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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

February 18, 2022

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a 15-day continuation notice for the Big Game Preference Points Reinstatement and Tag Refund Due to Public Land Closures regulations, published in the California Regulatory Notice Register on November 12, 2021, Notice No. Z2021-1102-06, and adopted by the Fish and Game Commission (Commission) on February 17, 2022.

This 15-day notice provides clarity related to the lack of sunset dates in the proposed regulatory text. In public meetings and in written meeting materials, the proposed regulations were sometimes characterized as temporary or to be in effect “for only two hunting seasons.” However, the proposed and adopted regulatory text in Section 708.14 does not contain a repeal date. It should be noted that upon adoption, the Commission directed Commission staff to work with the Department of Fish and Wildlife to engage with stakeholders and provide analysis of input to the Commission’s Wildlife Resource Committee (WRC). The WRC, after considering such analysis, will provide a recommendation to the Commission regarding any future regulatory action

The revisions to the proposed regulatory language are sufficiently related to the originally proposed regulatory text such that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. There are no changes to the originally proposed regulatory text regarding a repeal date; however, the word “deer” is removed from subsection (k)(2)(A) since this subsection does not relate to deer. The proposed changes to Section 708.14, Title 14, CCR, are clearly indicated on the attached revised proposed regulatory text, as follows: originally proposed text that is now proposed for deletion is shown in ~~single underline double strikeout~~; originally proposed text not affected by the changes described in this 15-day notice is indicated in single underline and ~~strikeout~~ format.

### Availability of Documents:

Documents relating to the proposed changes are available for inspection on the Commission’s website at [https://fgc.ca.gov/Regulations/2021-New-and-Proposed#708\\_14](https://fgc.ca.gov/Regulations/2021-New-and-Proposed#708_14) and at the Fish and Game Commission office at 715 P Street, 16<sup>th</sup> Floor, Sacramento, California, 95814, Monday through Friday, except holidays between the hours of 8:00 a.m. and 5:00 p.m.. To help maintain the safety of Commission staff and the public during the Covid-19 pandemic, in-person access to the Commission office is limited. Any member of the public wishing to visit

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the Commission office is requested to send an email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) describing the reason for your visit and your desired date and time.

Comments on the revisions to the proposed regulatory language must be emailed to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or mailed to Melissa Miller-Henson, Executive Director, California Fish and Game Commission, P.O. Box 944209, Sacramento, California, 94244-2090, from February 18 to March 4, 2022.

Sincerely,

s/David Thesell  
Regulations Program Manager

Attachment

## Revised 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.