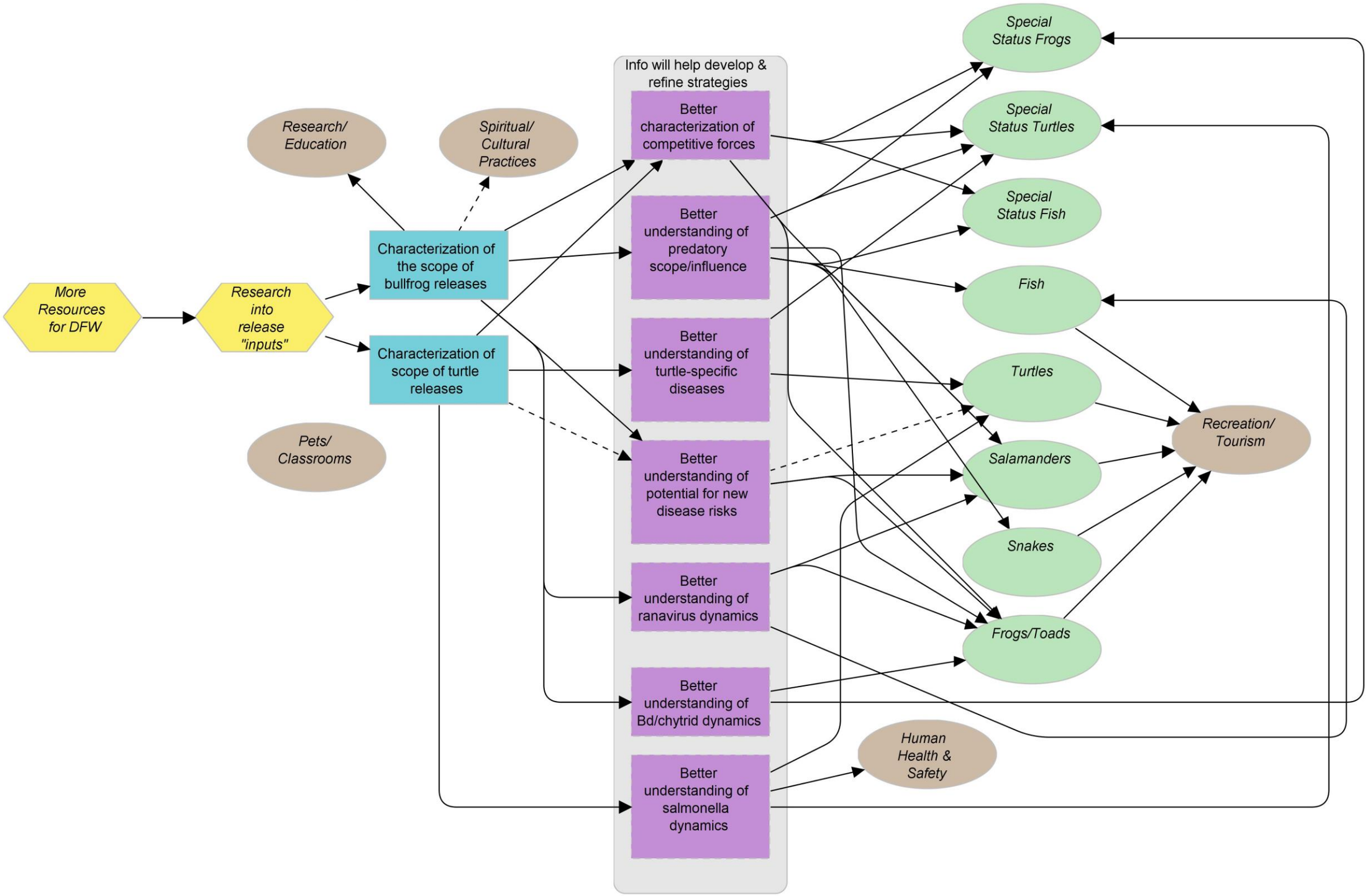
***Results Chain: Education campaign***



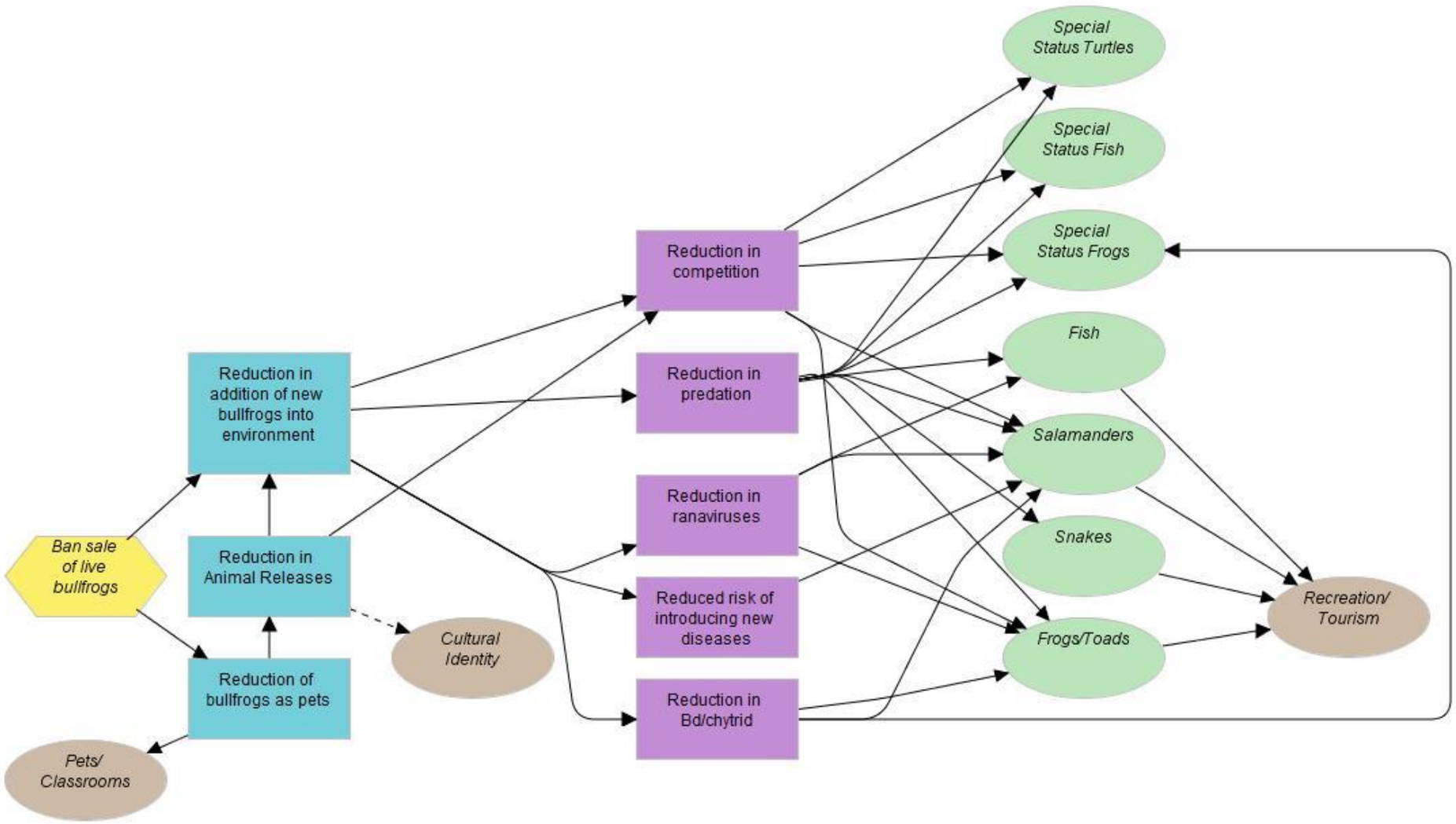
***Results Chain: Habitat improvement***



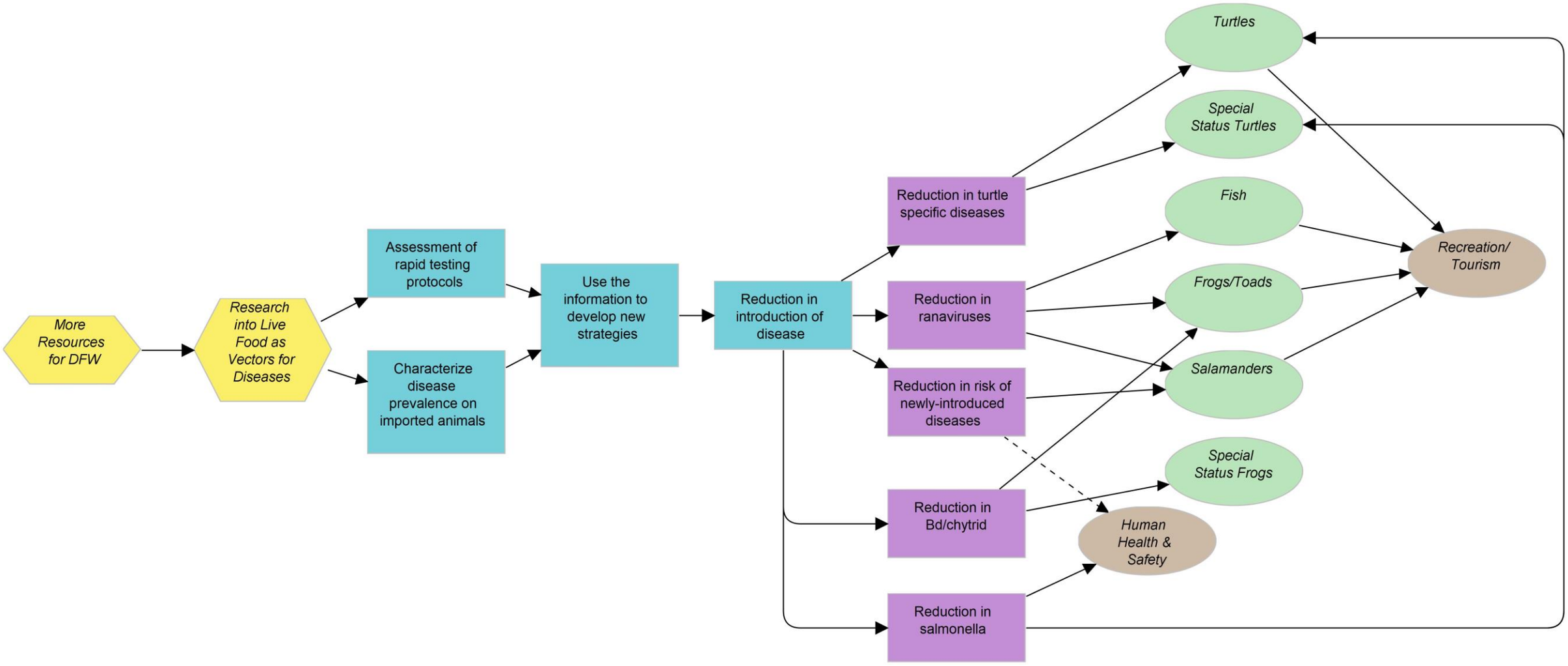
***Results Chain: Research into release "inputs"***



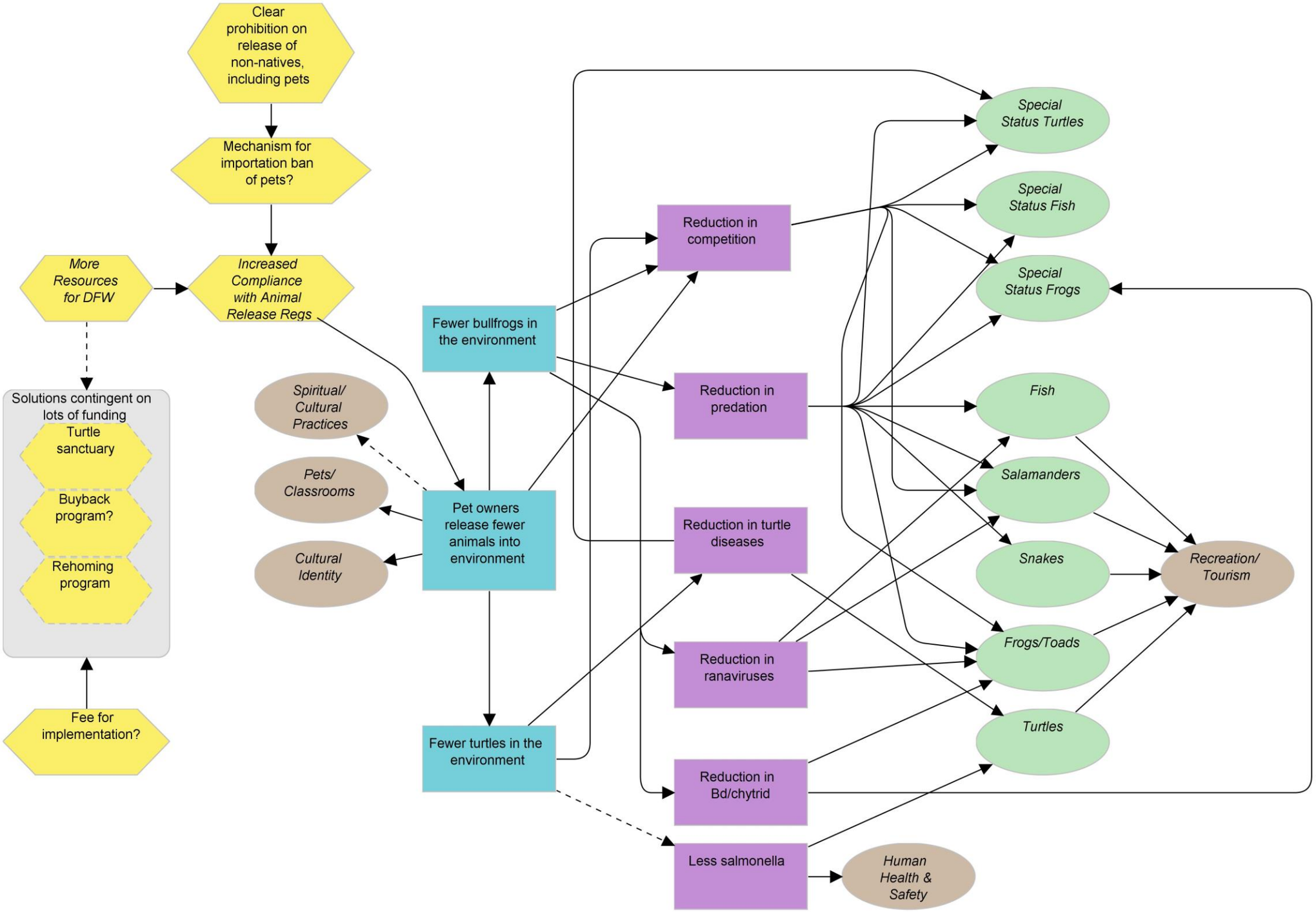
***Results Chain: Ban sale of live bullfrogs***



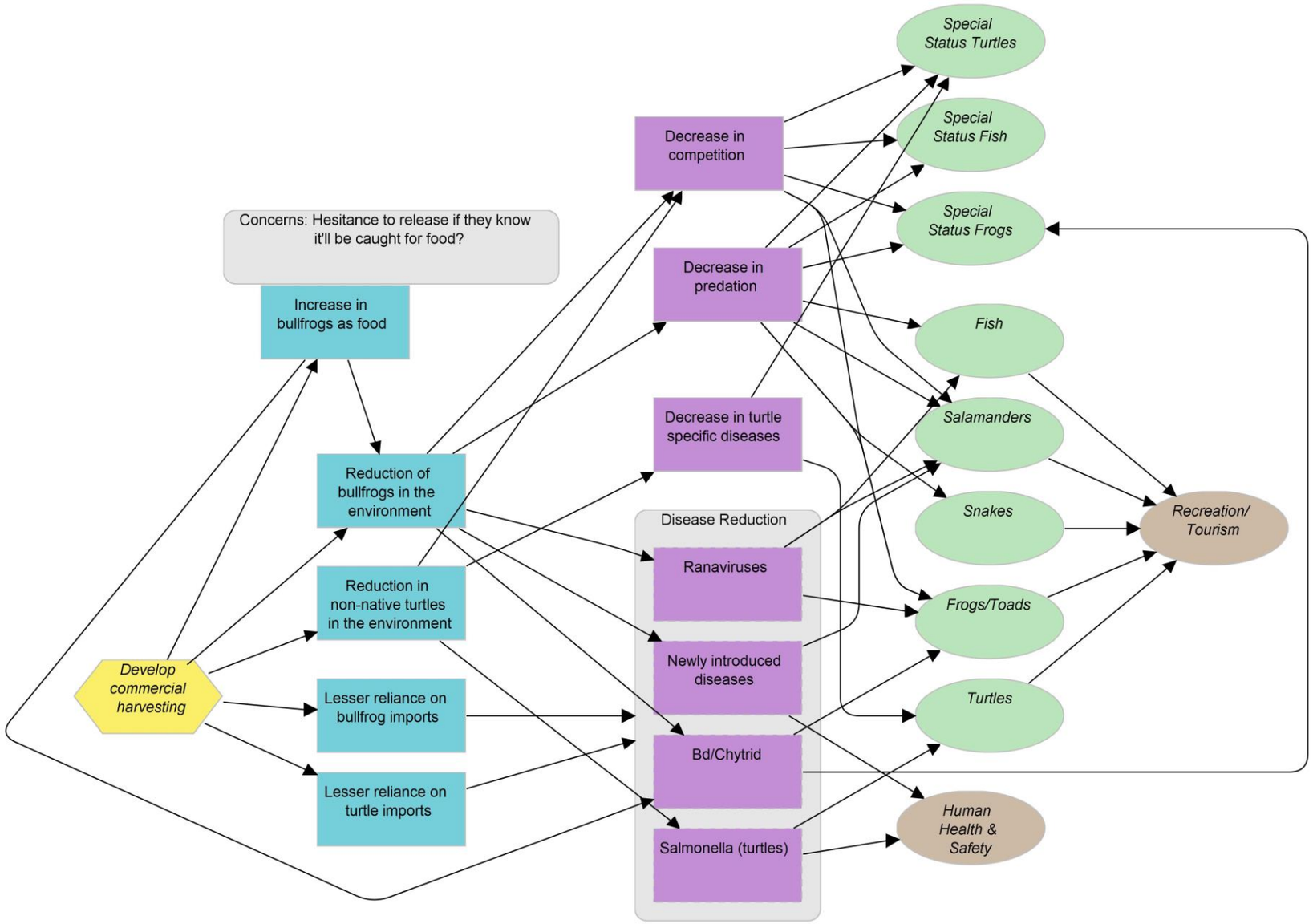
***Results Chain: Research into live food as vectors for diseases***



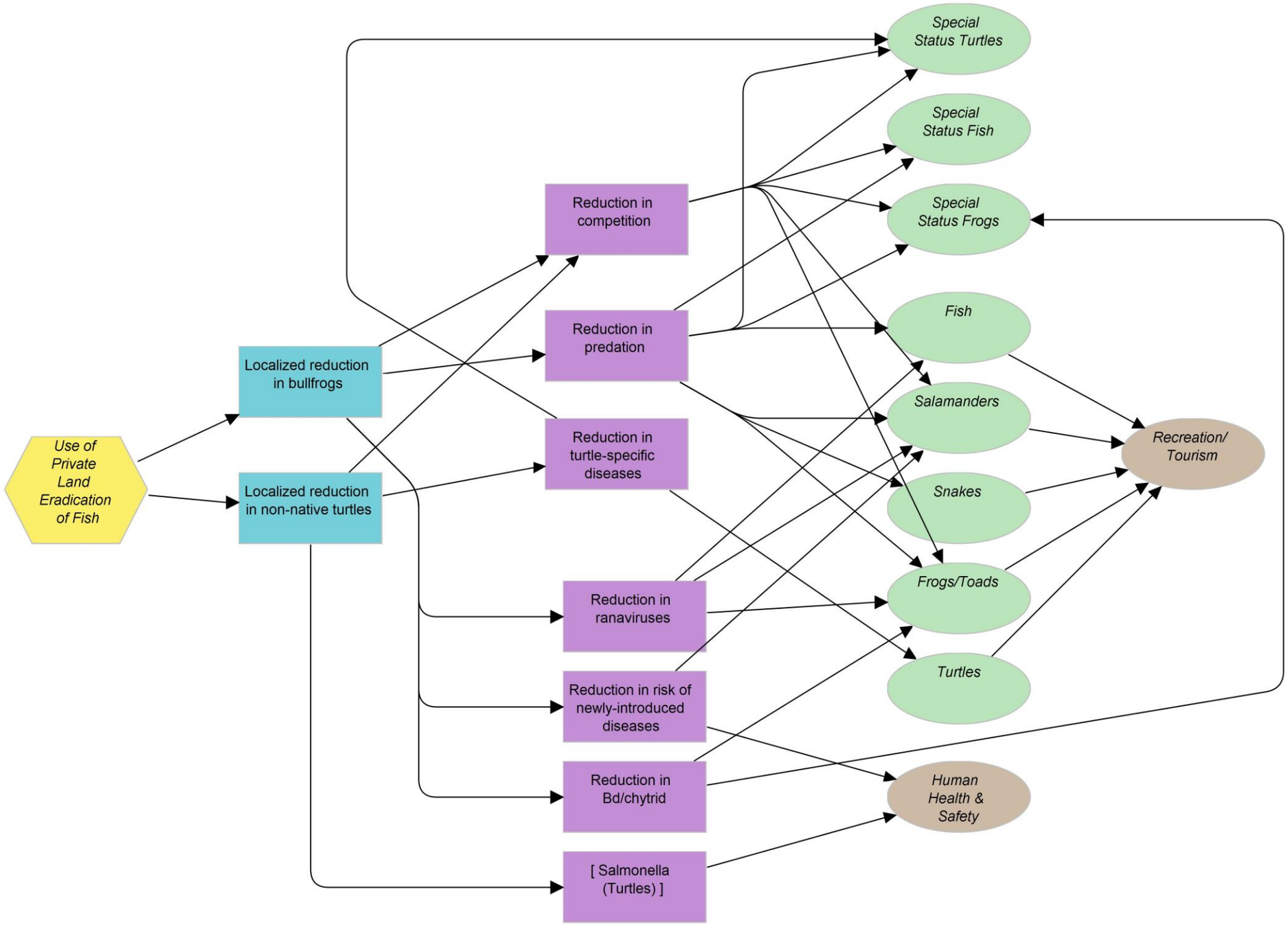
***Results Chain: Increased compliance with animal release regulations***



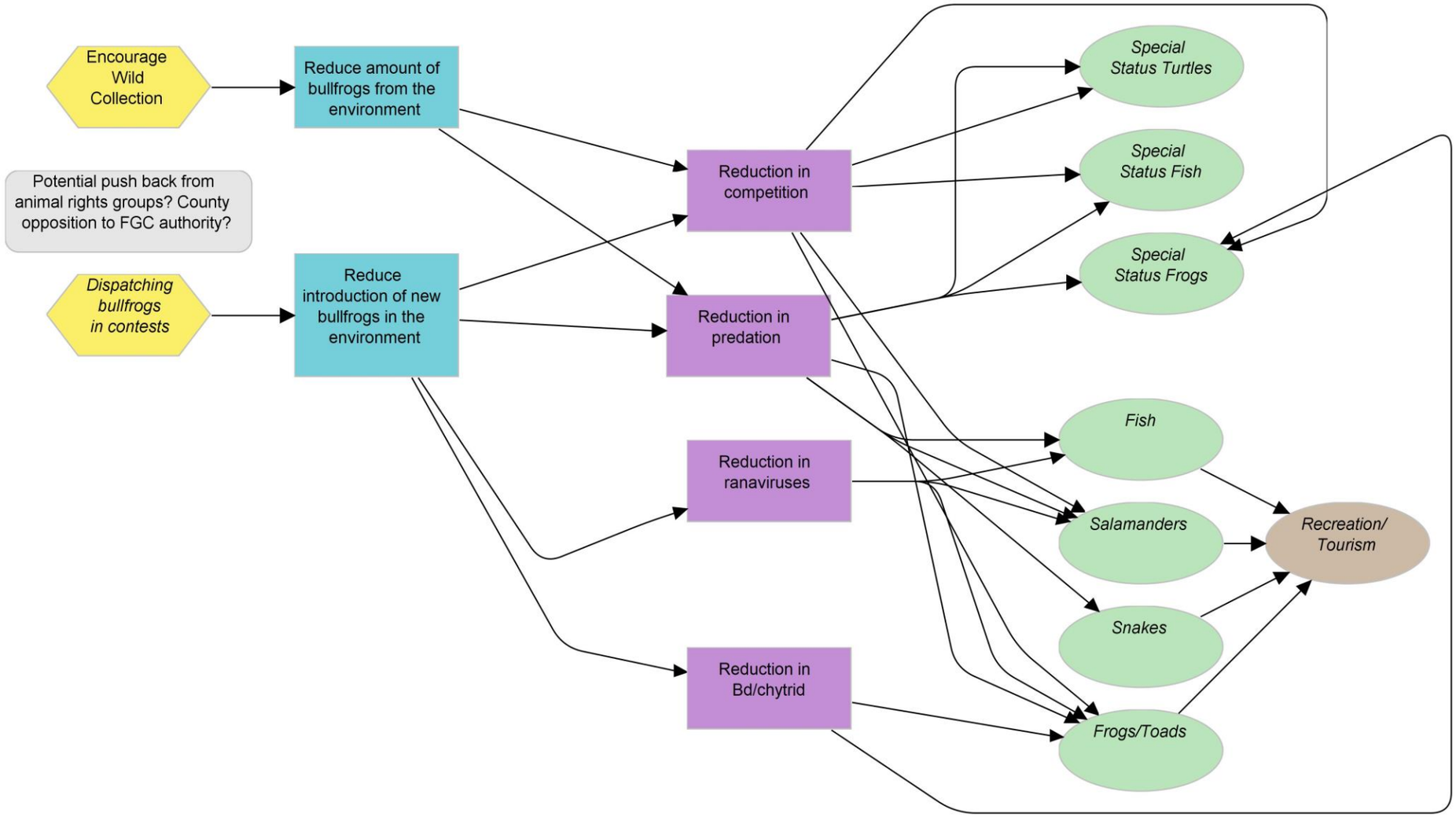
***Results Chain: Develop commercial harvesting***



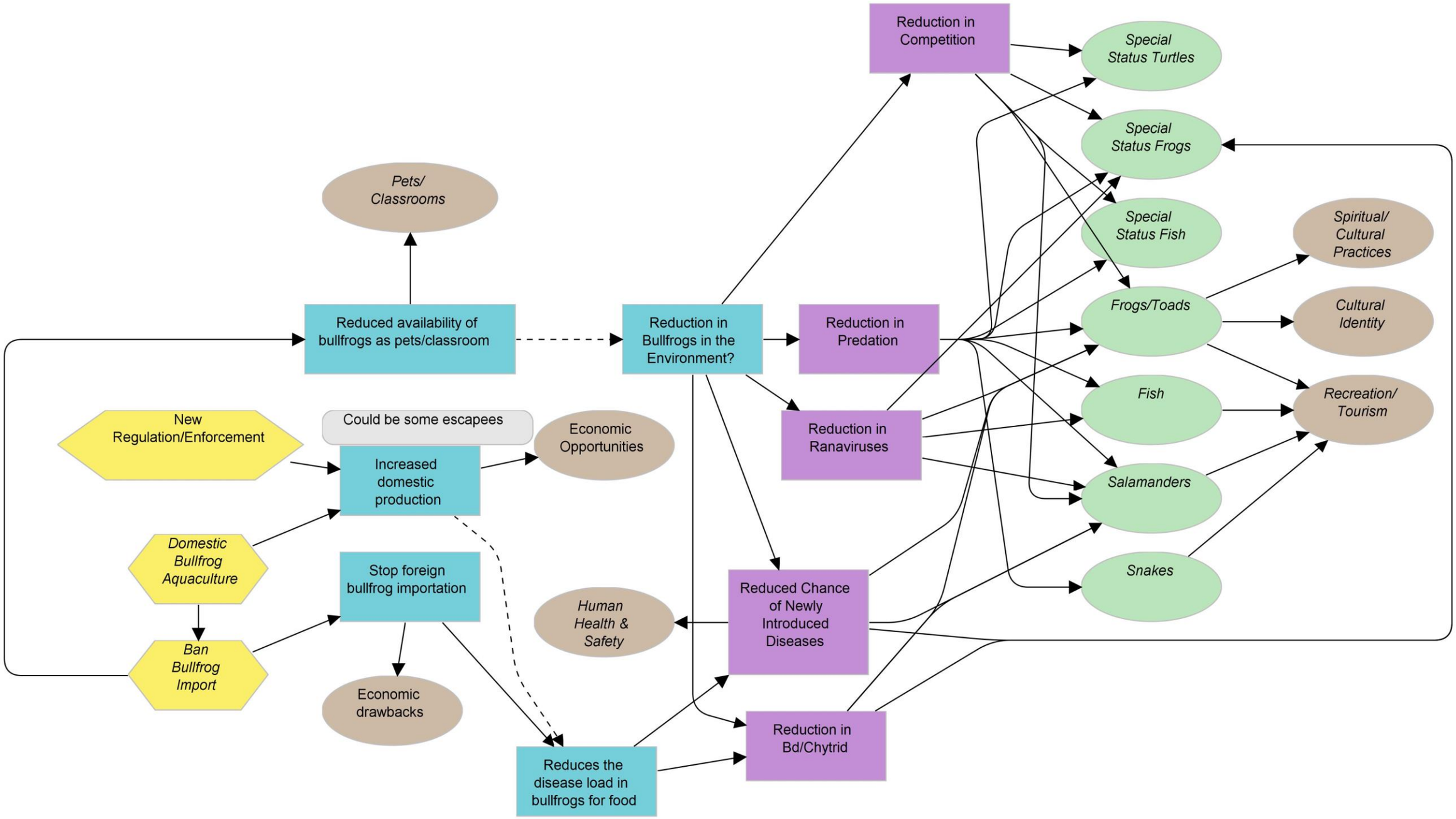
***Results Chain: Use of private land eradication of fish***



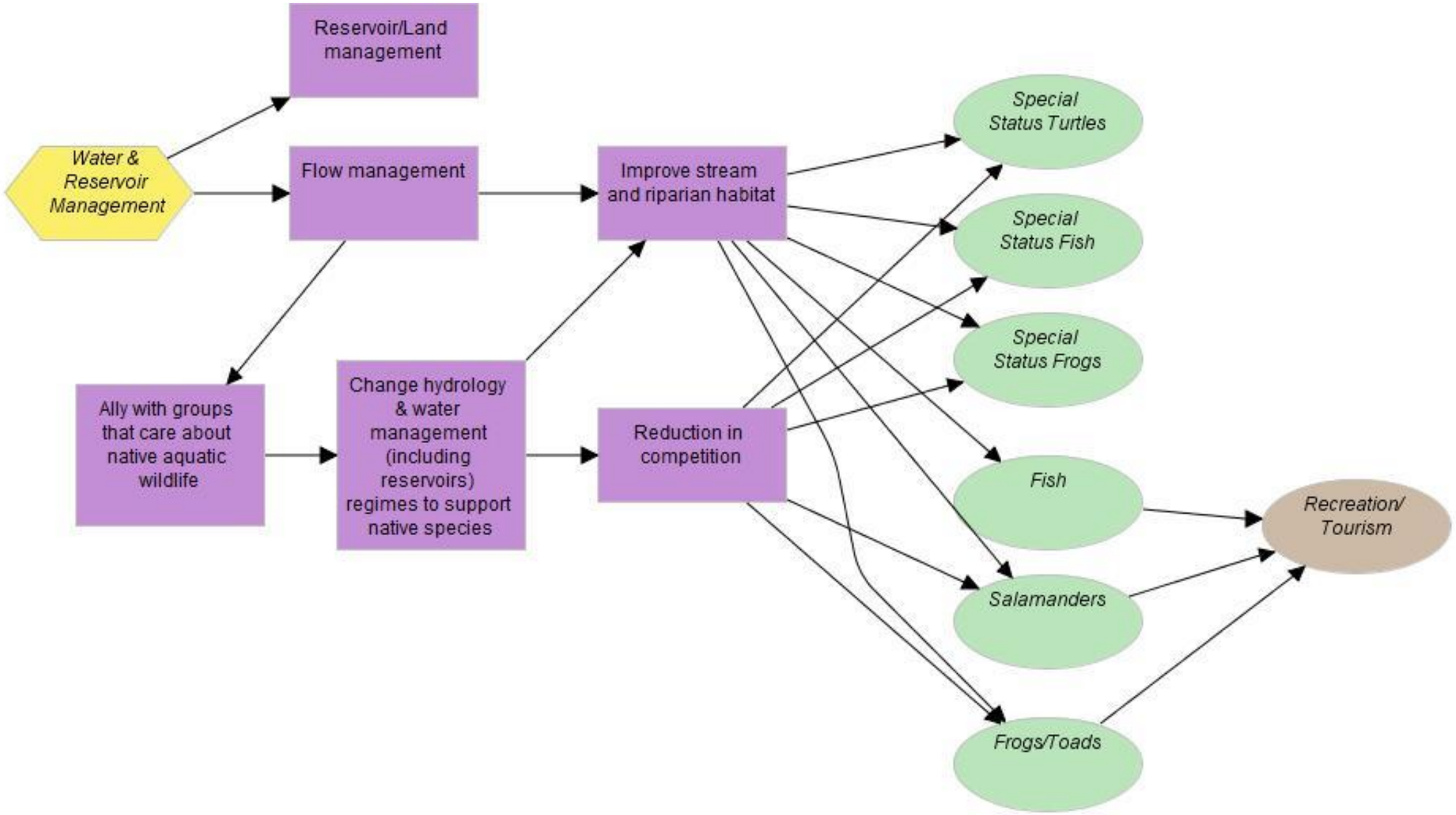
***Results Chain: Jumping contest reforms***



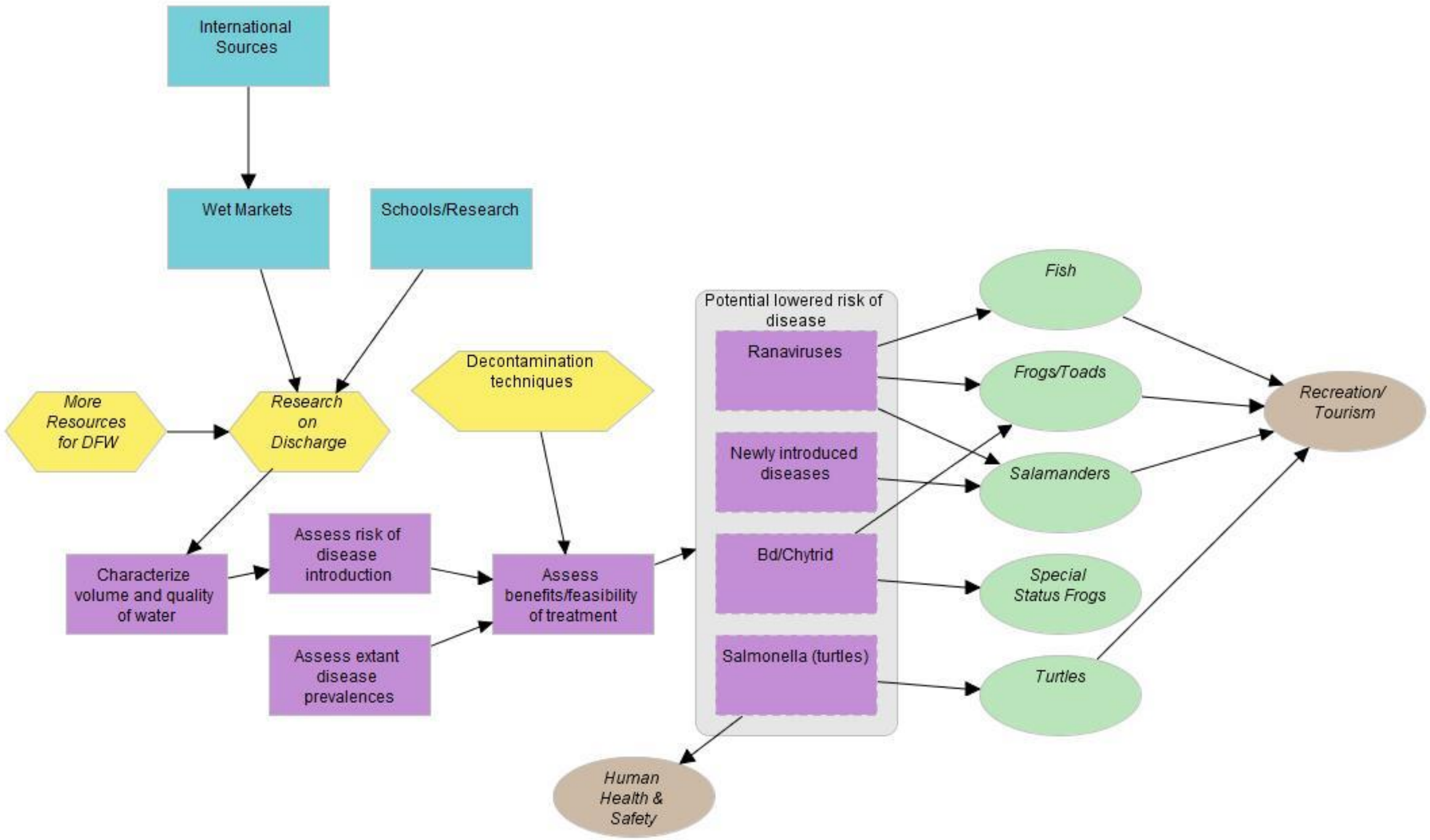
***Results Chain: Ban bullfrog import***



***Results Chain: Water and reservoir management***



***Results Chain: Research on wastewater discharge***



***Agencies Notes***

| | |
|---|---|
| Ban bullfrog import | • Ban from anywhere outside California<br>• Novel pathogens may not be detectable, even from other states<br>• Other states may receive international imports |
| Domestic bullfrog aquaculture | • Probably unlikely to catch on unless an import ban is implemented<br>• Growers aren't pushing for import ban |
| Ban sale of live bullfrogs | • Possession would still be allowed<br>• Potentially ban of tadpoles and other avenues, not just live market<br>• Goal: Reduce the introduction of new bullfrogs in the environment<br>• Dead individuals/parts would be allowed<br>• Potential conflict with commercial harvest?<br>• Would likely need a specific carve out for frog jumping contests<br>• Potential switching to other species in the live markets<br>• Potential impacts to markets? |
| Bullfrogs as bait | • Encourage wild catch of bullfrogs and use them as bait<br>• Don't encourage a market of importation for bait<br>• Potentially ban sale of bullfrogs for bait but allow personal use |
| Develop commercial harvesting | • Economics & business model have to work out as a prerequisite<br>• Access to property also necessary<br>• Nexus with aquaculture? Creation of a permitting structure? Size limits to ensure accurate identification? Geographic or take limitations?<br>• See Title 14 226.7 -- bullfrogs would need to be added. T14 651, 658, 41.7; Also see Fish & Game Code 6850-6855CDFA regs -- ok to give pets to commercial harvesters for food? Possible way to reduce releases<br>• Permitting of harvesters?<br>• VERY CONTEXTUAL -- HIGHLY DEPENDENT ON OVERALL STRATEGIES DEPLOYED |
| Education campaign | • Audience: live markets, pet owners, educational facilities, religious purposes, aquaculture facilities<br>• Don't release animals into the environment<br>• Collection event -- "Free 2 hour boat rental to whoever collects the most"<br>• Educate people about the availability of bullfrog harvest? R3? |
| Habitat improvement | • Creating base habitat conditions that favor native species and disfavor bullfrogs<br>• Water temperature (ex. colder water), running water, reestablish food webs, elimination of barriers |
| Increased compliance with animal release regs | • Illegal importation<br>• Should leave the market dead<br>• Release of wildlife<br>• Important role for local ordinances<br>• Probably mostly an education/outreach initiative, less an enforcement issue<br>• Signage, employee training at pet store |
| Mechanism for importation ban of pets? | • Require pet industry to PIT tag? |
| Turtle sanctuary | • For pet owners that don't want their pets anymore |
| Dispatching bullfrogs in contests | • Kill any bullfrogs that contestants don't want to keep (driven by animal rights groups)<br>• See F&GC Sec 6855 -- permit needed? |
| Encourage wild collection | • Turn the bullfrog competition into an amphibian conservation event |
| Commission authority to regulate contests | • Fish and Game Code addition |
| Jumping contests | • Dispatching of frogs<br>• Encouraging wild collection<br>• Working with permit holders? Outreach to event holders? |
| Research into release "inputs" | • What is the release rate of animals from live markets? |

| | |
|---|---|
| | • How many pets are released into the wild?<br>• Are new influxes of diseased individuals additive to those already in the population? |
| Decontamination techniques | • Treatment with bleach/antifungal agent |
| Research on discharge | • Discharge: Any water that comes into contact with animals |
| Use of private land eradication of fish | • Turtles are not fish -- would need to be updated to include them<br>• Take methods might need to be reexamined: Add gigging<br>• Form: Fish & Game 5501 (T14 226.5, 226.7), form Fish & Game 793<br>• Also see Fish & Game Code 6850-6855; use 6855 as a general authority<br>• Doesn't necessarily have to be limited to private lands |
| Frog jumping contests | • Sourcing bullfrogs from biological supply houses? |
| Bullfrogs as pets | • Probably a negligible issue |
| Online sales | • Education loophole? |
| Importation of non-native frogs | • *Xenopus sp.* (African clawed frog), cane toads |
| Turtles in the environment | • Red-eared sliders, painted turtles, map turtles, snapping turtles (common and alligator), softshell turtles |
| Turtle specific diseases | • Western pond turtle, among others<br>Turtle shell diseases<br>Upper respiratory diseases |
| → Bullfrogs in the environment to habitat fragmentation | • Aquatic footprint contracts increases contact between bullfrogs & native spp. |
| → Animal releases to competition | • Religious releases are uncertain |
| → Competition to frogs/toads | • Foothill yellow-legged frog, mountain yellow-legged frog, etc. |
| → Animal releases to cultural identity | • Religious animal releases |
| Reduced availability of bullfrogs as pets/classroom | • This is minor |
| Stops new introductions | • Minimizes relocation of bullfrogs, preventing redistribution |
| Recreation/ Tourism | • Banning contests could have negative economic effects |
| Reduction of bullfrogs as pets | • Reduction of bullfrogs as pets -- self-collection from the wild is the only pathway (same as OR)<br>• Scientific collecting permit would be needed for classroom use: Title 14 Section 658. Commercial Take of Bullfrogs for sale to scientific or education institutions<br>• New permit for classrooms would likely take Code modification |
| Reduction in Animal Releases | • Live market escapees<br>• Classroom releases |
| Reduced risk of introducing new diseases | • High impact to this threat |
| More people start using bullfrogs as bait | • Effectiveness is dependent on the level of implementation/adoption<br>• Potential side benefit of awareness |
| Reduction in releases | • from live markets, pet owners, educational facilities, religious purposes, aquaculture facilities |
| Assessment of rapid testing protocols | • APHIS? |
| Reservoir/Land management | • Muni code prohibiting sale<br>• No bait, cooler inspections, signage |
| Flow management | • Interrupt the larval phase<br>• More natural hydrography downstream, create sedimentation and hydrology/hydrography conducive to native species<br>• Large scouring flow can recreate gravel bars, remove riparian vegetation, |

| | |
|---|---|
| | push bullfrog tadpoles away, increase complexity and decrease channelization, flow dehomogenization |

***Threat Rating Details***

Participants rated each threat-target pair as high, medium, or low in scope, severity, and irreversibility.

**Scope -** Most commonly defined spatially as the proportion of the target that can reasonably be expected to be affected by the threat within ten years given the continuation of current circumstances and trends. For ecosystems and ecological communities, measured as the proportion of the target's occurrence. For species, measured as the proportion of the target's population.

- **Very High:** The threat is likely to be pervasive in its scope, affecting the target across all or most (71-100%) of its occurrence/population.
- **High:** The threat is likely to be widespread in its scope, affecting the target across much (31-70%) of its occurrence/population.
- **Medium:** The threat is likely to be restricted in its scope, affecting the target across some (11-30%) of its occurrence/population.
- **Low:** The threat is likely to be very narrow in its scope, affecting the target across a small proportion (1-10%) of its occurrence/population.

**Severity -** Within the scope, the level of damage to the target from the threat that can reasonably be expected given the continuation of current circumstances and trends. For ecosystems and ecological communities, typically measured as the degree of destruction or degradation of the target within the scope. For species, usually measured as the degree of reduction of the target population within the scope.

- **Very High:** Within the scope, the threat is likely to destroy or eliminate the target, or reduce its population by 71-100% within ten years or three generations.
- **High:** Within the scope, the threat is likely to seriously degrade/reduce the target or reduce its population by 31-70% within ten years or three generations.
- **Medium:** Within the scope, the threat is likely to moderately degrade/reduce the target or reduce its population by 11-30% within ten years or three generations.
- **Low:** Within the scope, the threat is likely to only slightly degrade/reduce the target or reduce its population by 1-10% within ten years or three generations.

**Irreversibility (Permanence) -** The degree to which the effects of a threat can be reversed and the target affected by the threat restored.

- **Very High:** The effects of the threat cannot be reversed and it is very unlikely the target can be restored, and/or it would take more than 100 years to achieve this (e.g., wetlands converted to a shopping center).
- **High:** The effects of the threat can technically be reversed and the target restored, but it is not practically affordable and/or it would take 21-100 years to achieve this (e.g., wetland converted to agriculture).
- **Medium:** The effects of the threat can be reversed and the target restored with a reasonable commitment of resources and/or within 6-20 years (e.g., ditching and draining of wetland).
- **Low:** The effects of the threat are easily reversible and the target can be easily restored at a relatively low cost and/or within 0-5 years (e.g., off-road vehicles trespassing in wetland).

**Permanence** applies to the *effects of the threat* on the target, not the threat itself. In other words, it is not a measure of how difficult it is to stop the threat, but rather to undo the stress caused by the threat on the target. It is important to note that the use of the permanence rating as specified is largely in respect to prioritizing potential threats. If a threat is looming that will cause irreversible damage, then it makes sense to try to address that threat. However, if the threat has already occurred and the irreversible damage has already taken place, then it may not make sense to prioritize that threat for action.

***Threat Ratings***

| | Threats \ Targets | Special Status Frogs | Turtles | Fish | Salamanders | Biodiversity | Snakes | Frogs/Toads | Special Status Turtles | Special Status Fish | Summary Threat Rating |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Bd/Chytrid | High | | | Low | Not Specified | | High | | | High |
| | Competition | High | | | Medium | Not Specified | | High | Very High | Medium | High |
| | Direct Predation on Species | High | | Low | Medium | Not Specified | Low | Medium | Low | Low | Medium |
| | Habitat Fragmentation | High | | Low | Low | Not Specified | | Low | High | Medium | High |
| | Habitat Quality Issues | High | | | N/A | Not Specified | | Low | High | Very High | High |
| | Increased demand for water | Very High | | High | Low | Not Specified | | High | Very High | Very High | Very High |
| | Newly Introduced Diseases (B. Sal) | | | | Medium | Not Specified | | | | | Low |
| | Ranaviruses | | | Medium | Not Specified | Not Specified | | Very High | | | High |
| | Salmonella (Turtles) | | | | | | | | | | Not Specified |
| | Turtle Specific Diseases | | Medium | | | Not Specified | | | Medium | | Medium |
| | Wastewater | Not Specified | | Not Specified | Low | Not Specified | | Low | | | Low |
| Summary Target Ratings: | | Very High | Low | Medium | Medium | Not Specified | Low | Very High | Very High | Very High | Very High |

*Special Status Frogs*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Habitat Fragmentation | High | High | High | High | |
| Direct Predation on Species | High | Very High | High | High | |
| Habitat Quality Issues | High | High | High | High | |
| Competition | High | Very High | High | High | • Good habitat may help alleviate the severity |
| Bd/Chytrid | Very High | High | High | High | |
| Wastewater | Not Specified | Not Specified | Not Specified | Not Specified | |
| Increased demand for water | Very High | Very High | Very High | Very High | • Low flows & slower waters allow bullfrogs to flourish |

*Turtles*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Turtle Specific Diseases | Low | High | Very High | Medium | |

*Fish*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Habitat Fragmentation | Low | Medium | High | Low | • Could be some negative aspects to habitat connection, such as bullfrog expansion |
| Direct Predation on Species | Medium | Low | High | Low | • Questions about density, life stages, particular spp that bullfrogs are eating<br>• Sticklebacks |
| Wastewater | Not Specified | Not Specified | Not Specified | Not Specified | |
| Increased demand for water | High | High | High | High | |
| Ranaviruses | Low | Medium | Very High | Medium | • Particularly bullfrogs as a vector |

*Salamanders*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Habitat Fragmentation | Low | Low | High | Low | |
| Direct Predation on Species | Medium | Medium | High | Medium | • Mostly predation on larvae |
| Habitat Quality Issues | Not Specified | Not Specified | Not Specified | Not Specified | |
| Competition | Medium | Medium | High | Medium | • Primarily aquatic |

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| | | | | | • Baseline is already degraded severely, so incremental damages may be underestimated |
| Bd/Chytrid | Low | Medium | High | Low | |
| Newly Introduced Diseases (B. Sal) | Low | Low | Very High | Medium | • No documented cases in CA. US? High risk if introduced |
| Wastewater | Low | Low | Medium | Low | • Wastewater to environment - unknown, could be concentrated in some areas<br>• Main concern is dumping untreated water down direct to water<br>• Unknown effectiveness of water treatment on diseases |
| Increased demand for water | Low | Very High | High | Low | • Full years of incomplete breeding due to desiccation -- how much is due to water demand? |
| Ranaviruses | Low | Not Specified | Not Specified | Not Specified | |

*Snakes*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Direct Predation on Species | Low | Low | High | Low | |

*Frogs/Toads*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Habitat Fragmentation | Low | Medium | High | Low | |
| Direct Predation on Species | High | Medium | High | Medium | |
| Habitat Quality Issues | Low | Medium | High | Low | |
| Competition | High | Very High | High | High | |
| Bd/Chytrid | High | High | High | High | • Scope: Some pockets that may not have seen chytrid<br>• Severity: Depends on new introduction vs. old, some populations may not exist without intervention, treatable |
| Wastewater | Low | Low | Medium | Low | • Wastewater to environment - unknown, could be concentrated in some areas<br>• Main concern is dumping untreated water down direct to water<br>• Unknown effectiveness of water treatment on diseases |
| Increased demand for water | High | High | High | High | |
| Ranaviruses | High | High | Very High | Very High | • Unknown scope |

*Special Status Turtles*

| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Habitat Fragmentation | High | High | High | High | |
| Direct Predation on Species | Low | Low | Low | Low | • Bullfrogs only<br>• Questions about snapping turtles eating special status turtles |
| Habitat Quality Issues | High | High | High | High | |
| Competition | Very High | Very High | Medium | Very High | • Turtle-turtle competition is key |
| Turtle Specific Diseases | Low | High | Very High | Medium | |
| Increased demand for water | Very High | Very High | High | Very High | |

*Special Status Fish*

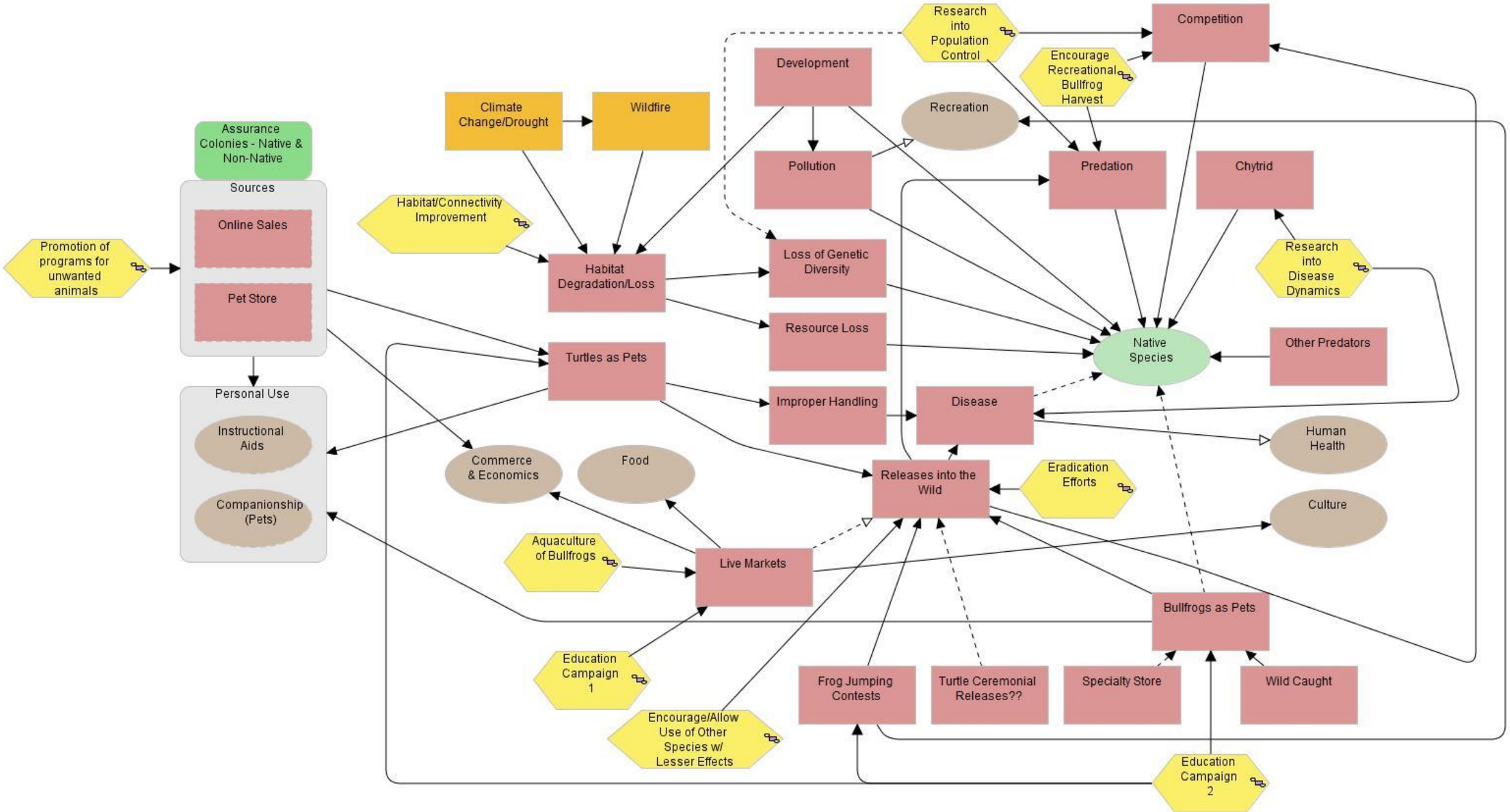
| Threat | Scope | Severity | Irreversibility | Summary Threat Rating | Comments |
|---|---|---|---|---|---|
| Habitat Fragmentation | Medium | High | High | Medium | |
| Direct Predation on Species | Low | Medium | High | Low | |
| Habitat Quality Issues | Very High | Very High | High | Very High | |
| Competition | Medium | Medium | High | Medium | |
| Increased demand for water | Very High | Very High | Very High | Very High | |

**Industry Group Analysis**

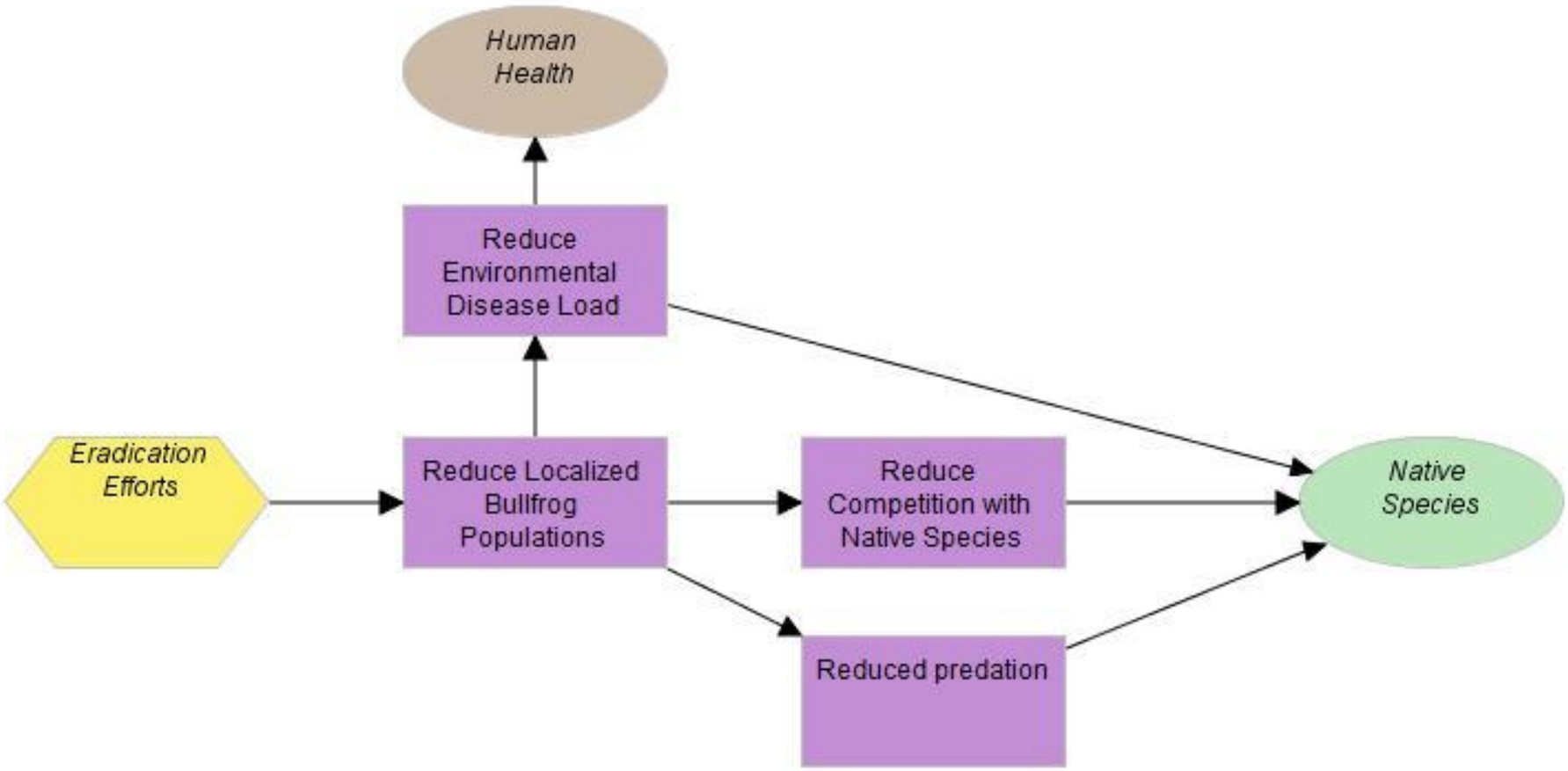
***Scope and Vision***

| | |
|---|---|
| Scope/Site Name | California |
| Vision Statement Text | Our vision of California is one where conservation of native species coexists with access to culturally valuable animals for traditional foods, educational research, and companions, while promoting economic opportunity, recreation, consumer education, feasible management, and effective enforcement concerning harm to other species. |
| Comments | |

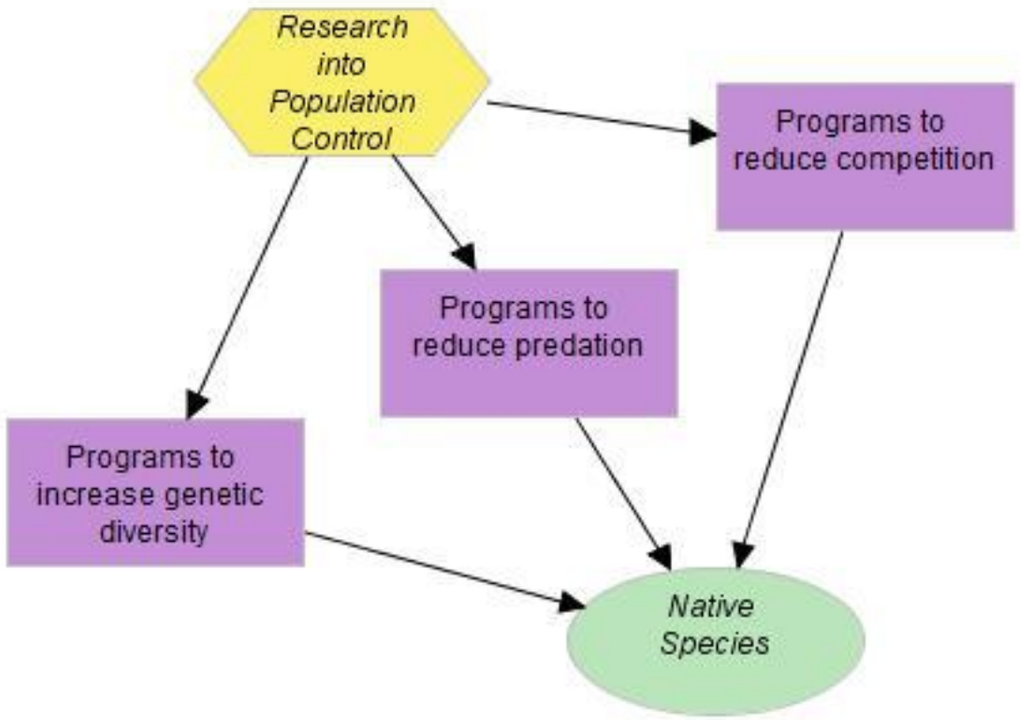
***Main Diagram***



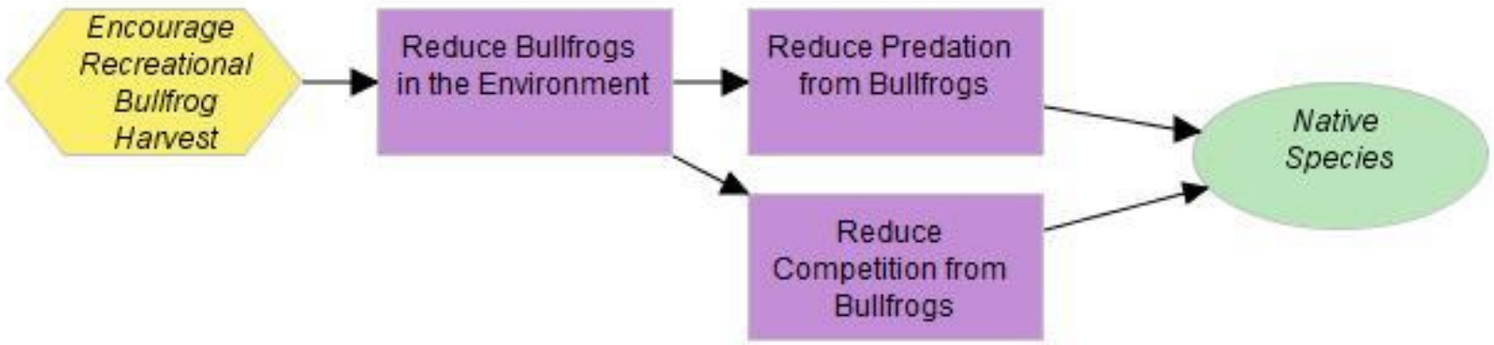
***Results Chain: Eradication efforts***



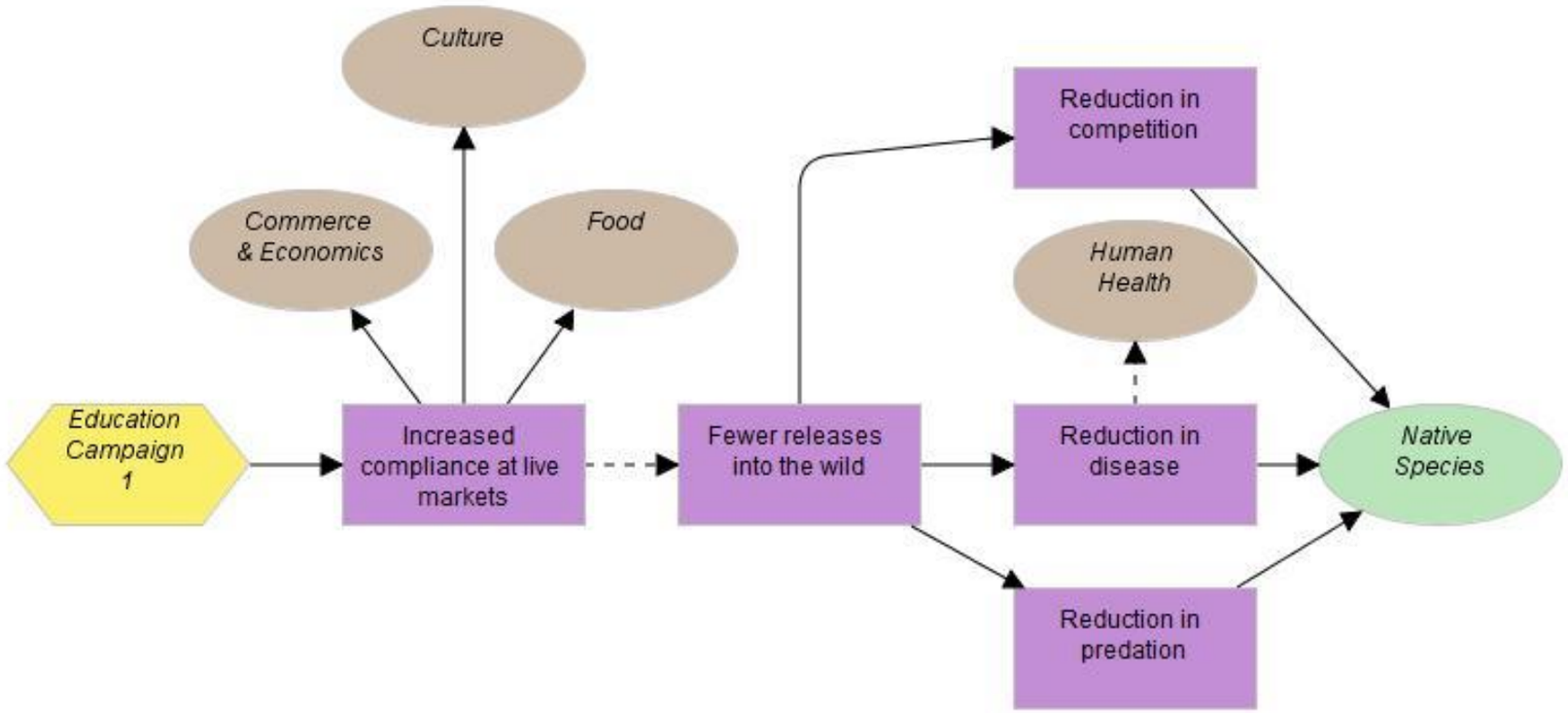
***Results Chain: Research into population control techniques***



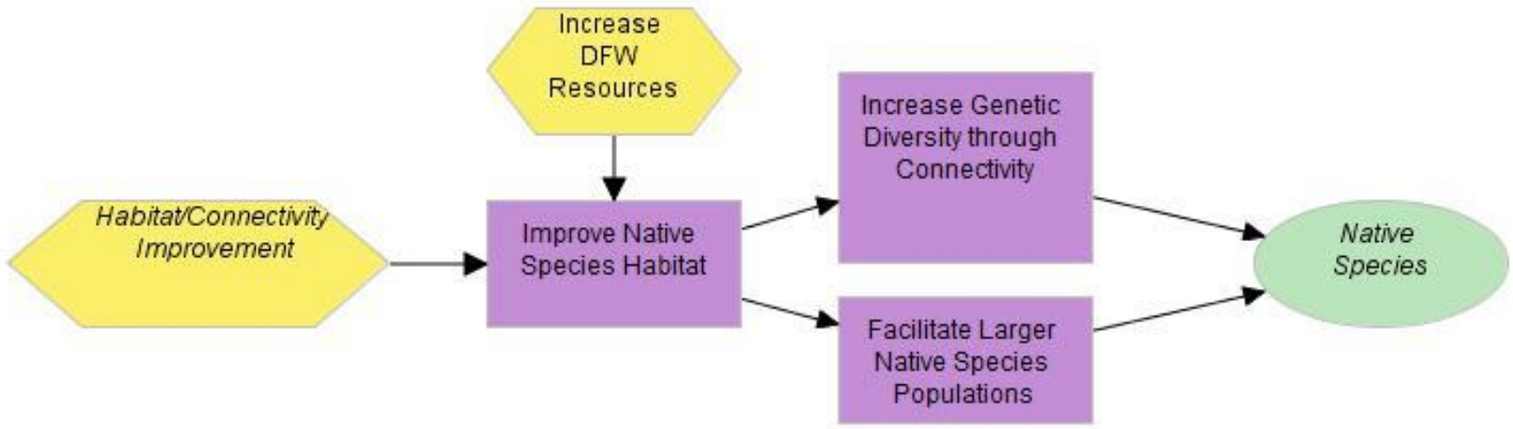
***Results Chain: Encourage recreational bullfrog harvest***



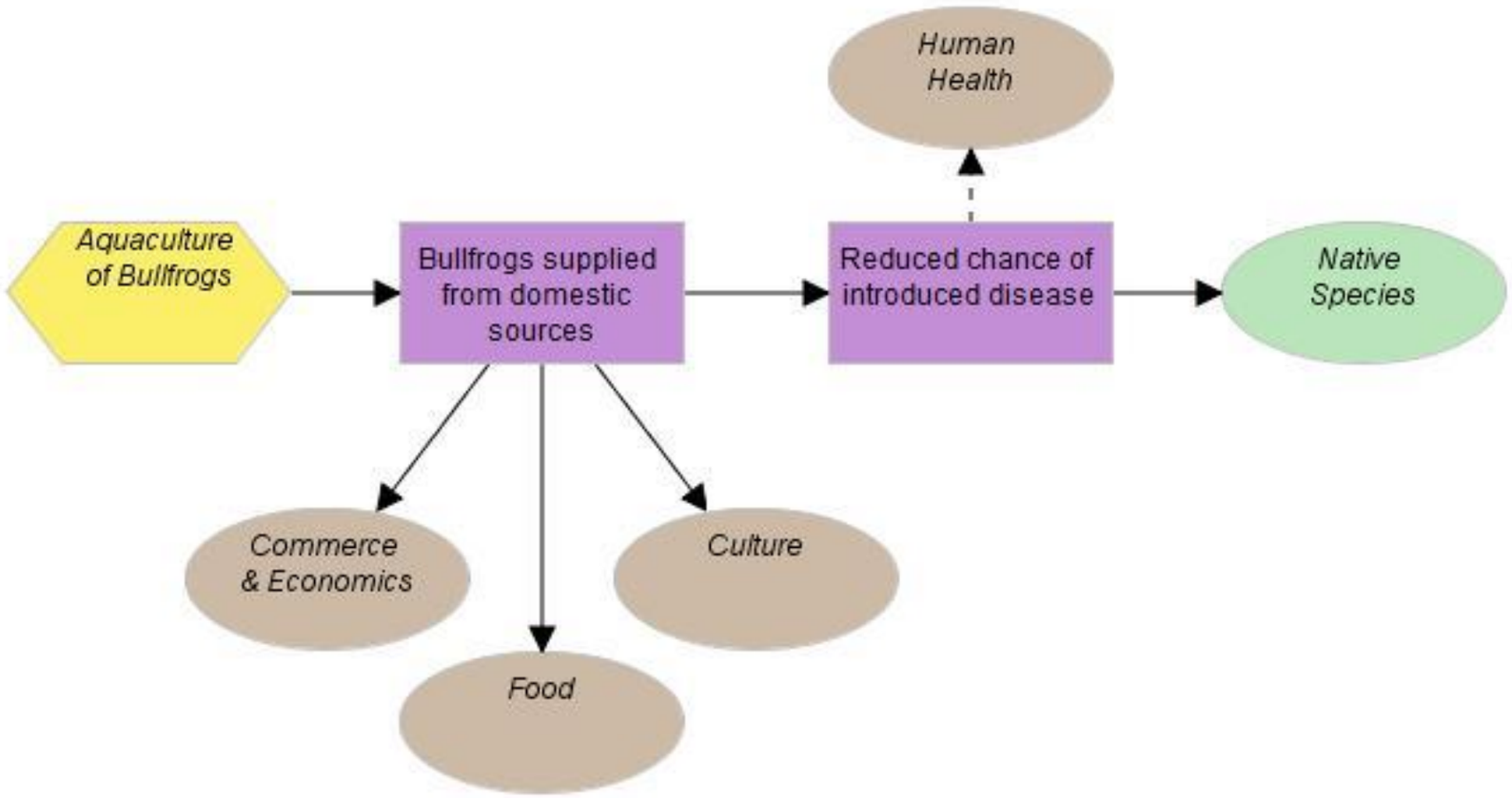
***Results Chain: Education campaign 1***



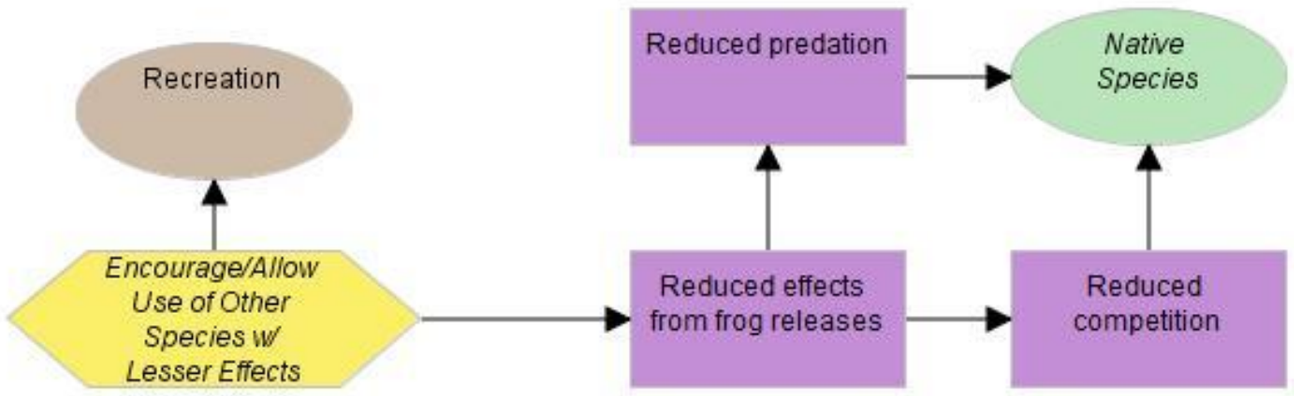
***Results Chain: Habitat/connectivity improvement***



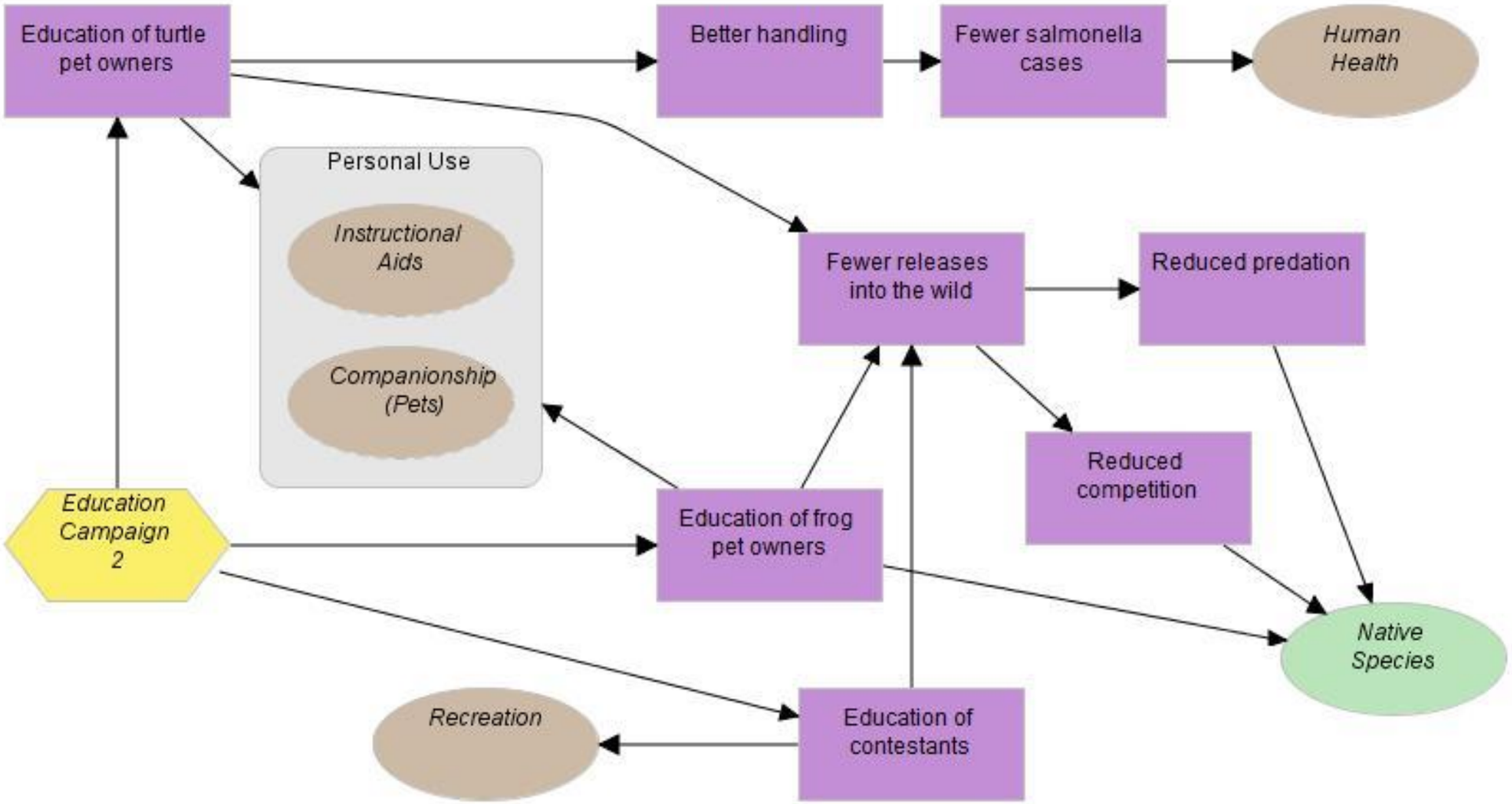
***Results Chain: Aquaculture of bullfrogs***



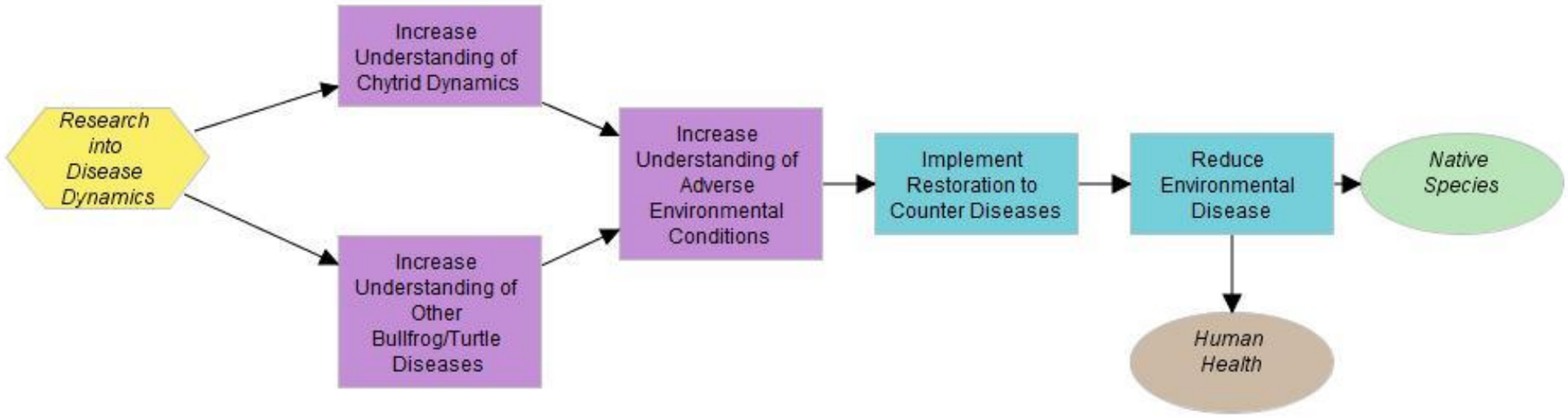
***Results Chain: Encourage/allow use of other species w/ lesser effects***



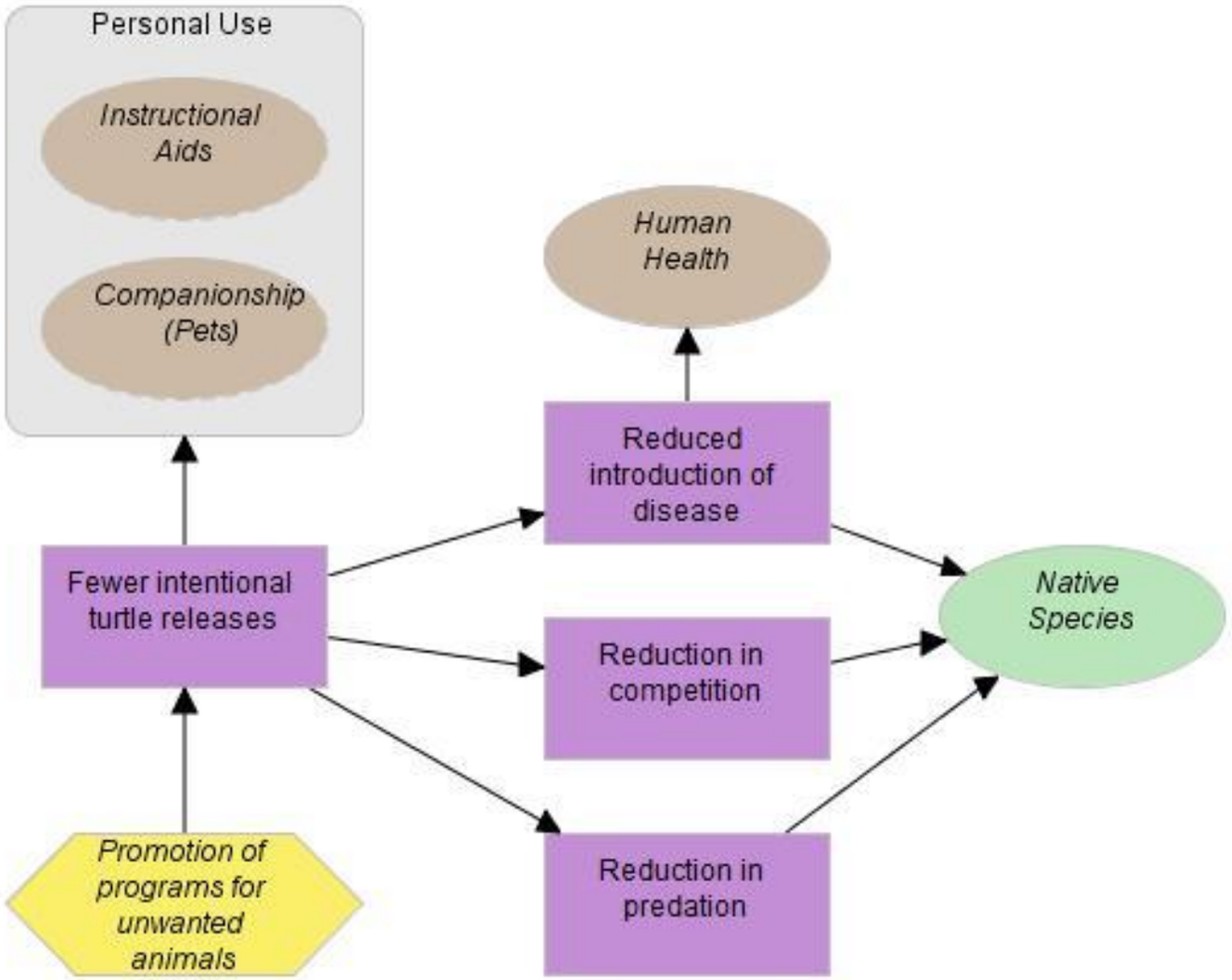
***Results Chain: Education campaign 2***



***Results Chain: Research into disease dynamics***



***Results Chain: Promotion of programs for unwanted animals***



***Industry Notes***

| Item | Details |
|---|---|
| Aquaculture of bullfrogs | • Likely only viable in the case of an import ban |
| Education campaign 1 | • Content: Handling, Releases, Food Safety<br>• Venue: Live Markets<br>• Audience: retailers |
| Education campaign 2 | • Content: Handling, Releases<br>• Retail Stores<br>• Aimed at prospective pet owners and current pet owners |
| Encourage/allow use of other species with lesser effects | • Jumping frog contest education |
| Promotion of programs for unwanted animals | • CA turtle & tortoise club has people that will take in unwanted turtles and give them for adoption Pet stores also have programs to take back unwanted animals<br>"Don't let it loose" program<br>• POS, or when supplies are bought |
| Research into population control techniques | • Triploids |
| Online sales | • Exotic species or special individuals |
| Habitat degradation/loss | • Fragmentation |
| Turtles as pets | • Red-eared sliders |
| Loss of genetic diversity | • Fragmentation in turtles |
| Resource loss | • Food, space, water, plants, breeding sites |
| Live markets | • Consumers don't touch the animals; all are slaughtered before leaving the market<br>• Held in regular fish tanks<br>• Water goes into drains that lead to sewers, generally combined with cleaners |
| Specialty store | • Farm & feed stores?<br>• Water garden stores |
| Bullfrogs as pets | • Does not include tropical species<br>• Prevalence is probably low |
| Human health | • USDA 4-inch rule |
| Commerce and economics | • Positive for growers, negative for importers |
| Companionship (pets) | • Pets |

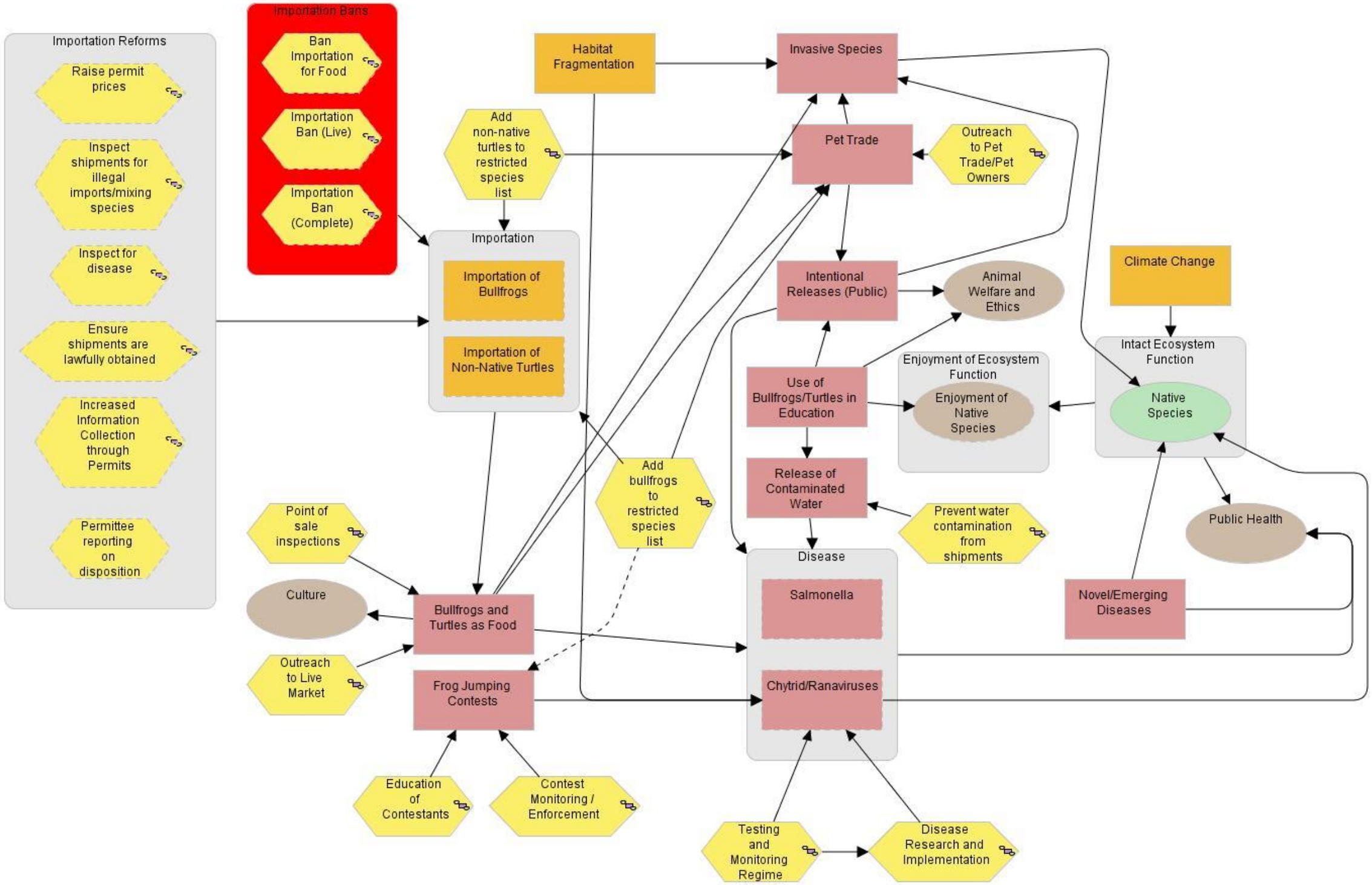
| Item | Details |
|---|---|
| Recreation | • Frog jumping contests, picture taking of turtles, gigging/fishing for bullfrogs |
| Assurance colonies – Native and non-native species | • Not really any licensing, but Captive Bred Wildlife Permit (FWS) allows possession of turtles<br>• When transferring, both parties need a CBW permit<br>• No colonies for red-eared sliders or soft-shelled turtles |
| Live markets to releases in the wild | • This link is disputed |
| Increase Understanding of Adverse Environmental Conditions | • Ecological factors that promote or facilitate disease |

**Environmental/Animal Welfare Group Analysis**

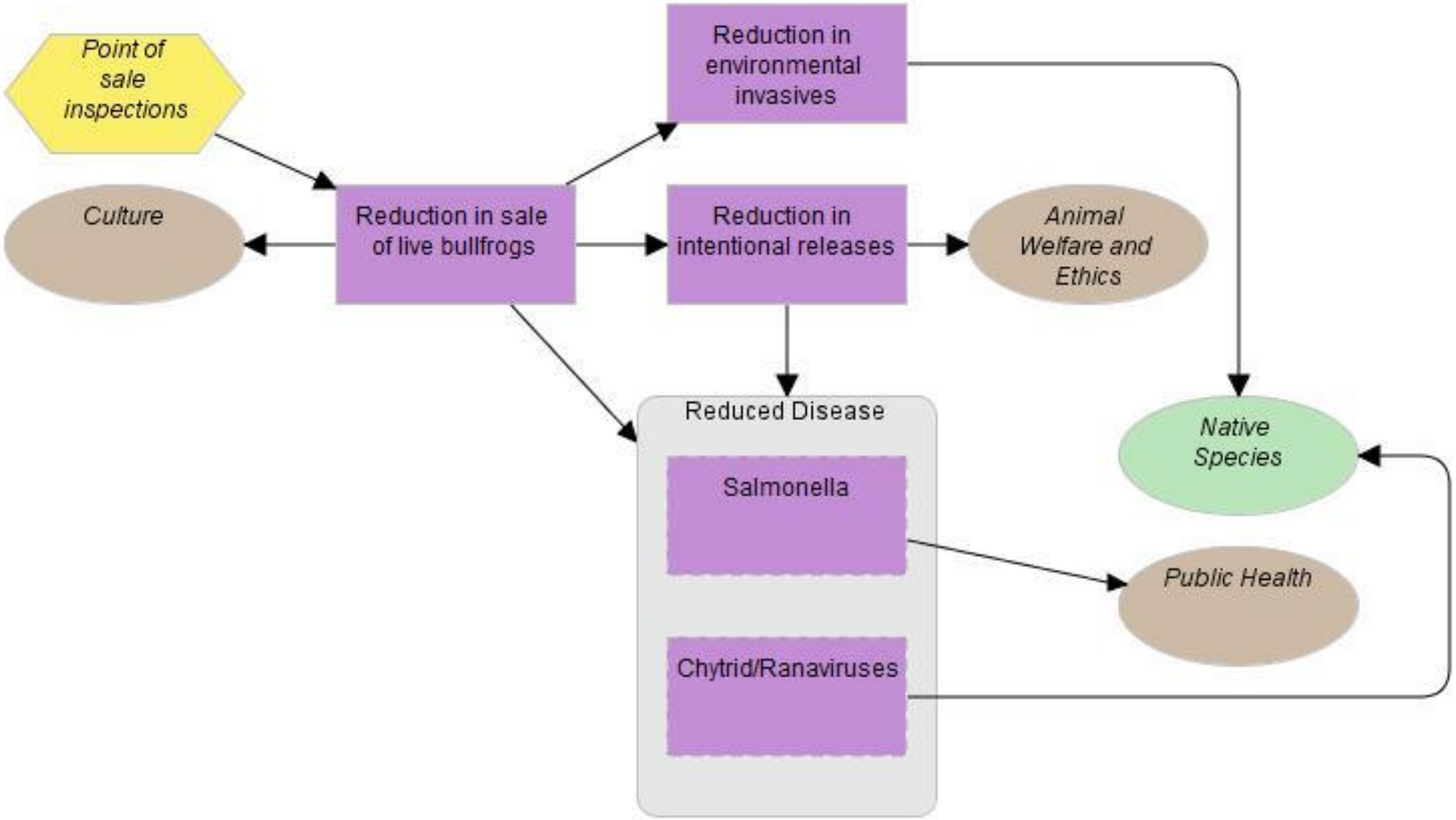
***Scope and Vision***

| | |
|---|---|
| Vision Statement Text | A California with an enforced ban on the importation of bullfrogs and non-native turtles. A Department that lives up to its mission and stated purpose and upholds the public trust. |
| Comments | |

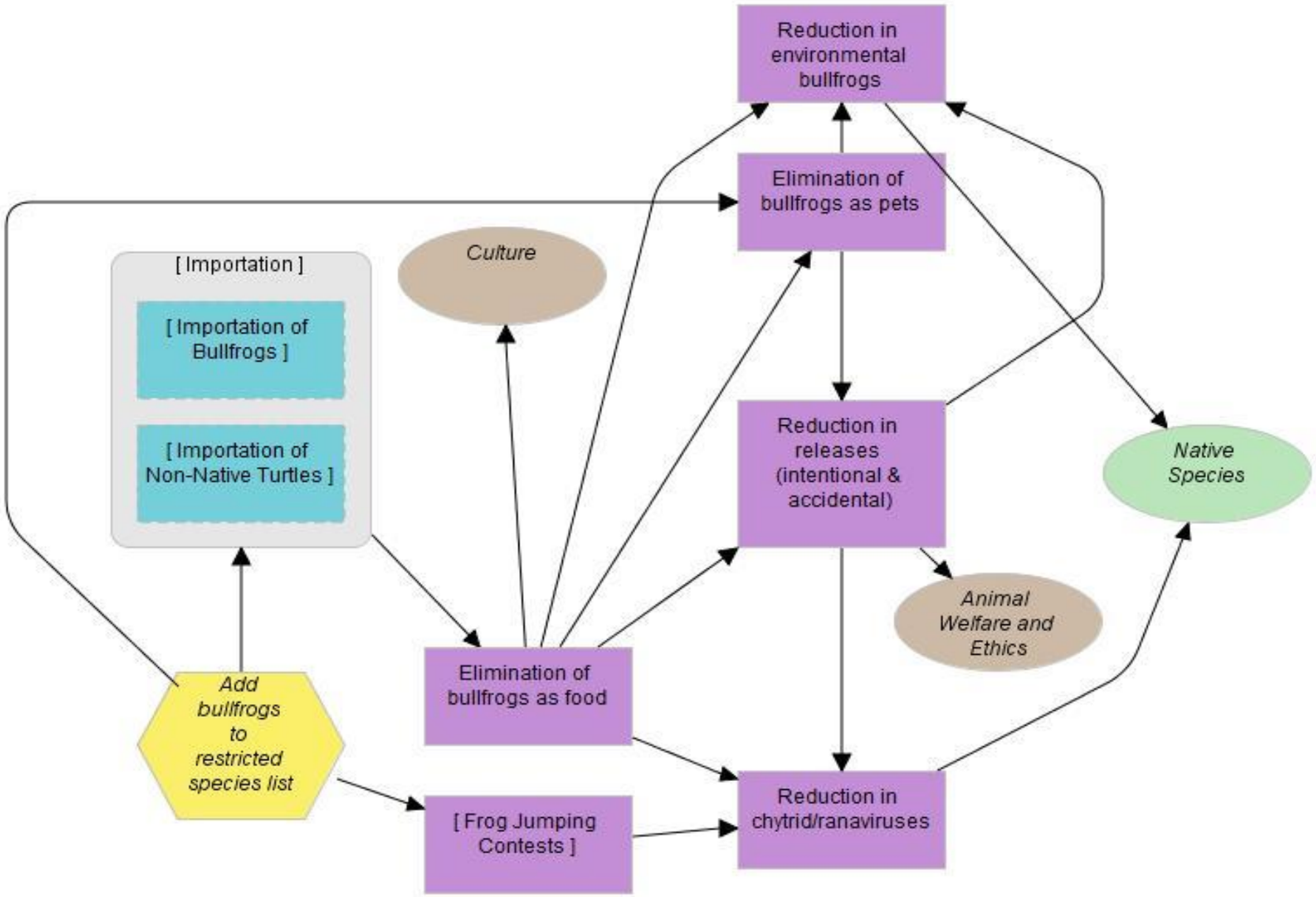
***Main Diagram***



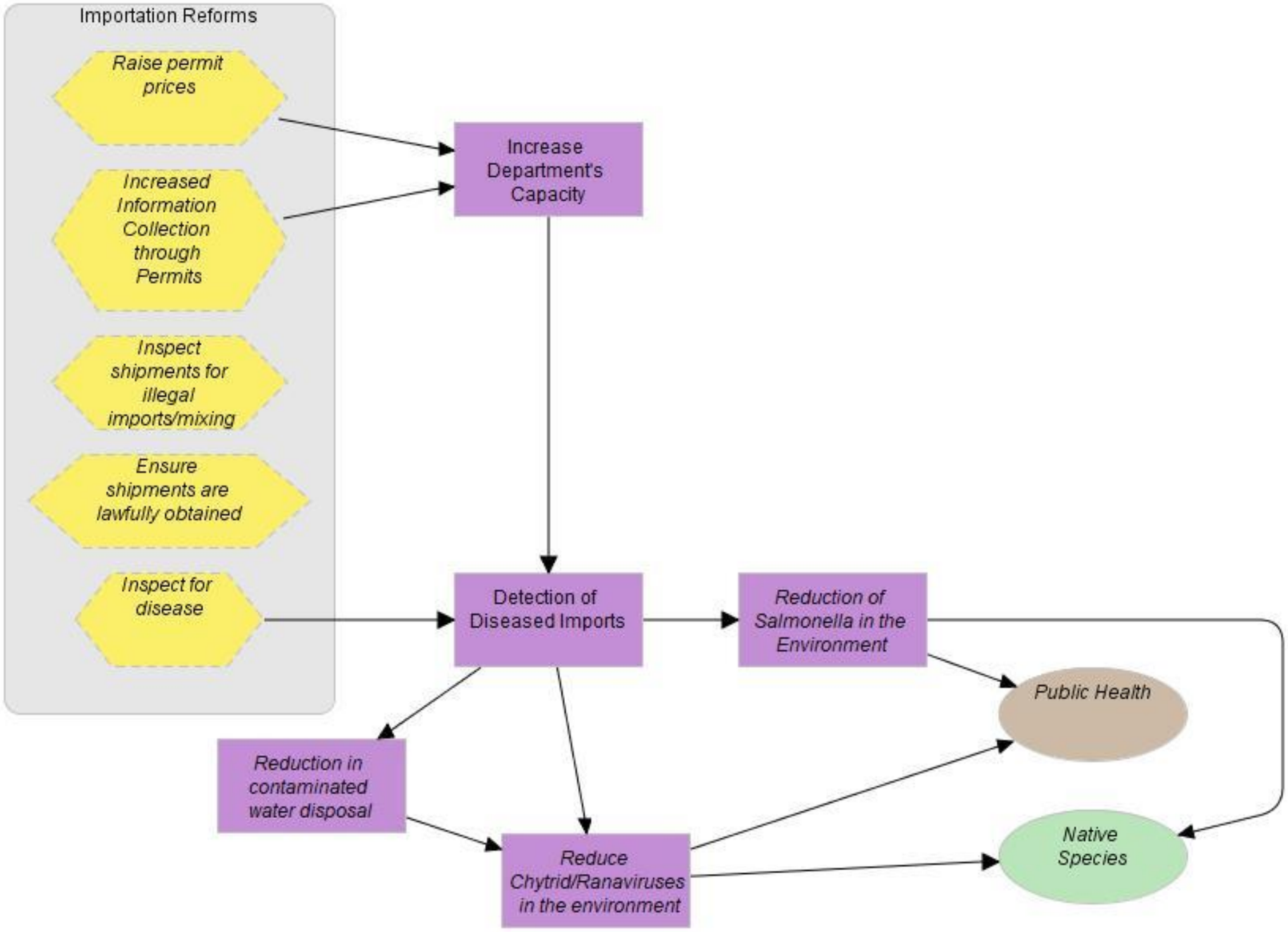
***Results Chain: Point of sale inspections***



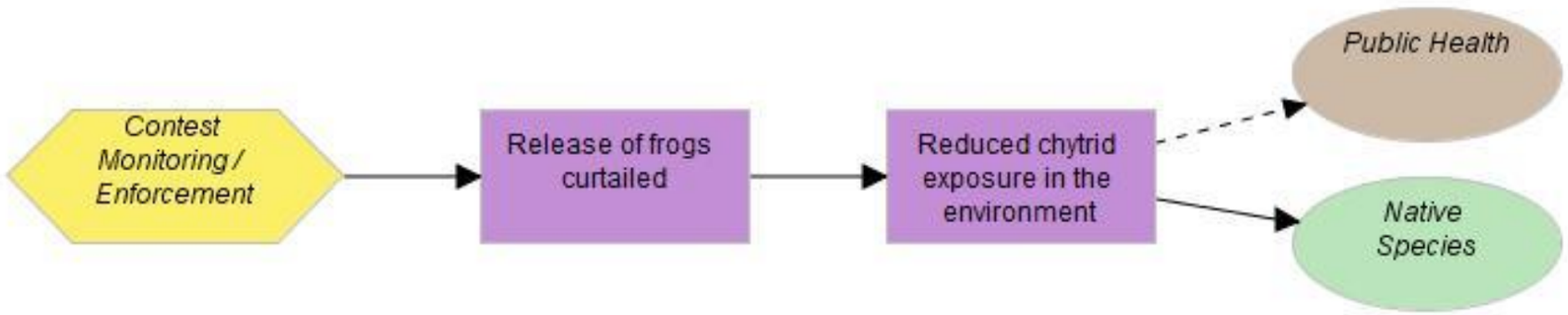
***Results Chain: Add bullfrogs to restricted species list***



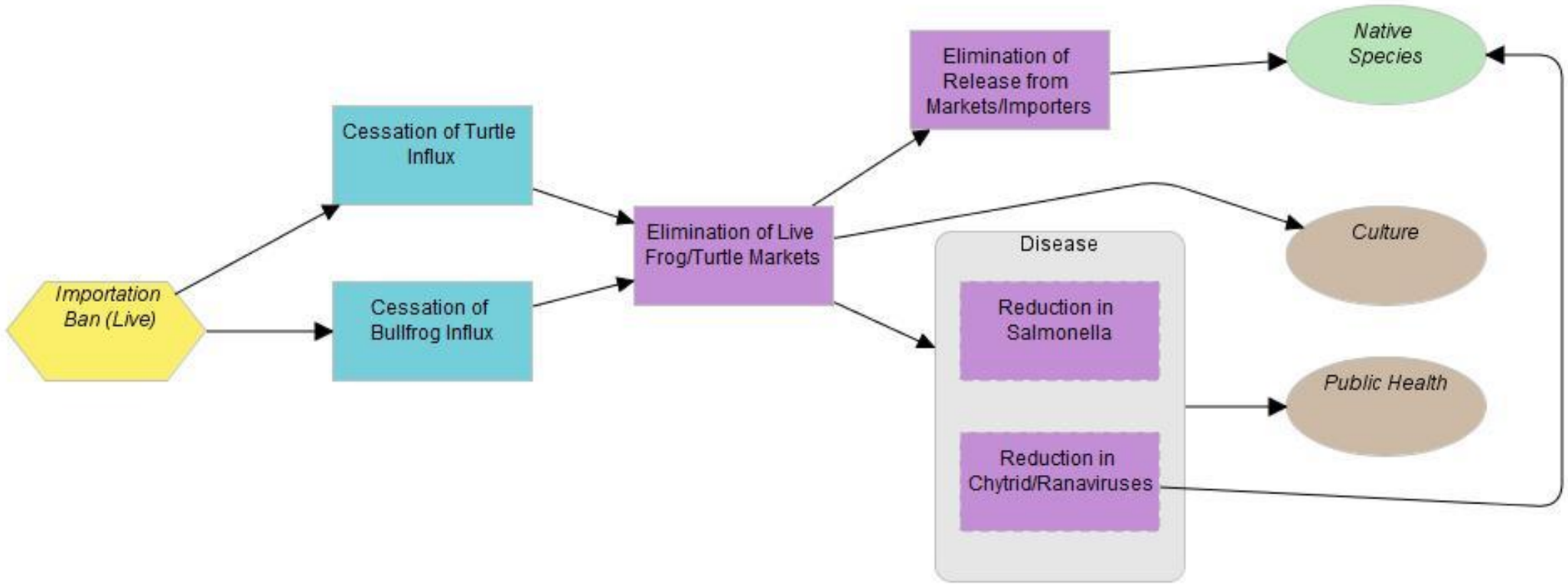
***Results Chain: Importation reforms***



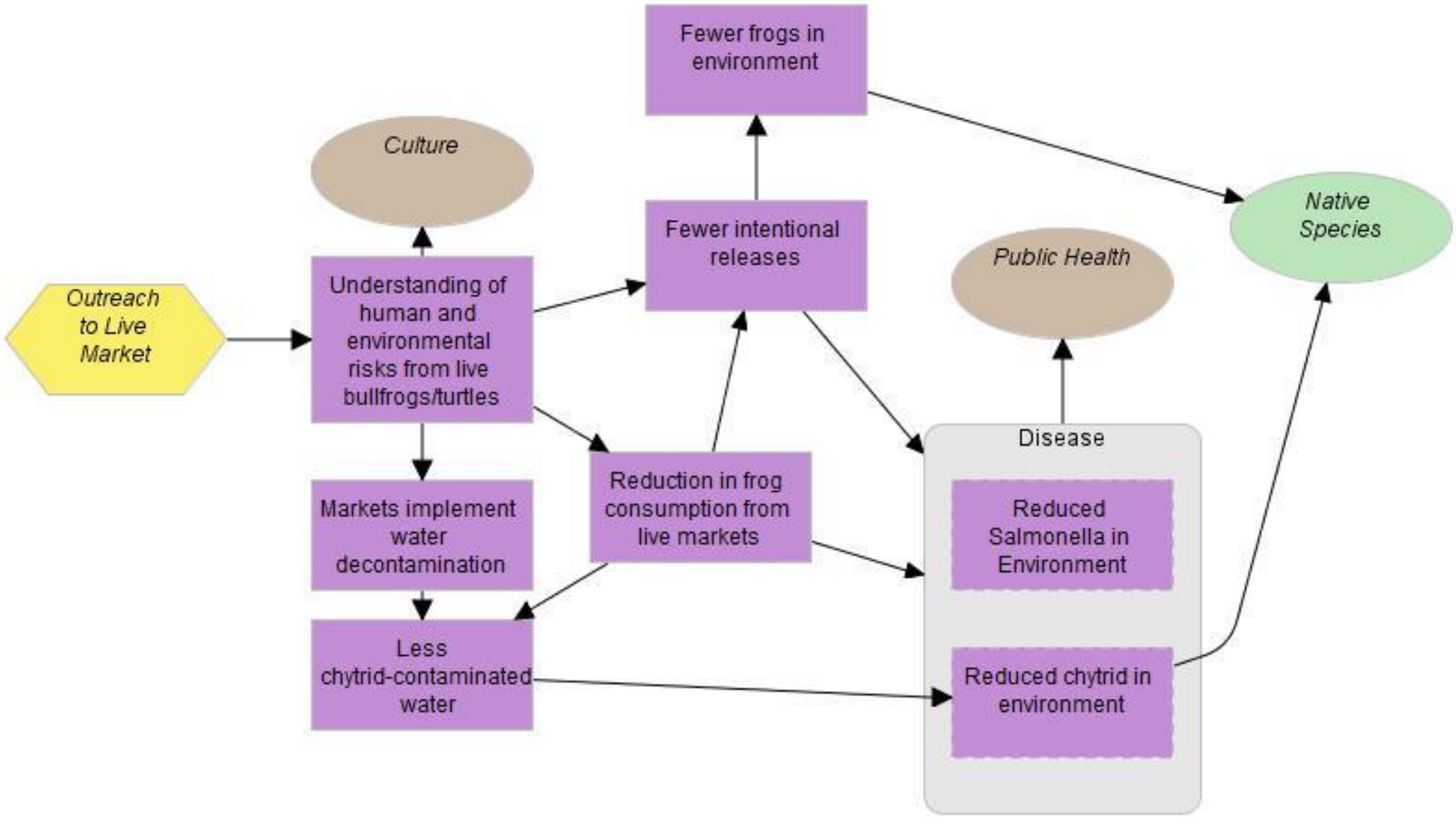
***Results Chain: Contest monitoring / enforcement***



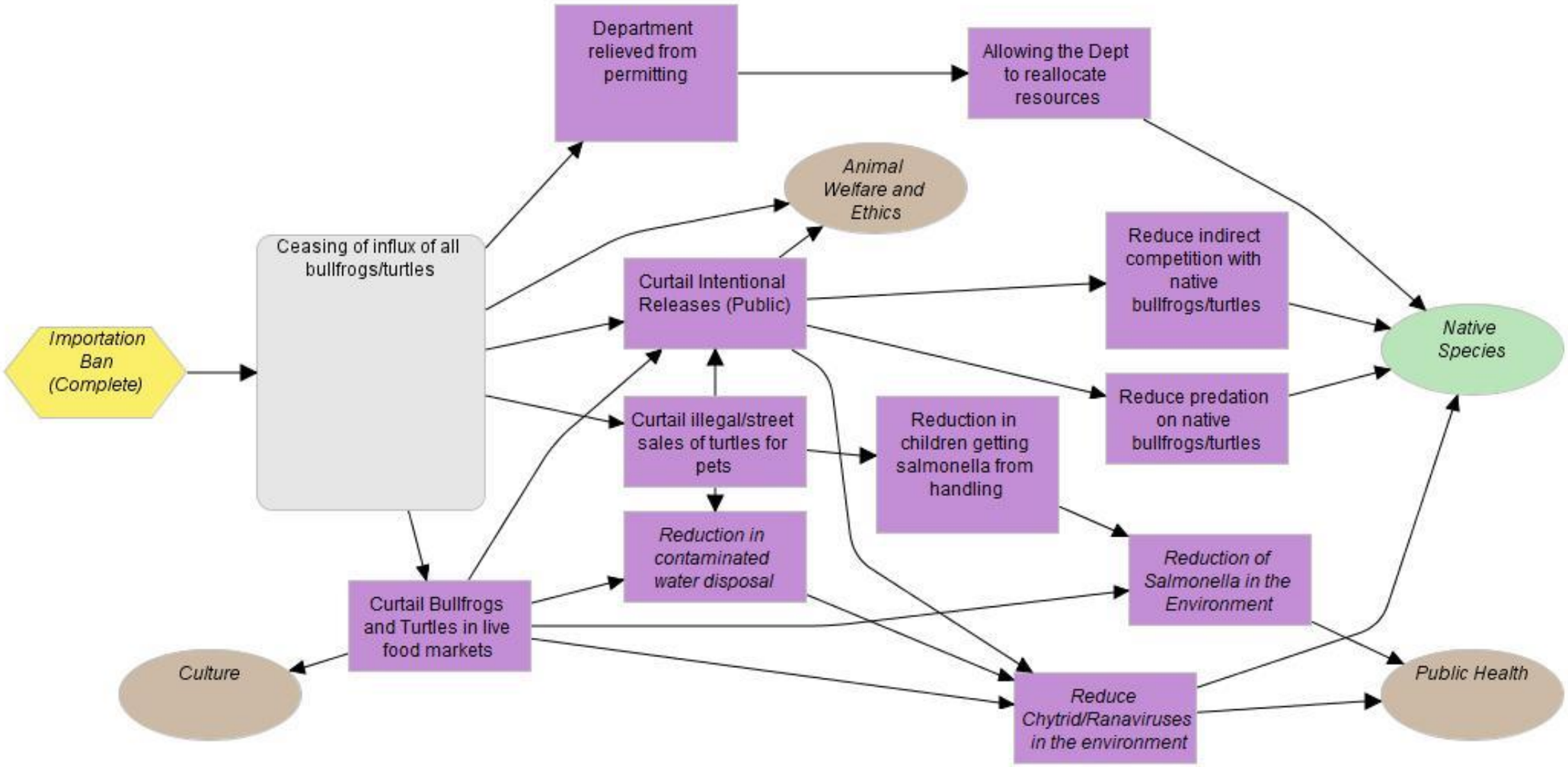
***Results Chain: Importation ban (live)***



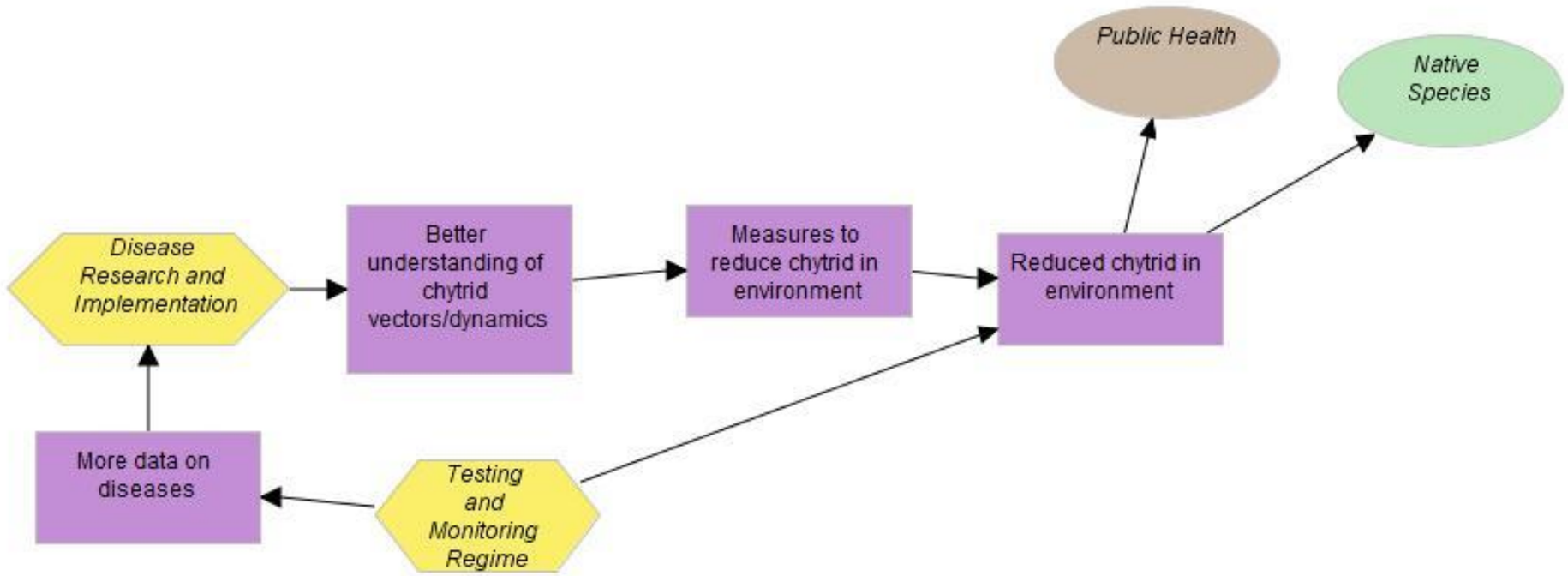
***Results Chain: Outreach to live market***



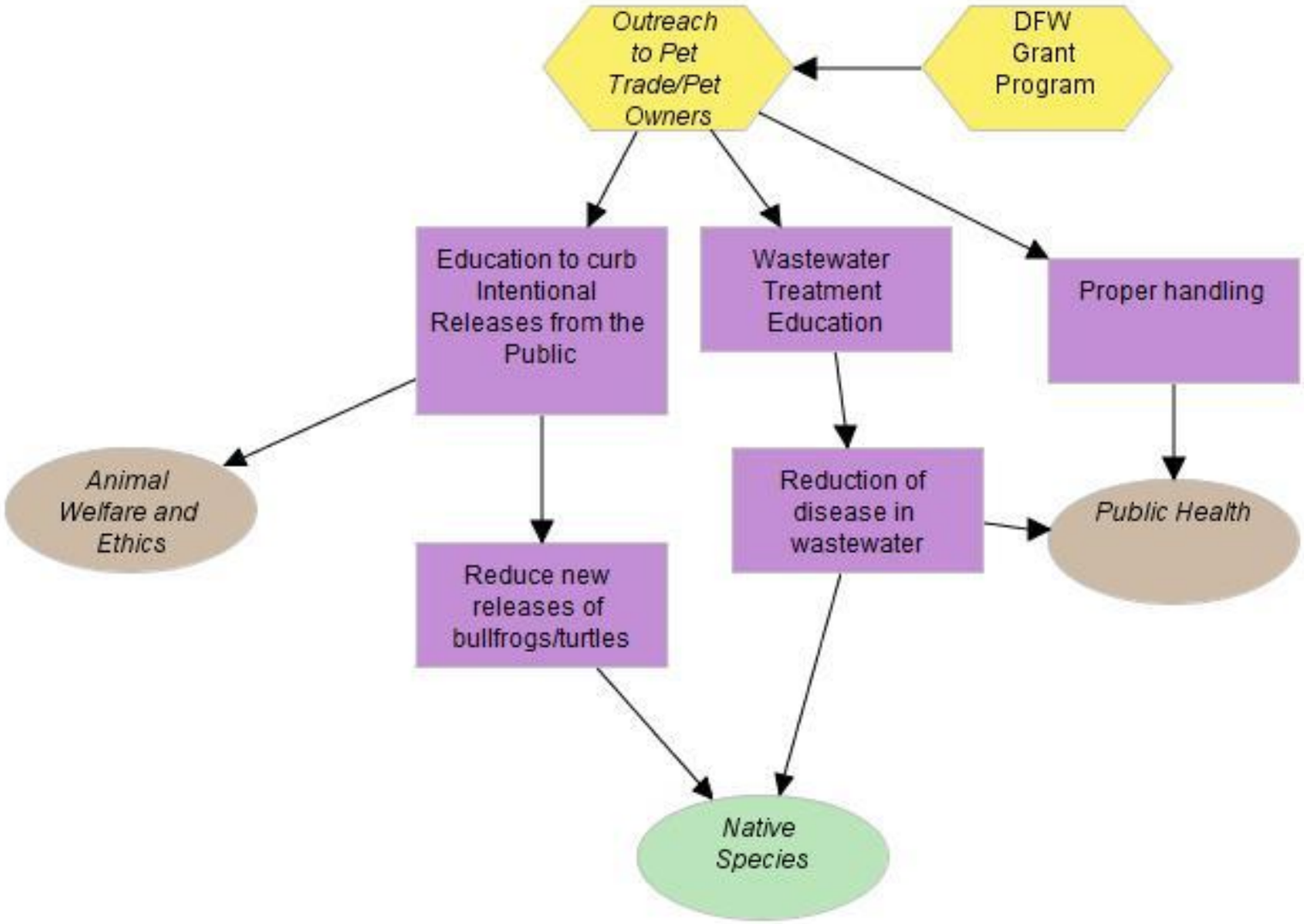
***Results Chain: Importation ban (complete)***



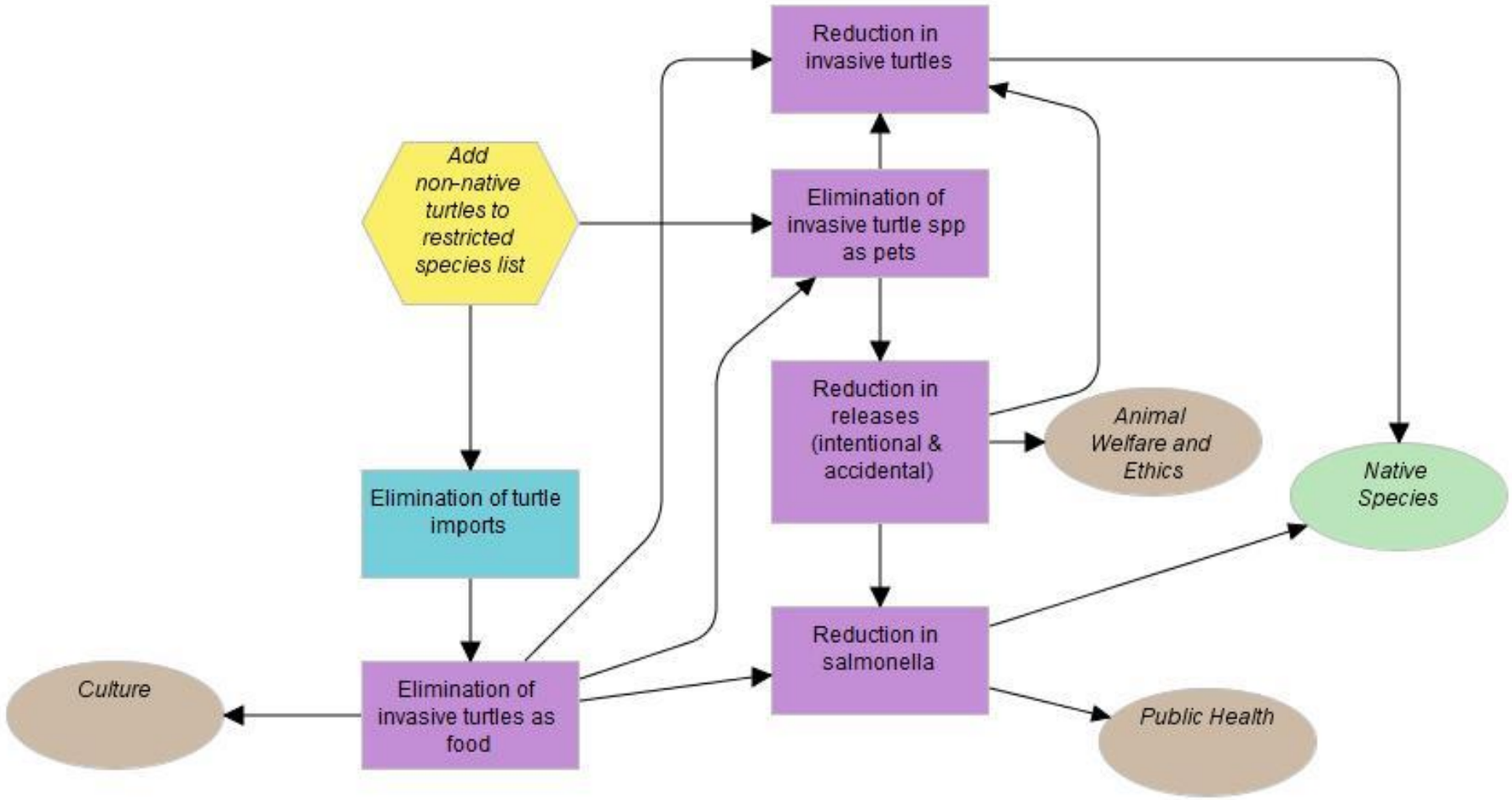
***Results Chain: Disease research and implementation***



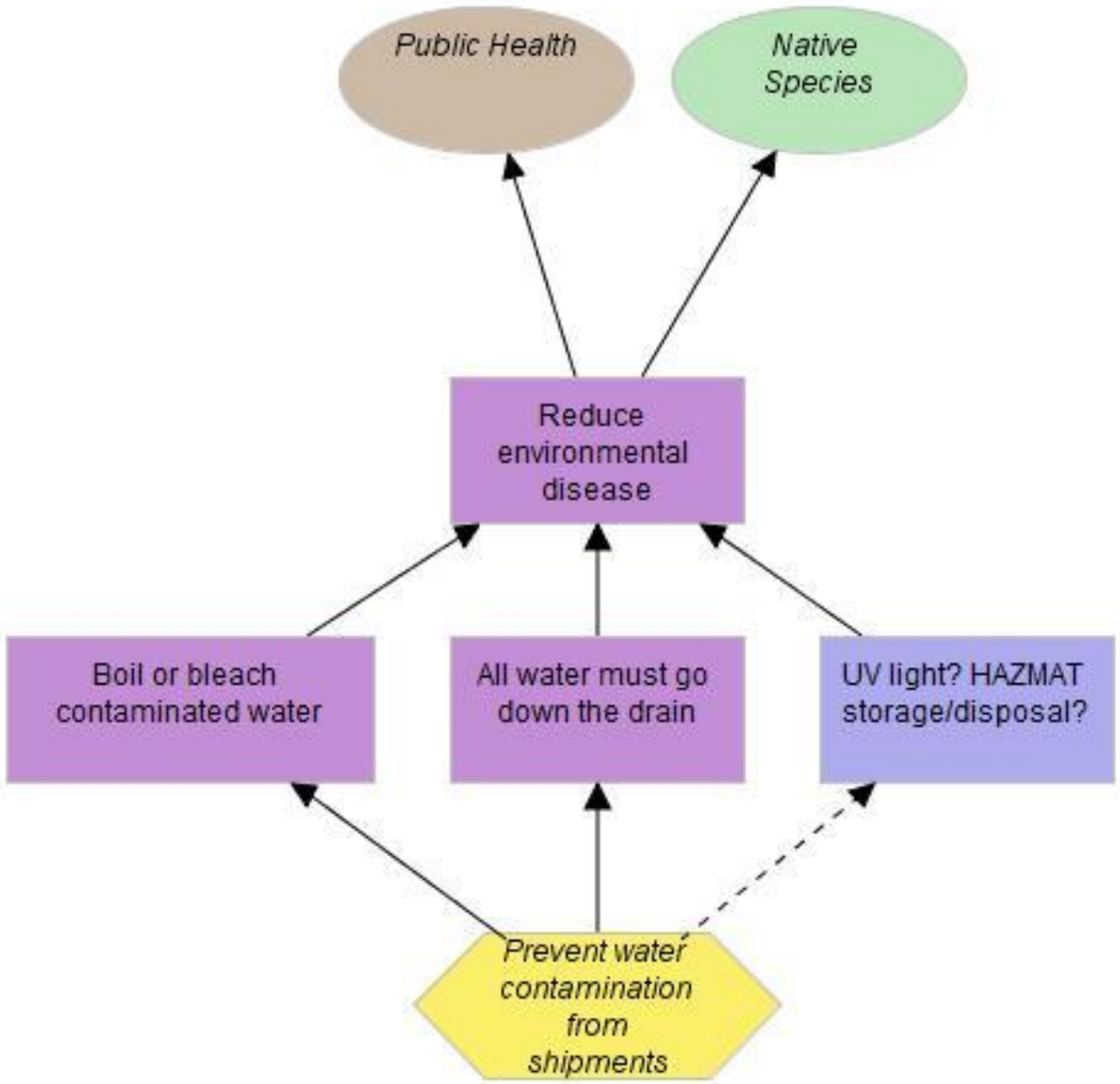
***Results Chain: Outreach to pet trade/pet owners***



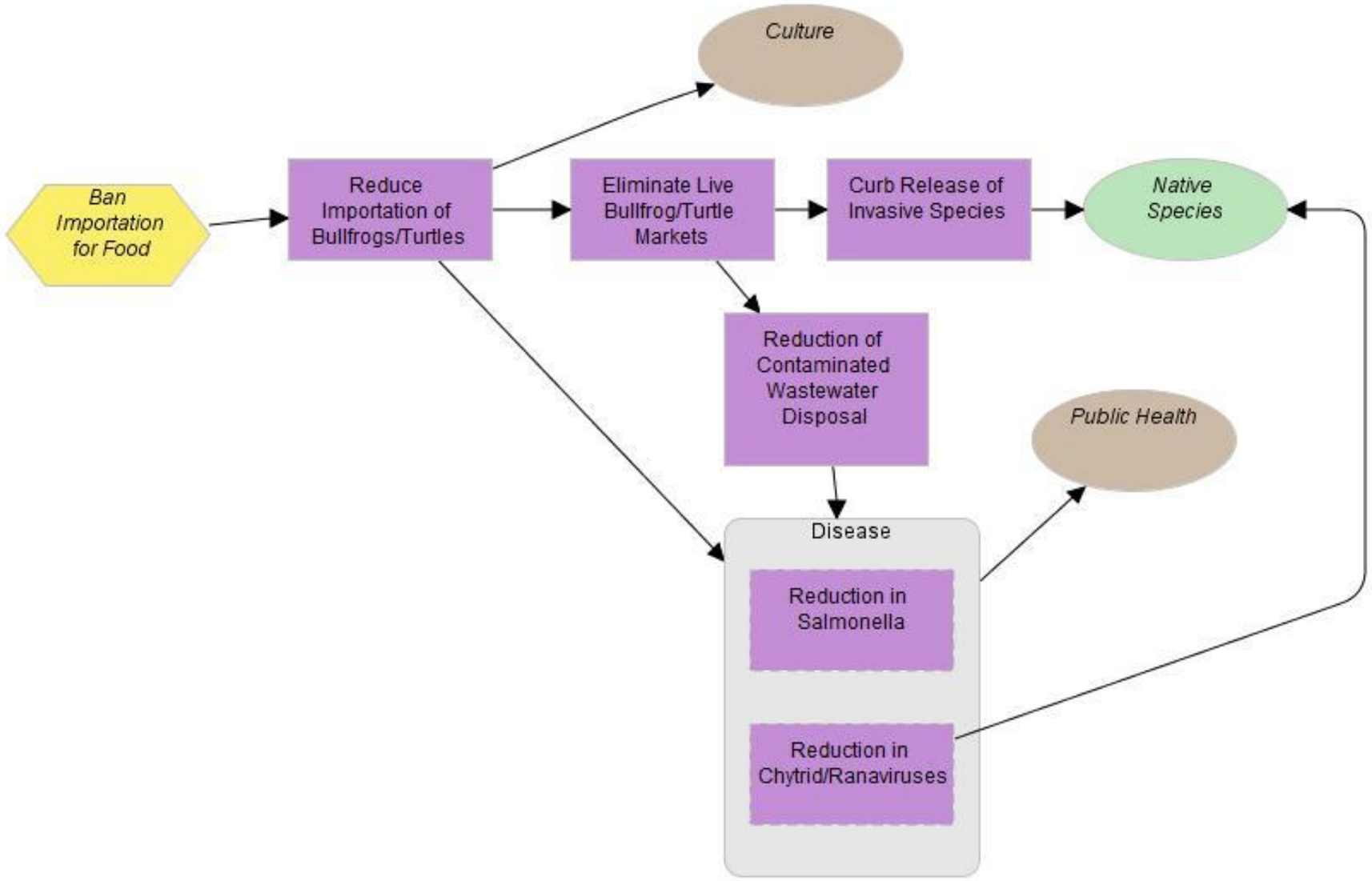
***Results Chain: Add non-native turtles to restricted species list***



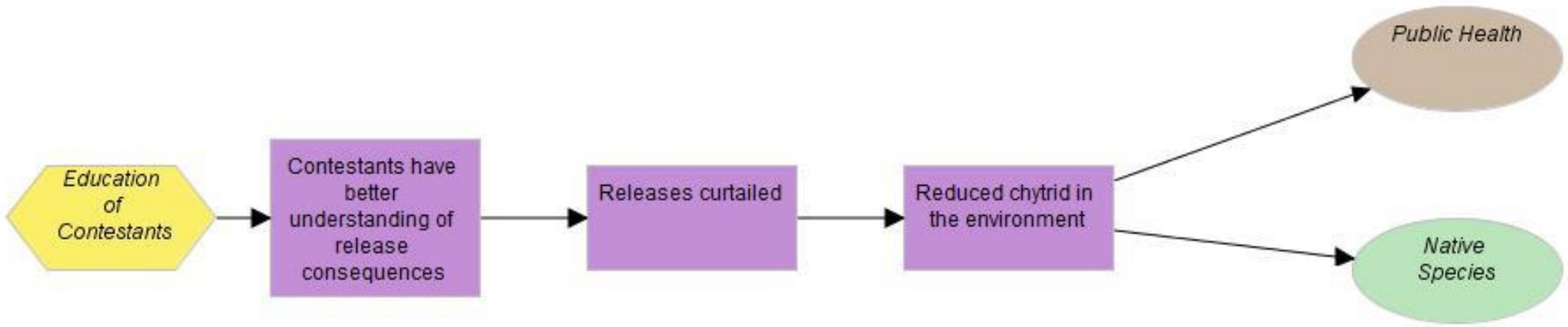
***Results Chain: Prevent water contamination from shipments***



***Results Chain: Ban Importation for food***



***Results Chain: Education of contestants***



***Environmental/Animal Welfare Notes***

| Item | Details |
|---|---|
| Add bullfrogs to restricted species list | • Could be qualified with certain exceptions |
| Add non-native turtles to restricted species list | • Could be qualified with certain exceptions |
| Testing and Monitoring Regime | • Onus could be on the vendor to initiate testing. List of approved testers. |
| Ensure shipments are lawfully obtained | • See T14, section 236(C)(8)<br>• Pertains to the origin of the shipment.<br>• Perhaps more important for turtles? |
| Increased Information Collection through Permits | • Where are shipments coming from? How many are you bringing in? Do you have permission from the source? |
| Inspect shipments for illegal imports/mixing species | • Randomized sample |
| Raise permit prices | • Price proportional to number of individuals imported?<br>• Permit prices must cover the cost of the DFW bullfrog and turtle program, including inspections and enforcement |
| Contest Monitoring / Enforcement | • Ensure no use of protected species, information gathering, animal welfare enforcement |
| Outreach to Live Market | • Shark fin soup – generational<br>• DFW implements, cooperating with SF Library<br>• Could be a comprehensive initiative, should include a contextual component that explains the entire strategy<br>• Importers, retailers<br>• Asian language materials<br>• Benefits of frozen vs. Live animals |
| DFW Grant Program | • Grant program for organizations to develop education campaigns |
| Outreach to Pet Trade/Pet Owners | • Responsible wastewater treatment |
| Point of sale inspections | • Notice posted?<br>• Health and safety codes followed?https://codes.findlaw.com/ca/penal-code/pen-sect-597-3.html |
| Prevent water contamination from shipments | • Distributor to Retailer - Imported water/disposal<br>• Transfer water/disposal<br>• Market water/disposal |
| Novel/emerging diseases | • Threats to animals or people<br>*Batrachochytrium salamandrivorans*, plus others that may not be known |
| Reduce new releases of bullfrogs/turtles | • Complications from returned animals?<br>• Nominal "rehoming fee"?<br>• Education about the reality of keeping/caring for animals before purchase |
| Reduction of disease in wastewater | • Salmonella?<br>• Cholera |
| Boil or bleach contaminated water | • Water or ice that has come into contact with frogs/turtles must be boiled or bleached (?%)<br>• Boiling is preferred<br>• Virkon is an alternative (more expensive) |
| Reduce environmental disease | • Chytrid<br>• Some ranaviruses |

Tracking Number: (2021-017)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

**SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

**1. Person or organization requesting the change (Required)**
Name of primary contact person: Dan Ryan
Address:
Telephone number:
Email address:

**2. Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Also see attached for more details

**3. Overview (Required) -** Summarize the proposed changes to regulations: See Attached. I was a part of an R# subcommittee with the department where we looked at creative ways to change the licensing system. Adding change to the big Game structure was one topic discussed but not finalized. I have been working with Department staff on new ideas for solving problems with the Big Game draw as well as providing additional opportunity for hunters. The Department needs to be adaptable and flexible. In the attachment I have provided a number of Big Game changes including new hunts and seasons. I am not asking that we try and implement all in 2022 however I would like to start the discussion and have a phased approach.

**4. Rationale (Required) -** Describe the problem and the reason for the proposed change:
Though the department has seen a decline in hunting license sales it has seen a substantial increase in hunter participation/demand in big game tags. To better serve the outdoor enthusiast in the state as well as provide additional opportunity with no incremental increase in harvest the department must adapt and make changes.

**Why is this important?**

- Millions of dollars are generated through the Big Game application and tag system. This system should evolve to meet demands and increase opportunity, or it will be at risk of losing participation. From 2014 to 2020 there has

been over 17,500 additional applications, this is a substantial amount of money and interest generated. It would not make sense to not try and adapt to the increase.

- CDFW needs to manage Big Game herds and hunters in a flexible manner. Not making adjustments on an annual or bi-annual basis is not effective, nor is that method of active management in responding to changing resource conditions/hunter preferences.
- The Big Game opportunities are stagnant and have not changed or been modified (other than annual season dates and tag allocations) for years. Stagnant environments tend to lead to decreased participation and missed opportunities for improvement.
- Other states such as Idaho, Nevada, Arizona and Wyoming are constantly adding opportunities based on biological resources and hunter demand and have been successful. The results speak for themselves and this approach has been proven to work.
- Big Game hunters as a whole are incredibly frustrated with the preference point system and the number of years it takes to draw a "premium hunt".
- Simply changing dates or adding a few premium hunts in general zones can increase draw odds and spread the point pool of applicants.
- Builds rapport with hunters and CDFW. Adds to the benefit of active management and responsiveness of the department to hunters.
- By spreading the already allocated tags to new hunts, this method should result in little change to overall harvest.

## SECTION II: Optional Information

**5. Date of Petition: 8/30/2021**

**6. Category of Proposed Change**

[☐] Sport Fishing
[☐] Commercial Fishing
X Hunting
[☐] Other, please specify: [Click here to enter text.]

**7. The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)

X Amend Title 14 Section(s) [ Sections 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Also see attached for more details ]
X Add New Title 14 Section(s): Sections 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Also see attached for more details
[☐] Repeal Title 14 Section(s): [Click here to enter text. ]

**8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.]
Or X Not applicable.

**9. Effective date**: If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: [The 2022 changes should be voted on in December in order for implementation to occur.]

**10. Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Attached proposal showing justification and work with CDFW, partners and members of the public.

**11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: All of these changes have direct and indirect impacts with communities, individuals, businesses, jobs and the department. They would generate additional revenue for the department as well as increase customer satisfaction.

**12. Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.]

**SECTION 3: FGC Staff Only**

Date received: [9/02/21]

FGC staff action:

- [☐] Accept - complete
- [☐] Reject - incomplete
- [☐] Reject - outside scope of FGC authority

Date petitioner was notified of receipt of petition and pending action: [_____] Tracking Number

Meeting date for FGC consideration: [10/14/21 receive, 12/15-16/21 action]

FGC action:

- [☐] Denied by FGC
- [☐] Denied - same as petition [_____] Tracking Number
- [☐] Granted for consideration of regulation change

**Petition for Big Game Hunt changes**

Submitted By: Dan Ryan

Coordination with:
CDFW:
Brian Ehler
Nathan Graveline
Mark Abrahm
Lassen Fish and Game Commission

NGO:
Dale McDougal- California Deer Association
Kevin Vella- National Wild Turkey Federation

Public:
Over 15 members of the public have been apart of review and compilation of ideas going into this proposal.

**Background:**

I was a subcommittee leader for the 2019 R3 effort focusing on the Licensing restructuring. During this process our subcommittee generated creative ideas to simplify the licensing system and restructure some of the Big Game opportunities that have not been modified for decades.

Big Game opportunities are regulated through tag issuance. These tags are broken down throughout the state by locality, species, sex, time of year, method of take and whether its available for adults or apprentice (youth under 16). These tags/opportunities are allocated through the CDFW's online system where a user can purchase a hunting and fishing license as well as apply for tags.

Though the department has seen a decline in hunting license sales it has seen a substantial increase in hunter participation/demand in big game tags. To better serve the outdoor enthusiast in the state as well as provide additional opportunity with no incremental increase in harvest the department must adapt and make changes.

| State | 2014 Total Deer Applications | 2019 Total Deer Applications | 2020 Total Deer Applications |
|---|---|---|---|
| CA | 71,810 | 81,513 | 89,403 |
| *Estimates based on CDFW available data. | | | |

**What other states are doing:**

This increase in demand is not unique to CA. All of the western states have seen substantial increases in the number of applicants entering the tag draws or purchasing tags. Nevada, Idaho and California are some that have seen the most substantial increases. Nevada and Idaho are looking of creative ways to provide additional opportunities without increasing harvest or negatively impacting big game populations long term. Changes are needed to reduce the increased frustration with the system as well

as ultimately not losing hunters/applicants in the future; the same hunters that will fund and advocate for conservation of our wildlife resources in the future.

Idaho adds, modifies, and removes big game tags/opportunities every season setting period (two years) based on local biologist recommendations and public input. This has allowed new hunts, season dates and opportunities to be provided and has in turn spread applications out based on hunter interest and changes in populations. Applicants are allowed one deer tag with an option to purchase second tags when available at a certain date or if tags are turned back by hunters that cannot participate in the hunt.

Nevada recently has seen a substantial increase in applicants in the past 5 years, they in turn have been implementing creative solutions for providing additional opportunity. Example: Starting in 2021, they are re-issuing tags that are turned back 30 days and less to hunters willing to go. This means if a tag is turned back the day before the season, they will work to reissue those, even if it happens during the season. It provides increased opportunity for hunters.

**Why is this important?**

- Millions of dollars are generated through the Big Game application and tag system. This system should evolve to meet demands and increase opportunity, or it will be at risk of losing participation. From 2014 to 2020 there has been over 17,500 additional applications, this is a substantial amount of money and interest generated. It would not make sense to not try and adapt to the increase.
- CDFW needs to manage Big Game herds and hunters in a flexible manner. Not making adjustments on an annual or bi-annual basis is not effective, nor is that method of active management in responding to changing resource conditions/hunter preferences.
- The Big Game opportunities are stagnant and have not changed or been modified (other than annual season dates and tag allocations) for years. Stagnant environments tend to lead to decreased participation and missed opportunities for improvement.
- Other states such as Idaho, Nevada, Arizona and Wyoming are constantly adding opportunities based on biological resources and hunter demand and have been successful. The results speak for themselves and this approach has been proven to work.
- Big Game hunters as a whole are incredibly frustrated with the preference point system and the number of years it takes to draw a “premium hunt”.
- Simply changing dates or adding a few premium hunts in general zones can increase draw odds and spread the point pool of applicants.
- Builds rapport with hunters and CDFW. Adds to the benefit of active management and responsiveness of the department to hunters.
- By spreading the already allocated tags to new hunts, this method should result in little change to overall harvest.

**Increased harvest from “late” hunts**

- There would be higher success in some of the proposed hunts below which occur during the “rut” breeding season. If tags and harvest is modeled and tag allocations are spread between hunts there would not likely be an increase in take in the zones.
- Reducing general tags to accommodate increase in higher success hunts would be easily done and allow for not net increase harvest.

**Proposals**

While there are many potential proposals, we would like to move the following forward some of the following for consideration for the 2022 Big Game hunting season**. A table is also provided of a proposed roll out in order to alleviate large workload of implementing multiple changes in one season.**

## General

**Party Applications Return Tags Rule**

**Current rule:**

To return an elk, pronghorn, or bighorn sheep tag, you must mail the tag along with a written request for your preference points to be reinstated. The tag and request must be postmarked before the earliest date that the tag is valid for hunting. If approved, tag will be refunded (minus the 2021 nonrefundable processing fee of $31.93) and your preference points will be reinstated, plus one preference point for the species for the current license year (CCR T14-708.14(k)). To return a premium deer hunt tag, you must mail the tag along with a written request for your preference points to be reinstated. The tag must be postmarked before the earliest date the tag is valid for hunting. If the request is approved, your preference points will be reinstated, plus one preference point for deer for the current license year (CCR T14-708.14(j)). Premium deer hunt tags cannot be exchanged and are nonrefundable.

**Proposed Change:** Add Language

A person surrendering a tag awarded through a group application is eligible for the following:
(a) if all group members surrender their permits more than XX days before the start of the season for which the permit is valid, all group members may:
(i) have previously acquired preference points reinstated plus one for that years application period;
(ii) applicants may be eligible for a refund consistent with Section XXXX;
Notwithstanding the limitations in this section, a person who obtains a permit through a group application may surrender that permit after the opening date of the applicable hunting season and have previously acquired bonus points or preference points for the permit species restored, provided the person:
(a) is a member of United States Armed Forces or public health or public safety organization and is deployed or mobilized in the interest of national defense or national emergency;
(b) surrenders the permit to the department, with the tag attached and intact, or signs an affidavit verifying the permit is no longer in their possession within one year of the end of hunting season authorized by the permit; and
(c) satisfies the requirements for receiving a refund in Subsections R657-42-5(3)(c) and (d).

**What does this prevent**? Many in the hunting community refer to this as the "Grandma Rule" and it is utilized to circumvent the draw system. Example: John Doe has 0 points and his grandma has 12 points. They apply as a party for deer and have an average of 6 points (0+12/2). They are successful drawing X4. John Doe plans on hunting while Grandma returns tag and request for points to be reinstated. CDFW reinstates points she now has 13 points and John Doe has zero and goes on the hunt. John Doe can then apply with Grandma next year and split 13 points….This can be done over and over again allowing John to get tags year after year using grandmas points.

Party hunt members in a group application are able to return their party tag to the Department but will not receive a refund or Preference points unless all members of that party also return their tags to the Department.

**Pro:** Prevents the draw system from being circumvented, increases draw odds, creates fairness.
**Con:** Additional programming and workload to track.

**Who else Does this?** Nevada Department of Wildlife implemented this in 2020, Utah implemented in early 2000's.

## Returned Tag Reissuance

**Current Rule:**

Hunters who have been issued a premium deer, elk, antelope, or a Bighorn sheep tag and cannot hunt may return their unused tag to the license and revenue branch by mail before opening day of the hunt. To return one of these tags, you must mail the unused tag along with a written request for your preference points to be reinstated postmarked before the earliest date that the tag is valid. If approved, the tag will be refunded, minus a processing fee, and your points reinstated, plus one for the current year. These tags are then issued to alternates. If tag is not accepted by the alternative the tag goes unused.

**Proposed Change:**

Elk, Sheep, Premium deer, and antelope tags returned by successful tagholders would be issued to alternates. If the tag is not accepted by the alternates then the tag would be made available and can be purchased online on a first-come first-serve basis. Tags that have seasons that have already started would still be available for those willing to accept the shorter timeframe and planning. Those who receive tags in this manner would forfeit preference points.

**Pro:** Tags have a less likely chance of going unused. Additional opportunity for unsuccessful hunters. Additional sales.

**Cons:** Additional work, online programming, and overhead cost.

## Second Bear Tag Option

**Current Rule:**
Qualified individuals may purchase one bear tag per year. Tag quota, must cease hunting if bear harvest reaches quota.

**Proposed Change:**
Successful bear hunters upon completion of harvest report and CDFW validation may purchase a second Bear tag at $XX.XX. ***Potential addition: If bear harvest reaches 80% of quota no second tags would be issued.

**Pro:** Increases opportunity, sales, revenue, bear harvest.

**Con:** Additional work, could reach quota faster, preventing people with one bear tag to lose opportunity- Low probability since bear harvest have not reach quota since 2012.

## General Deer Tag Archery/Rifle Separation

**Background:**

General A, B, D zones tags allow hunters to hunt during the general archery and general rifle seasons. There are three sets of hunters that utilize these tags:

1. Archery only hunters- Hunters that only participate in the archery season
2. Rifle only hunters- Hunters that only participate in the rifle season.
3. Combo Hunters- Hunters that participate in both archery and general seasons.

**Problem:**

- Wildland fires have closed public lands during the months of July through October. This has created a hardship for many of the hunters listed above as well as additional work for CDFW on returned tags.
- Many rifle hunters (#2) have been extremely upset since they cannot turn tags since the closures have happened after the archery season has already started.
- Archery hunters (#1) are upset that they are missing hunting opportunity with the early season being impacted.

**Proposed Change**

1. General A, B, D zones tags are only valid for the General rifle seasons.
2. Propose adding an additional date(s) to the Current AO (Archery Only) tag for each zone.

Example:

Hunters who purchase and Archery Only (AO) tag may hunt an additional 9* days starting the following day after the rifle season in that zone closes. *Days can be shorter

Zone D6 Example:

- General Rifle Tag Season- September 18 through October 31, 2021
- General AO Tag Season for D6- August 21 through September 12, 2021 & November 1-7
- Tag allocation: TBD

Pro

- Additional opportunity for Archery hunters.
- Additional opportunity for Archery hunters whose season was closed due to wildfire
- Allows general rifle only hunters to turn tags bag later since the season has not started.

Cons

- Combo hunters lose opportunity.
- Difficult to track/Confusing initial release to public.

***Propose doing this as a test in all zones or just some zones.

## General Premium Zones

**Proposed Change**

**<u>Split rifle C Zones</u>**

Currently the C zones are lumped into one zone (C1-4). The zones currently have separate seasons established. While hunting occurs in all zones, C4 has the highest concentrations of hunters.

Current Tags

- C1-4- 8,150 tags

Proposed Tags- *Would be based on CDFW data.

- C1-1,766
- C2-1,766
- C3-1,766
- C4-2,852

**Pros-** C Zone tags are becoming harder to draw and if they were split it would allow hunters who want easier draw odds to look at the less popular zones such as C1-3. Spread applicants across zones, reduces hunter congestion and gives biologists better harvest data.

**Cons-** Reduces hunter flexibility by having to choose zone up front.

**<u>Split Zones X3b</u>**

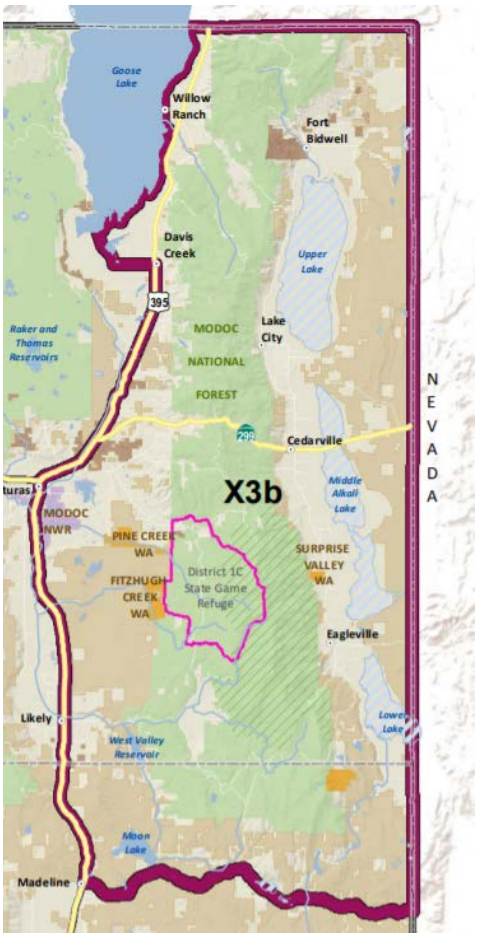
This zone is highly sought after and very large. There are high concentrations of use in specific portions of this zone leaving many portions of the unit not hunted or with low use. The zone has main roads that travers West to East through the Zone and could be used to split the zone into two. This would not result in a tag allocation increase but splits them based on population estimates.

Current Tag Allocations

- X3B-499

**X3B North-** Keep existing Northern, West and East Boundaries, however, change the southern boundary to Hwy 299**.** 220 tags

**X3b South-** Keep existing Southern, West and East Boundaries, however, change the Northern boundary to Hwy 299. 279 tags




**Pros-** Spreads draw applications. Adds two additional options for hunters to apply for therefore spreading the applications and cumulatively reducing preference point needed to draw other hunts.

**Cons-** Reduces tags in size and tag allocation in main unit. Reduces hunter's flexibility.

## General Methods

**Proposed Changes**

1. **G40- A Zone North Late Rifle Tag**- 15-35 tags, Starts the following Saturday after A zone rifle and runs for 9 consecutive days. Tag is good for all public and private lands within the A North Zone. This tag allocation can be removed from the general 65,000 tags that are allocated for A zone.
2. **G41- A Zone South Late Rifle Tag** - 15-35 tags, Starts the following Saturday after A zone rifle and run for 9 consecutive days. Tag is good for all public and private lands within the A South Zone. This tag allocation can be removed from the general 65,000 tags that are allocated for A zone.
3. **G42- Snow Mountain Wilderness Early Rifle**- 5-15 tags, Starts the last Wednesday in July and runs for 5 consecutive days. Tag is good for all public and private lands within the B1 & B3 zone within the Snow Mountain Wilderness. This tag allocation can be removed from the general 35,000 tags that are allocated for B zone. Adds a unique opportunity for backcountry rifle hunters. Other states like Wyoming and Colorado have these same hunts.
4. **G43- Late Season Buck Hunt in d6**- 20-50 tags, Starts the first Saturday in November and runs for 5 consecutive days. Tag is good for all public and private lands within the D6 Zone. This tag allocation can be removed from the general 10,000 tags that are allocated for D6 zone.
5. **G44- Late Season Buck Hunt in d7**-20-50 tags, Starts the first Saturday in November and runs for 5 consecutive days. Tag is good for all public and private lands within the D7 Zone. This tag allocation can be removed from the general 9,000 tags that are allocated for D7 zone.

## Muzzleloader

### Proposed Changes

1. **M8- Bass Hill Boundary Change**- Allow hunters access to all of the X6a zone. Current M8 zone boundary is the Lassen County portion of X6A. There was no management reasoning for this. Originally the boundary was set for weather access and location of majority of the deer.
2. **M13- D3 Late Muzzleloader Hunt**- 10-20 tags. Start the following Saturday after D3 rifle and run for 9 consecutive days. This tag allocation can be removed from the general 33,000 tags that are allocated for D3-5 zone.
3. **M14- D4 Late Muzzleloader Hunt**- 10-20 tags. Start the following Saturday after D3 rifle and run for 9 consecutive days. This tag allocation can be removed from the general 33,000 tags that are allocated for D3-5 zone.
4. **M15- D5 Late Muzzleloader Hunt**- 10-20 tags. Start the following Saturday after D3 rifle and run for 9 consecutive days. This tag allocation can be removed from the general 33,000 tags that are allocated for D3-5 zone.
5. **M16- Jackson State Forest Muzzleloader Buck Hunt**- 10-20 tags- Start the third Saturday in October and run for 9 consecutive days. Falls within the boundaries of the Jackson State forest in A Zone. This tag allocation can be removed from the general 65,000 tags that are allocated for A zone. Oregon has numerous late season blacktail hunts in dense forested zones. This could be similar.

## Archery

### Proposed Changes

**Split Archery C Zones**
Currently the C zones are lumped into one zone (C1-4). The zones currently have separate seasons established. While hunting occurs in all zones, C4 has the highest concentrations of hunters.
Current Tags

- C1-4- 1,945 tags,

Proposed Tags- Would be based on CDFW data.

- C1-400
- C2-400
- C3-400
- C4-745

**Pros-** C Zone tags are becoming harder to draw and if they were split it would allow hunters who want easier draw odds to look at the less popular zones such as C1-3. Spread applicants across zones. Give biologist better harvest data.
**Cons-** Reduces hunter flexibility by having to choose zone up front.

**New Hunts**

1. **A26- Bass Hill Late Archery Boundary Change**- Allow hunters access to all of the X6a zone. Current A26 zone boundary is the Lassen County portion of X6A. There was no management reasoning for this. Originally the boundary was set for weather access and location of majority of the deer.
2. **A34- King Range Late Archery Buck**- 10-20 tags. Runs the last Saturday in October and runs for 9 consecutive days. Hunt falls within B4 zone. Can hunt private and public lands within the B4 zone. This tag allocation can be removed from the general 35,000 tags that are allocated for B zone. Oregon has numerous late season blacktail hunts in dense forested zones. This could be similar.
3. **A36- Late Archery buck in C1-C3**- 15-35 tags, Starts the following Saturday after C3 rifle (latest date) and runs for 14 consecutive days. Tag is good for all public and private lands within the C1-C3 Zones. This tag allocation can be removed from the 12,870 tags that are allocated for C1-4 zones (includes rifle, general, archery and apprentice).

## Apprentice

### Proposed Changes

### New Hunts

- **J23-Honey Lake Wildlife Area Early buck Rifle Hunt**- 5-10 tags. Apprentice can hunt on CDFW lands (Dakin & Fleming) wildlife areas. Starting the First Saturday in August and runs for 9 consecutive days. This tag allocation can be removed from the tags that are allocated for X6a.
- **J24- Late Season X4 hunt-** 10-20 tags. Start the First Saturday in November and runs for 9 consecutive days. This tag allocation can be removed from the 599 tags that are allocated for X4 zone.

## Elk

### Proposed Changes

**Change Antlerless hunts in Marble Mountains and Siskiyou units**. Increases hunter pressure during Bull hunts creates many hunter conflicts during the hunts and a poor hunt experience. Cow Elk opportunity is generally better in the late fall. Northeastern Elk Zone made this exact change a few years ago. Hunting cows during the breeding seasons could affect breeding patterns.

- Hunt Code 301- Marble Mountain Antlerless- ~~September 8-19~~ October 2-10 or later.
- Hunt Code 401- Siskiyou Antlerless- ~~September 8-19~~ October 2-10 or later.

**Archery Opportunity**- Provide an additional Archery opportunity for Tule Elk

- Grizzly Island Period 1 Either Sex- August 7-9

### Non-resident opportunity

- Many non-residents do not participate in the Big Game Draw due to the fact that there is only One tag available for Elk and Antelope and 10% allocated for Sheep. The 10% rule should be for all three species. This would drive more non-resident applications while not impacting resident odds dramatically.

### Alternate Back-up Dates or longer seasons

- If Public lands are closed due to wildfire tagholders would be allowed to utilize their tags during the current season or during another date later in the year
- Example1- Marble Mountains Elk Tags- September 8-19- USFS is closed, tagholders can turn their tag back or hunt for 2-3 weeks in October or November***TBD by CDFW staff
- Example 2- Siskiyou Elk Tag Dates- September 8 through November 30. Longer season allows for more opportunity as well as better success to meet Elk population objectives.

## Bighorn Sheep

Add 2-4 tags allocated for Archery and Muzzleloader hunts Zone wide (Zones 1, 3, 10). These could also be conducted outside of the general season to reduce congestion.

- Currently the state has ranges with excess sheep. Once Sheep herds reach a certain population, they become more susceptible to disease. Removing excess sheep in higher population units would assist in reducing likelihood of disease.
- The 2019 ED that was completed by the department allowed for the cdfw to allocate additional tags for specific units. Some of these units are at the max of their allocations however other are not.
- Archery and muzzleloader is a more difficult method of take and offering up to 4 more tags could result in 100% take however it is unlikely.
- As shown in the below table, many of the units have 100's of sheep and would justify additional harvest.

**Appendix 5: Desert Bighorn Sheep Surveys**

| Zone | Year | Survey Type | Number of Lambs | Number of Ewes | Number of Rams | Number of Unclassified | Total Counted |
|---|---|---|---|---|---|---|---|
| Marble Mountains & Clipper Mountains | 2007 | Helicopter | 12 | 84 | 46 | 0 | 142 |
| | 2009 | Helicopter | 34 | 88 | 65 | 0 | 187 |
| | 2015 | Helicopter | 8 | 48 | 23 | 5 | 84 |
| | 2016 | Ground | 42 | 73 | 35 | 2 | 152 |
| | 2018 | Ground | 18 | 78 | 35 | 1 | 132 |
| | 2007 | Helicopter | 0 | 8 | 11 | 0 | 19 |
| | 2009 | Helicopter | 4 | 13 | 16 | 0 | 33 |
| | 2015 | Helicopter | 4 | 20 | 22 | 0 | 46 |
| Clark Mountain Kingston Range | 2007 | Helicopter | 0 | 31 | 18 | 0 | 49 |
| | 2009 | Helicopter | 0 | 12 | 8 | 0 | 20 |
| | 2015 | Helicopter | 0 | 1 | 3 | 0 | 4 |
| | 2016 | Helicopter | 1 | 31 | 13 | 5 | 50 |
| | 2007 | Helicopter | 3 | 27 | 21 | 0 | 51 |
| | 2009 | Helicopter | 6 | 33 | 20 | 0 | 59 |
| | 2015 | Helicopter | 9 | 25 | 14 | 0 | 48 |
| | 2016 | Helicopter | 3 | 31 | 19 | 2 | 55 |
| | 2018 | Helicopter | 5 | 80 | 34 | 0 | 119 |
| White Mountains | 2008 | Helicopter | 16 | 59 | 52 | 0 | 127 |
| | 2009 | Helicopter | 16 | 60 | 29 | 2 | 107 |
| | 2015 | Ground | 46 | 69 | 82 | 20 | 217 |
| | 2016 | Ground | 26 | 43 | 9 | 22 | 100 |
| | 2018 | Ground | 36 | 124 | 62 | 1 | 223 |
| Cady Mountains | 2007 | Helicopter | 12 | 59 | 38 | 0 | 109 |
| | 2009 | Helicopter | 37 | 92 | 38 | 0 | 167 |
| | 2010 | Helicopter | 23 | 102 | 49 | 0 | 174 |
| | 2018 | Helicopter | 8 | 58 | 27 | 0 | 93 |
| Newberry, Rodman and Ord Mountains | 2016 | Helicopter | 49 | 70 | 52 | 0 | 171 |
| | 2018 | Helicopter | 35 | 95 | 72 | 0 | 202 |

Proposal Table

2022 Implementation

2023 Implementation

2024 Implementation

| Proposal Number (not in ranking order) | Proposal Name | Page Reference | Year Implemented |
|---|---|---|---|
| 1 | Party Application Rule | 4 | 2022 |
| 2 | Tag reissuance | 5 | 2023 |
| 3 | 2nd Bear Tag | 6 | 2022 |
| 4 | General Rifle/Archery Deer tag separation | 7 | 2023 |
| 5 | Split C Zone General | 8 | 2022 |
| 6 | Split X3b | 8 | 2023 |
| 7 | G40- A Zone North Late Rifle Tag | 10 | 2023 |
| 8 | G41- A Zone South Late Rifle Tag | 10 | 2023 |
| 9 | G42- Snow Mountain Wilderness Early Rifle | 10 | 2024 |
| 10 | G43- Late Season Buck Hunt in d6 | 10 | 2023 |
| 11 | G44- Late Season Buck Hunt in d7 | 10 | 2023 |
| 12 | M8- Bass Hill Muzzleloader Boundary Change | 11 | 2022 |
| 13 | M13- D3 Late Muzzleloader Hunt | 11 | 2022 |
| 14 | M14- D4 Late Muzzleloader Hunt | 11 | 2022 |
| 15 | M15- D5 Late Muzzleloader Hunt | 11 | 2022 |
| 16 | M16- Jackson State Forest Muzzleloader Buck Hunt | 11 | 2024 |
| 17 | A26- Bass Hill Late Archery Boundary Change | 12 | 2022 |
| 18 | Split Archery (A1) C Zones | 12 | 2022 |
| 19 | A34- King Range Late Archery Buck | 12 | 2023 |
| 20 | A36- Late Archery buck in C1-C3 | 12 | 2022 |
| 21 | J23-Honey Lake Wildlife Area Early buck Rifle Hunt | 13 | 2022 |

| | | | |
|---|---|---|---|
| 22 | J24- Late Season X4 hunt | 13 | 2023 |
| 23 | Marble & Siskiyou Antlerless Date Change | 14 | 2022 |
| 24 | Archery Grizzly Island Bull | 14 | 2024 |
| 25 | Alternate Elk dates for potential closures | 14 | 2022 |
| 26 | Archery BHS opportunity | 15 | 2024 |
| | | | |

# 2022 Big Game Proposals

Completed by Dan Ryan in Coordination with Sportsman groups and Local CDFW Biologist.

# Background

- CDFW R3 Committee- Recruitment, Retention, Reactivation
- Licensing structure committee identified the Big Game tags/hunts were outdated and need reform.
- Over 15 years of working with hunter groups and hearing frustrations about CDFW hunts.
- Collaborated with CDFW to ensure proposals meet goals and objectives of department.

# Why?

- Hunter environment is changing and CDFW should adapt to the needs.
- More applicants- Close to 20K new applicants in the Big Game drawing since 2014 making draw odds tough.
- Create better hunt opportunity and quality to continue to recruit and retain hunters.
- Increase revenue for CDFW.
- Increase Draw odds for Big Game Drawing
- Build Rappor with Sportsman- Shows that the Department is listening to the sportsman's complaints and request.

# General Changes

- <u>Party Applications Return Tags Rule</u>
  - Currently allows Any members of a party application to turn back a tag and get points reinstated.
  - Many use this rule to their advantage by putting in party members that have no intent to hunt.

  - Example: John Doe has 0 points, and his grandma has 12 points. They apply as a party for deer and have an average of 6 points (0+12/2). They are successful drawing X4. John Doe plans on hunting while Grandma returns tag and request for points to be reinstated. CDFW reinstates points she now has 13 points and John Doe has zero and goes on the hunt. John Doe can then apply with Grandma next year and split 13 points….This can be done over and over again allowing John to get tags year after year using grandma's points.

# Returned Tag Reissuance

- Currently tags that are turned back are given to the alternates that were assigned through the drawing.
- It is unclear if this occurs on tags that are turned back the day prior to the season.

- Propose that CDFW make available tags turned back later, where by the time CDFW process the season has started and alternates are now available.

Example:
- John Doe drew a X4 tag. He is planning on going however has an emergency the week before the hunt that prevents him from going. John follows CDFW rules and turns the tag back the day prior to the season. CDFW takes 3-4 days to process this return and places the tag back on the open market via Aspira where sportsman can purchase first come first serve.
- Colorado, Idaho and Nevada do this process and it works nice for providing additional opportunity as well as additional revenue for the department.

# Big Game Proposals

- **Second Bear Tag Option**

Qualified individuals may purchase one bear tag per year. Tag quota, must cease hunting if bear harvest reaches quota.

- **Proposed Change:**

Successful bear hunters upon completion of harvest report and CDFW validation may purchase a second Bear tag at $XX.XX. ***Potential addition: If bear harvest reaches 80% of quota no second tags would be issued.

# General Premium Deer Hunts

**Split rifle C Zones**
Currently the C zones are lumped into one zone (C1-4). The zones currently have separate seasons established. While hunting occurs in all zones, C4 has the highest concentrations of hunters.
Current Tags
- C1-4- 8,150 tags

Proposed Tags- *Would be based on CDFW data.
- C1-1,766
- C2-1,766
- C3-1,766
- C4-2,852

- **Pros-** C Zone tags are becoming harder to draw and if they were split it would allow hunters who want easier draw odds to look at the less popular zones such as C1-3. Spread applicants across zones, reduces hunter congestion and gives biologists better harvest data.

- **Cons-** Reduces hunter flexibility by having to choose zone up front.

**Split Zones X3b**
- This zone is highly sought after and very large. There are high concentrations of use in specific portions of this zone leaving many portions of the unit not hunted or with low use. The zone has main roads that travers West to East through the Zone and could be used to split the zone into two. This would not result in a tag allocation increase but splits them based on population estimates.

Current Tag Allocations
- X3B-499
-

**X3B North-** Keep existing Northern, West and East Boundaries, however, change the southern boundary to Hwy 299**.** 220 tags

**X3b South-** Keep existing Southern, West and East Boundaries, however, change the Northern boundary to Hwy 299. 279 tags

**Pros-** Spreads draw applications. Adds two additional options for hunters to apply for therefore spreading the applications and cumulatively reducing preference point needed to draw other hunts.
**Cons-** Reduces tags in size and tag allocation in main unit. Reduces hunter's flexibility.

# General Methods Deer Hunts

1. **G40- A Zone North Late Rifle Tag**- 15-35 tags, Starts the following Saturday after A zone rifle and runs for 9 consecutive days. Tag is good for all public and private lands within the A North Zone. This tag allocation can be removed from the general 65,000 tags that are allocated for A zone.
2. **G41- A Zone South Late Rifle Tag** - 15-35 tags, Starts the following Saturday after A zone rifle and run for 9 consecutive days. Tag is good for all public and private lands within the A South Zone. This tag allocation can be removed from the general 65,000 tags that are allocated for A zone.
3. **G42- Snow Mountain Wilderness Early Rifle**- 5-15 tags, Starts the last Wednesday in July and runs for 5 consecutive days. Tag is good for all public and private lands within the B1 & B3 zone within the Snow Mountain Wilderness. This tag allocation can be removed from the general 35,000 tags that are allocated for B zone. Adds a unique opportunity for backcountry rifle hunters. Other states like Wyoming and Colorado have these same hunts.
4. **G43- Late Season Buck Hunt in d6**- 20-50 tags, Starts the first Saturday in November and runs for 5 consecutive days. Tag is good for all public and private lands within the D6 Zone. This tag allocation can be removed from the general 10,000 tags that are allocated for D6 zone.
5. **G44- Late Season Buck Hunt in d7**-20-50 tags, Starts the first Saturday in November and runs for 5 consecutive days. Tag is good for all public and private lands within the D7 Zone. This tag allocation can be removed from the general 9,000 tags that are allocated for D7 zone.

# Deer Muzzleloader Hunts

1. **M8- Bass Hill Boundary Change**- Allow hunters access to all of the X6a zone. Current M8 zone boundary is the Lassen County portion of X6A. There was no management reasoning for this. Originally the boundary was set for weather access and location of majority of the deer.
2. **M13- D3 Late Muzzleloader Hunt**- 10-20 tags. Start the following Saturday after D3 rifle and run for 9 consecutive days. This tag allocation can be removed from the general 33,000 tags that are allocated for D3-5 zone.
3. **M14- D4 Late Muzzleloader Hunt**- 10-20 tags. Start the following Saturday after D3 rifle and run for 9 consecutive days. This tag allocation can be removed from the general 33,000 tags that are allocated for D3-5 zone.
4. **M15- D5 Late Muzzleloader Hunt**- 10-20 tags. Start the following Saturday after D3 rifle and run for 9 consecutive days. This tag allocation can be removed from the general 33,000 tags that are allocated for D3-5 zone.
5. **M16- Jackson State Forest Muzzleloader Buck Hunt**- 10-20 tags- Start the third Saturday in October and run for 9 consecutive days. Falls within the boundaries of the Jackson State forest in A Zone. This tag allocation can be removed from the general 65,000 tags that are allocated for A zone. Oregon has numerous late season blacktail hunts in dense forested zones. This could be similar.

# Archery Deer Hunts

**Split Archery C Zones**
Currently the C zones are lumped into one zone (C1-4). The zones currently have separate seasons established. While hunting occurs in all zones, C4 has the highest concentrations of hunters.
Current Tags
- C1-4- 1,945 tags,

Proposed Tags- Would be based on CDFW data.
- C1-400
- C2-400
- C3-400
- C4-745

**Pros-** C Zone tags are becoming harder to draw and if they were split it would allow hunters who want easier draw odds to look at the less popular zones such as C1-3. Spread applicants across zones. Give biologist better harvest data.
**Cons-** Reduces hunter flexibility by having to choose zone up front.

1. **A26- Bass Hill Late Archery Boundary Change**- Allow hunters access to all of the X6a zone. Current A26 zone boundary is the Lassen County portion of X6A. There was no management reasoning for this. Originally the boundary was set for weather access and location of majority of the deer.
2. **A34- King Range Late Archery Buck**- 10-20 tags. Runs the last Saturday in October and runs for 9 consecutive days. Hunt falls within B4 zone. Can hunt private and public lands within the B4 zone. This tag allocation can be removed from the general 35,000 tags that are allocated for B zone. Oregon has numerous late season blacktail hunts in dense forested zones. This could be similar.
3. **A36- Late Archery buck in C1-C3**- 15-35 tags, Starts the following Saturday after C3 rifle (latest date) and runs for 14 consecutive days. Tag is good for all public and private lands within the C1-C3 Zones. This tag allocation can be removed from the 12,870 tags that are allocated for C1-4 zones (includes rifle, general, archery and apprentice).

# Apprentice Deer Hunts

- **J23-Honey Lake Wildlife Area Early buck Rifle Hunt**- 5-10 tags. Apprentice can hunt on CDFW lands (Dakin & Fleming) wildlife areas. Starting the First Saturday in August and runs for 9 consecutive days. This tag allocation can be removed from the tags that are allocated for X6a.

- **J24- Late Season X4 hunt-** 10-20 tags. Start the First Saturday in November and runs for 9 consecutive days. This tag allocation can be removed from the 599 tags that are allocated for X4 zone.

# Elk Hunts

**Change Antlerless hunts in Marble Mountains and Siskiyou units**. Increases hunter pressure during Bull hunts creates many hunter conflicts during the hunts and a poor hunt experience. Cow Elk opportunity is generally better in the late fall. Northeastern Elk Zone made this exact change a few years ago. Hunting cows during the breeding seasons could affect breeding patterns.

- Hunt Code 301- Marble Mountain Antlerless- ~~September 8-19~~ October 2-10 or later.
- Hunt Code 401- Siskiyou Antlerless- ~~September 8-19~~ October 2-10 or later.

**Archery Opportunity**- Provide an additional Archery opportunity for Tule Elk

- Grizzly Island Period 1 Either Sex- August 7-9

**Non-resident opportunity**

- Many non-residents do not participate in the Big Game Draw due to the fact that there is only One tag available for Elk and Antelope and 10% allocated for Sheep. The 10% rule should be for all three species. This would drive more non-resident applications while not impacting resident odds dramatically.

**Alternate Back-up Dates or longer seasons**

- If Public lands are closed due to wildfire tagholders would be allowed to utilize their tags during the current season or during another date later in the year
- Example1- Marble Mountains Elk Tags- September 8-19- USFS is closed, tagholders can turn their tag back or hunt for 2-3 weeks in October or November***TBD by CDFW staff
- Example 2- Siskiyou Elk Tag Dates- September 8 through November 30. Longer season allows for more opportunity as well as better success to meet Elk population objectives.

# Sheep Hunts

Add 2-4 tags allocated for Archery and Muzzleloader hunts Zone wide (Zones 1, 3, 10). These could also be conducted outside of the general season to reduce congestion.

- Currently the state has ranges with excess sheep. Once Sheep herds reach a certain population, they become more susceptible to disease. Removing excess sheep in higher population units would assist in reducing likelihood of disease.
- The 2019 ED that was completed by the department allowed for the cdfw to allocate additional tags for specific units. Some of these units are at the max of their allocations however other are not.
- Archery and muzzleloader is a more difficult method of take and offering up to 4 more tags could result in 100% take however it is unlikely.
- As shown in the below table, many of the units have 100’s of sheep and would justify additional harvest.

# Phased Approach

| Proposal Number (not in ranking order) | Proposal Name | Page Reference | Year Implemented |
|---|---|---|---|
| 1 | Party Application Rule | 4 | 2022 |
| 2 | Tag reissuance | 5 | 2023 |
| 3 | 2nd Bear Tag | 6 | 2022 |
| 4 | General Rifle/Archery Deer tag separation | 7 | 2023 |
| 5 | Split C Zone General | 8 | 2022 |
| 6 | Split X3b | 8 | 2023 |
| 7 | G40- A Zone North Late Rifle Tag | 10 | 2023 |
| 8 | G41- A Zone South Late Rifle Tag | 10 | 2023 |
| 9 | G42- Snow Mountain Wilderness Early Rifle | 10 | 2024 |
| 10 | G43- Late Season Buck Hunt in d6 | 10 | 2023 |
| 11 | G44- Late Season Buck Hunt in d7 | 10 | 2023 |
| 12 | M8- Bass Hill Muzzleloader Boundary Change | 11 | 2022 |
| 13 | M13- D3 Late Muzzleloader Hunt | 11 | 2022 |
| 14 | M14- D4 Late Muzzleloader Hunt | 11 | 2022 |
| 15 | M15- D5 Late Muzzleloader Hunt | 11 | 2022 |
| 16 | M16- Jackson State Forest Muzzleloader Buck Hunt | 11 | 2024 |
| 17 | A26- Bass Hill Late Archery Boundary Change | 12 | 2022 |
| 18 | Split Archery (A1) C Zones | 12 | 2022 |
| 19 | A34- King Range Late Archery Buck | 12 | 2023 |
| 20 | A36- Late Archery buck in C1-C3 | 12 | 2022 |
| 21 | J23-Honey Lake Wildlife Area Early buck Rifle Hunt | 13 | 2022 |
| 22 | J24- Late Season X4 hunt | 13 | 2023 |
| 23 | Marble & Siskiyou Antlerless Date Change | 14 | 2022 |
| 24 | Archery Grizzly Island Bull | 14 | 2024 |
| 25 | Alternate Elk dates for potential closures | 14 | 2022 |
| 26 | Archery BHS opportunity | 15 | 2024 |

# Thank you!

From: Michael Costello

Sent: Friday, December 31, 2021 11:42 AM

To: FGC <FGC@fgc.ca.gov>

Subject: WRC meeting - Petition 2021-017

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello and Happy New Year! I am submitting feedback regarding Petition 2021-017. First & foremost I am pleased that this broad-reaching petition has been submitted. More important than the specific outcome of each change requested, I believe this petition sets the stage for phased implementation of innovative ideas which support new hunt opportunities, enable improved herd management and yield net-new funding for CDFW programs.

I support the following outcomes inspired by Petition 2021-017:

1) For 2022: 2nd OTC bear tag for the 2022 fall season

- available to all licensed hunters until the quota is met

- net new funding potential of $100k to $500k / use it for large carnivore population studies

- no change needed for the quota, hunt zones/regions, or seasons.

- **this is NOT what the petition has in it. The petition language which limits a 2nd tag to only those who have already taken a bear is too limiting and does not enable hunters or the Dept to equitably or fully take advantage of this new opportunity.

2) For 2022: Close the grandma loophole. Fairness, equity, utilization of all tags allocated and a more effective use of the Draw system will result.

3) For 2022: Improve the returned tag resale system. This is a service that Kalkomey and CDFW should be able to establish and execute with net-new funding coming from it. If they cannot achieve this result for 2022, CDFW should be charged with the goal of putting it into effect no later than 2023.

4) For 2022: M8 and A26 Bass Hill hunt boundary changes.

5) For 2023 implementation: I believe it will be best if the NGOs, WRC, F&G and CDFW agree to break up the petition into species-specific subsections, with direction that revised, prioritized and phased regulation suggestions are brought back in time for implementation in 2023 and 2024 seasons. Working backward from the Dec. 2022 meeting, a schedule for this should be drafted and shared publicly. This would give the hunting community and all stakeholders time to process data, ingest feedback, integrate mgmt plan changes and establish a path forward.

I plan to attend the WRC meeting via Zoom and look forward to the discussion that takes place.

Thank you for your work on behalf of the California hunting community.

Mike Costello

Hunting Aint Easy (IG)

Hunting Aint Easy (Podcast)

# California Fish and Game Commission
# Wildlife Resources Committee (WRC) Work Plan
# Scheduled Topics and Timeline for Items Referred to WRC

***Updated January 3, 2021***

| | | Sep 2021 Webinar/ Teleconference | Jan 2022 Webinar/ Teleconference | May 2022 Redding |
|---|---|---|---|---|
| **Periodic Regulations** | | | | |
| Upland (Resident) Game Birds | Regulatory | X/R | | X |
| Mammal Hunting | Regulatory | X/R | | X |
| Waterfowl Hunting | Annual | X/R | | X |
| Central Valley Sport Fishing | Annual | X/R | | X |
| Klamath River Basin Sport Fishing | Annual | X/R | | X |
| Inland Sport Fishing | Regulatory | X/R | X/R | X |
| **Regulations & Legislative Mandates** | | | | |
| Falconry | Referral for Review | | | |
| Preference Points and Refunds for Hunting Tags | Regulatory | X | X | X |
| Restricted Species | Regulatory | | | X |
| **Special Projects** | | | | |
| American Bullfrog and Non-native Turtle Stakeholder Engagement Project | Referral for Review | X | X | X |

| | | Sep 2021 Webinar/ Teleconference | Jan 2022 Webinar/ Teleconference | May 2022 Redding |
|---|---|---|---|---|
| **Regulation Change Petitions** | | | | |
| Petition 2021-017 | Referral for Review | | X | X |

**KEY: X Discussion scheduled X/R Recommendation developed and moved to FGC**

# California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

*Updated December 23, 2021*

| Regulatory Change Category | Title 14 Section(s) | WRC Sacramento Jan 13, 2022 | FGC Sacramento February 16, 2022 | FGC Sacramento February 17, 2022 | MRC Sacramento Mar 24, 2022 | TC Monterey / Santa Cruz Area Apr 19, 2022 | FGC Monterey / Santa Cruz Area Apr 20, 2022 | FGC Monterey / Santa Cruz Area Apr 21, 2022 | FGC Teleconference May 19, 2022 | WRC Redding May 19, 2022 | FGC Los Angeles / Orange County June 15, 2022 | FGC Los Angeles / Orange County June 16, 2022 | MRC San Diego Area July 14, 2022 | TC Fortuna August 16, 2022 | FGC Fortuna August 17, 2022 | FGC Fortuna August 18, 2022 | WRC Los Angeles / Inland Empire Area September 15, 2022 | FGC Truckee October 12, 2022 | FGC Truckee October 13, 2022 | MRC Monterey Area November 17, 2022 | TC San Diego Area December 13, 2022 | FGC San Diego Area Dec 14, 2022 | FGC San Diego Area Dec 15, 2022 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Recreational Clam, Sand Crab, and Shrimp Gear Emergency [6] | 29.20, 29.80 | EE 1/8 | | | | | | | | | | | | | | | | | | | | | |
| Recreational Clam, San Crab, and Shrimp Gear Emergency (First 90-day Extension) [6] | 29.20, 29.80 | E1/8 | | | | EE 4/11 | | | | | | | | | | | | | | | | | |
| Recreational Clam, Sand Crab, and Shrimp Gear Emergency (Second 90-day Extension) [6] | 29.20, 29.80 | | A | | | E 4/11 | | | | | | | EE 7/7 | | | | | | | | | | |
| Recreational Clam, Sand Crab, and Shrimp Gear (Implementing Certificate of Compliance) [6] | 29.20, 29.80 | | D | | | | A | | | | | | E 7/1 | | | | | | | | | | |
| Central Valley Sport Fishing (Annual) | 7.40(b)(4), (43), (66), (80) | | | N | | | | D | A | | | | | E 7/16 | | | | | | | | | |
| Klamath River Basin Sport Fishing (Annual) | 7.40(b)(50) | | | N | | | | D | A | | | | | E 8/15 | | | | | | | | | |
| Waterfowl (Annual) | 502 | | | D | | | | A | | | | | E 7/1 | | | | | | | | | | |
| CA Grunion Limit and Season Changes (FGC Petition #2019-014) | 27.60(b), 28.00 | | A | | | | | | | | E 6/1 | | | | | | | | | | | | |
| Pink Shrimp Fishery Management Plan Implementing Regulations | 56.00, 56.01, 120.1, 120.2 | | N | | | | | | | | D/A | | | | | | | E 10/1 | | | | | |
| Big Game Preference Point Reinstatement and Tag Refunds | 708.14 | | | A | | E 4/1 | | | | | | | | | | | | | | | | | |
| Harvesting of Kelp and Other Aquatic Plants, Commercial Marine Algae Management Policies | 165, 165.5, 705.1 | | D/A | | | | | | | | | | E 7/1 | | | | | | | | | | |
| Low Flow Fishing Restrictions Due to Drought Conditions | 7.40(b)(40)(A)1., 8.00(a), 8.00(b) | | E 1/30 | | | | | | | | | | | EE 7/30 | | | | | | | | | |
| Game Fish Contests | 230 | | | N | | | | D | A | | | | E 7/1 | | | | | | | | | | |
| Freshwater Sport Fishing Regulation Updates | 2.00, 2.25, 2.30. 5.00, 5.15, 5.41, 5.75, 5.79, 5.85, 5.87, 7.40, 7.50, 8.00 | | | | | | | N | | | | D | | | | A | | | | | | | |
| Recreational and Commercial Fishing Regulations for Federal Groundfish and Associated Species for Consistency with Federal Rules in 2023 and 2024 | 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 52.10, 150.06, 150.16 | | | | | | | | | | N | | | | D | | | A | | | | | |
| Western Joshua Tree Dead Hazard Trees 2084 Emergency (90-day Extension) | 749.11 | EE 2/7 | | | | | | | | | | | | | | | | | | | | | |
| Western Joshua Tree Dead Hazard Trees 2084 Emergency (Second 90-day Extension) | 749.11 | E 2/7 | | | | | | | EE 5/7 | | | | | | | | | | | | | | |
| Western Joshua Tree Local Government 2084 Emergency (90-day Extension) | 749.12 | EE 2/7 | | | | | | | | | | | | | | | | | | | | | |
| Western Joshua Tree Local Government 2084 Emergency (Second 90-day Extension) | 749.12 | E 2/7 | | | | | | | EE 5/7 | | | | | | | | | | | | | | |
| Recreational Sub-Bag Limits for Vermilion, Copper and Quillback Rockfishes Emergency | 28.55 | E 1/6 | | | | | | | | | | | EE 7/4 | | | | | | | | | | |
| Experimental Fishing Permit (EFP) Program Phase II | 90, 91, 120.1, 149, 149.3, 180, 704 | | | | | E 4/1 | | | | | | | | | | | | | | | | | |

| Rulemaking Schedule to be Determined | Title 14 Section(s) | WRC Sacramento Jan 13, 2022 | FGC Sacramento February 16, 2022 | FGC Sacramento February 17, 2022 | MRC Sacramento Mar 24, 2022 | TC Monterey / Santa Cruz Area Apr 19, 2022 | FGC Monterey / Santa Cruz Area Apr 20, 2022 | FGC Monterey / Santa Cruz Area Apr 21, 2022 | FGC Teleconference May 19, 2022 | WRC Redding May 19, 2022 | FGC Los Angeles / Orange County June 15, 2022 | FGC Los Angeles / Orange County June 16, 2022 | MRC San Diego Area July 14, 2022 | TC Fortuna August 16, 2022 | FGC Fortuna August 17, 2022 | FGC Fortuna August 18, 2022 | WRC Los Angeles / Inland Empire Area September 15, 2022 | FGC Truckee October 12, 2022 | FGC Truckee October 13, 2022 | MRC Monterey Area November 17, 2022 | TC San Diego Area December 13, 2022 | FGC San Diego Area Dec 14, 2022 | FGC San Diego Area Dec 15, 2022 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures | 632 | | | | | | | | | | | | | | | | | | | | | | |
| Santa Cruz Harbor Salmon Fishing (FGC Petition #2016-018) | TBD | | | | | | | | | | | | | | | | | | | | | | |
| European Green Crab (FGC Petition #2017-006) | TBD | | | | | | | | | | | | | | | | | | | | | | |
| Wildlife Areas/Public Lands [4] | TBD | | | | | | | | | | | | | | | | | | | | | | |
| Possess Game / Process Into Food | TBD | | | | | | | | | | | | | | | | | | | | | | |
| American Zoological Association / Zoo and Aquarium Association | 671.1 | | | | | | | | | | | | | | | | | | | | | | |
| Night Hunting in Gray Wolf Range (FGC Petition #2015-010) | 474 | | | | | | | | | | | | | | | | | | | | | | |
| Shellfish Aquaculture Best Management Practices | TBD | | | | | | | | | | | | | | | | | | | | | | |
| Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition #2017-008) | TBD | | | | | | | | | | | | | | | | | | | | | | |
| Ridgeback Prawn Incidental Take Allowance | 120(e) | | | | | | | | | | | | | | | | | | | | | | |
| Commercial Take of Pacific Herring: Lampara Bait Nets [7] | 163, 163.1 | | | | | | | | | | | | | | | | | | | | | | |

**KEY**

FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee

EM = Emergency **EE = Emergency Expires** E = Anticipated Effective Date (**RED "X" = expedited OAL review**)

N = Notice Hearing D = Discussion Hearing A = Adoption Hearing V = Vetting R = Committee Recommendation

4 = Includes FGC Petition #2018-003 6 = Includes FGC Petition #2019-012 7 = Includes FGC Petition #2020-015