

STAFF SUMMARY FOR FEBRUARY 8-9, 2023

17. REGULATION CHANGE PETITIONS (WILDLIFE AND INLAND FISHERIES)**Today's Item****Information** ☐**Action** ☒

This is a standing agenda item for the Commission to receive new regulation change petitions and act on regulation change petitions received from the public at previous meetings. For this meeting:

- (A) Receive new petitions for regulation change
- (B) Act on previously received petitions for regulation change

Summary of Previous/Future Actions**(A) New Petitions for Regulation Change – Receipt**

- **Today receive new petitions** **Feb 8-9, 2023**
- **Potentially act on new petitions** **Apr 19-20, 2023**

(B) Regulation Change Petitions – Scheduled for Action

- **Received new petitions** **Dec 14-15, 2022**
- **Today's potential actions on petitions** **Feb 8-9, 2023**

Background**(A) Receive New Petitions for Regulation Change**

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1. Regulation change petition forms submitted by the public are received at this Commission meeting under (A) if they are delivered by the comment deadline (included in meeting materials) or by the supplemental comment deadline.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle (receipt and decision); the Commission will determine the outcome of the petitions for regulation change received at today's meeting at the next regularly scheduled Commission meeting (currently April 19-20, 2023) under (B), following staff evaluation, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

The Commission received one new petition by the comment deadline; the petition is summarized in Exhibit A1 and provided as Exhibit A2.

(B) Action on Previously-Received Petitions for Regulation Change

Petitions received at the previous meeting are scheduled for Commission consideration at the next regularly scheduled business meeting under (B). A petition may be (1) denied, (2) granted, or (3) referred to a committee, staff, or the Department for further evaluation

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or information-gathering. Referred petitions are scheduled for action once the evaluation is completed and a recommendation made.

For today, three wildlife and inland fisheries petitions are scheduled for action:

- I. *Petition 2021-007*: Request to revise authorized methods of take and designation for wild pig (Exhibit B2)
- II. *Petition 2021-017*: Request to make various changes to big game hunting regulations (Exhibit B3)
- III. *Petition 2022-18*: Request to delay season start dates for deer hunting (Exhibit B4)

Staff recommendations and rationales, developed with input from DFW staff, are provided in Exhibit B1. The Department's recommendations and rationales for petitions 2021-007 and 2021-017 are included as exhibits B5 and B6, respectively.

Significant Public Comments

1. The petitioner for Petition 2021-007 provides some background information on ammunition (Exhibit B7), and another commenter endorses the use of airguns to take wild pigs.
2. Two commenters do not fully support Petition 2022-18, but support the general idea of later deer hunting seasons in some circumstances (sample in Exhibit B8).

Recommendation

Commission staff: Deny petitions 2021-007 and 2022-18 based on the rationale in Exhibit B1. Grant in part and deny in part Petition 2021-017, as reflected in the Wildlife Resources Committee recommendation.

Committee: The Wildlife Resources Committee recommends that the Commission grant or deny the proposed regulation changes identified in Petition 2021-017 as reflected in the Department recommendations (Exhibit B6), specifically:

- grant item 1;
- deny items 2, 3, 25, and 27 for the reasons stated in the exhibit;
- grant items 23 and 24, which are being considered within the Commission's elk hunting rulemaking;
- grant item 26 for consideration in a future rulemaking; and
- deny all other proposals based on insufficient data and/or information to support the proposal.

Department: Deny Petition 2021-007 based on the rationale in Exhibit B5. Grant in part and deny in part Petition 2021-17 as reflected in Exhibit B6.

Exhibits

- A1. [Summary of new petitions for regulation change received through January 26, 2023](#)
- A2. [Petition 2023-01, received January 9, 2023](#)
- B1. [Summary of petitions for regulation change scheduled for action, updated Oct 5, 2022](#)
- B2. [Petition 2021-007, received May 10, 2021](#)

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- B3. [Petition 2021-017, received August 30, 2021](#)
- B4. [Petition 2022-18, received November 10, 2022](#)
- B5. [DFW memo, received December 30, 2022](#)
- B6. [Initial Assessment and Recommendations for Petition 2021-017 \(Big Game Hunts\), California Department of Fish and Wildlife, received January 5, 2023](#)
- B7. [Emails from Colin Gallagher, received December 15, 2022 through January 26, 2023](#)
- B8. [Email from Michael Costello, received January 22, 2023](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations to deny petitions 2021-007 and 2022-18, and to grant in part and deny in part Petition 2021-017 as reflected in the Wildlife Resources Committee recommendation.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations as reflected in Exhibit B1, except for item(s) _____ for which the action is _____.

CALIFORNIA FISH AND GAME COMMISSION

RECEIPT LIST FOR PETITIONS FOR REGULATION CHANGE: RECEIVED BY 5:00 PM ON JANUARY 26, 2023

FGC - California Fish and Game Commission DFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2023-01	1/9/2023	Dale Tobiassen	Hunting: WLA Night-use stamp	Request to create a "Night Use Stamp" for DFW Region 2, Type C Wildlife Areas.	2/8-9/2023	4/19-20/2023



Tracking Number: (_2023-01_)

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: Dale Tobiassen
Address: [REDACTED]
Telephone number: [REDACTED]
Email address: [REDACTED]
2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: **Sections 200, 1050, 1530, 1764, 1765, 3031 and 10504, Fish and Game Code. Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1764, 1765, 2006, 2020, 10504 and 12000, Fish and Game Code; and Section 14998, Government Code.**
3. **Overview (Required)** - Summarize the proposed changes to regulations: To create a "Night Use Pass" for the Type C Wildlife areas in North Central Region 2 for night hunting and fishing with a valid license.
4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: I've hunted the 11,900 acres of the Spenceville wildlife area (WLA) and other North Central Region 2 WLA's for over 35 years at night, through these many years I have been checked by the wardens at least once a year and in those numerous encounters I have never been cited or informed that it wasn't legal to be in the WLA's at night. In March of 2021 I was informed that Spenceville was going to enforce a regulation (14CCR 550 c (C) that had been a regulation for years but that law enforcement was not enforcing on most WLA's, specifically not in Spenceville WLA since its creation in 1968. The Spenceville WLA was posted "Day Use Only" with modified hours from 1.5 hours before sunrise to 1 hour after sunset (the Oroville WLA is the only WLA I know of that was enforcing the night closure of sunrise to sun set before 2021). This closure started at the Spenceville WLA with the change in the CDFW law enforcement lieutenant for Yuba County who



had been transferred from the Oroville WLA. I have been told that this regulation is being enforced on most of the Region 2 WLAs now.

The reasoning for the sudden enforcement of the above regulation stated by CDWF to the sportsmen and women was due to illegal activity, (vandalism, graffiti, trash, illegal camping and camp fires) by the general public mostly around the swimming hole area of Dry Creek in Spenceville I was told by the area manager.

In the past year and a half, I have been involved in several zoom meetings with the department trying to come up with an equitable solution to allow continued night hunting for the hunters who hunt legal nocturnal animals.

In June of 2021 I attended a zoom meeting with the Region 2 management representing the biology and law enforcement departments of CF&W to see if we could work out a reasonable and rational solution that would address both the departments concerns while keeping WLA's open for the night hunters. During this meeting the Region 2 manager stated "Houndsmen have not and are not the problem at the Wildlife areas and that the department considers the houndsmen another set of eyes and ears for law enforcement and their presence acts as a deterrent for illegal activity". I explained to him that we have always had unrestricted access at night without any issues and that we shouldn't be restricted to only being allowed access from 1.5 hours before sunrise to 1 hour after sunset to hunt **nocturnal** nongame mammals because of the public's illegal activity, he assured us that he was aware that this closure was having unintended consequences putting the hunters in the middle, and that it was not the departments intent to close night hunting but to stop illegal activity at night. He stated he would meet with the area manager and see about getting night access back for the houndsmen.

After the above-mentioned meeting, the Region 2 managers choose to allow us continued night hunting privileges if we would hunt under our local houndsmen clubs "Special Use Permit" the club is required to purchase to hold special events, this permit is purchased by our houndsmen club so we may host our annual field trials held at the Spenceville WLA.

While I appreciated the department's efforts to accommodate us, after hearing the requirements we would have to implement and administer, I had to inform the Department that their proposed option to allow night hunting under the clubs Special Use Permit would not work for the following reasons:

(1) I am asking for this change as an individual, not as a member of our houndsmen club that hosts the field trials and we are not looking as a club to host hunting events.

(2) The first requirement for obtaining a special use permit is it to provide liability insurance for field trials, our houndsmen clubs' insurance will not crossover to cover hunting of any kind and our club can't assume the liability of all the hunters who want access to the Spenceville WLA.

(3) The three "dog training areas" the department designated for night hunting under the Special Use permit are small areas, the largest of them being only 700+/- acres of the entire WLA's 11,900 acres. The dog training areas were set up where they are by the prior Wildlife habitat supervisor in the early 1990's because hunters don't utilize the areas due to the lack of huntable habitat, he understood the



process of hunting with dogs and chose these areas specifically so our field trials wouldn't interfere with the other hunters pursuing game during our field trial races.

These areas while being able to accommodate the use of a designated track in the controlled environment of the field trial races, is not large enough for running live game with dogs, we are concerned for the safety of our dogs while hunting as two of the three areas are bordered by Beale ABF to the West which is a restricted area while the East side of the area is a fastmoving public road and the third is bordered by a fastmoving public road on its three sides.

(4) The area manager would require our club to submit the following information with our application for our club's Special use permit:

- A). The names of all "statewide hunters" that would like to hunt.
- B). Number of dogs.
- C). Specific date (only one night of hunting a week)
- D). Reserve one of the three small designated dog training areas (making sure the area isn't already booked), all of these hunters would only have permission to hunt one day a week, rotating weekly between the three areas.

All of this a year in advance. We would be required to prepare and submit our application for our permit by November the prior year we are booking. While we can schedule our field trial's a year in advance, it is not possible for our club to administer and meet these requirements.

At this point, when their offer of the Special Use Permit wouldn't work I proposed the use of a modified "Land Use Pass"(title 14 550 (c) 11) for night access, the "Land Use Pass" is used on some of the Type A & B wildlife areas for public access, the department's response was that it would be too confusing for the wardens to figure out who was allowed in the WLA at night, I stated that even with the WLA being posted "Day Use Only" most of the WLA's are still accessible at night to the public, as all the roads in and out of the area are open public county maintained roads that cannot be closed, the main artery of roadways are the only access to many private property owners beyond the WLA boundaries. These roads while being open public roads in and beyond the WLA still needs to be patrolled due to the potential of illegal activity, and by not allowing night access to sportsmen/women would not change the fact the public has 24/7 unimpeded access into the entire WLA.

The department has chosen to allow overnight camping from 1 September through the closure of spring turkey season the 1st Sunday of April approximately 8+ months of the year to the public at the Spenceville WLA's camping area, that is located in the center of the WLA and the dates of use are clearly during the height of fire season, this being another reason for the night closure, illegal campfires during high fire danger

After going back and forth without a resolution that would work for both the department and the WLA users I'm proposing the commission create a **"Night Use Stamp" for the Region 2, type C Wildlife Areas**, similar to the Hunting Pass (title 14 550 (b) 7) I believe this will provide an equitable remedy to the satisfaction of all the parties involved, this would accomplish both the departments' goals of keeping WLA's day use only for the general public and night access to the WLA for legal Sportsmen/women.

The **"Night Use Stamp"** proposal will alleviate one other issue brought up by the area manager that they could not just close the WLA to the general public but allow the hunters and anglers to keep using the area at night. We would be purchasing our right to access the WLA at night, not unsimilar to



the offer of us using the Special Use Permit our club purchases to access the WLA or a Hunting Pass.

Implementing a “**Night Use stamp**” would generate income for the department with the fee to be determined by the CDFW. This should be an easy and inexpensive option for the Department to add as there is already a stamp program in place through the departments automated license data system and can be purchased through licensed agents and licensed sales offices, the same as hunters purchasing upland game stamps, hunting passes, anglers when purchasing specialized stamps for strippers, salmon and steel head fishing.

We are asking for the Night Use Stamp to be valid from the night of the closure of general deer season this date of course would vary year to year, and there will not be a conflict with deer season, though 15 March (the closure of dog training in the WLA’s) for hunters and open year-round for the anglers.

The bottom line is the night sportsmen and women should not be the victims of unintended circumstance by losing more of our extremely limited hunting area that we have had the use of for over 50 years because of the illegal activities of others when there can be a simple resolution to this problem. I believe my proposal will meet everybody’s concerns by keeping the areas closed to the general public intent on illegal activities, which according to the department management was their main intent in closing the WLA’s for night use.

Please note I am wanting to bring to the commission’s attention a letter in the R3 action Plan from director Bonham, this letter is basically mandating the department to follow the R3 program, to regenerate, retention and reactivate hunters and anglers, and as you will see the number one priority is “access and opportunity” for hunters. Not allowing this does not in any way work towards achieving the goal for our states R3 action plan, a link to the R3 is included in the supporting documentation section.

SECTION II: Optional Information

1. **Date of Petition:**
2. **Category of Proposed Change**
 - ☒ Sport Fishing
 - ☐ Commercial Fishing
 - ☒ Hunting
 - ☐ Other, please specify:
3. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
 - ☒ Amend Title 14 Section(s):
 - ☒ Add New Title 14 Section(s):
 - ☐ Repeal Title 14 Section(s):
4. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**



Or ☒ Not applicable.

5. **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:
June 1, 2023
6. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: From the R3 Action Plan. The plan is structured under eight topics of interest that reflect the work of the R3 subcommittees (1) Access and Opportunity, (2) Adult-Onset Participation, (3) Mentorship, (4) Youth and Families, (5) Reactivation, (6) Marketing and Public perception, (7) License Structure and (8) Funding and Grants.
R3 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=165196&inline>
"Special Use Permit "(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=89249&inline>)
[2023 Permit Application for Special Use of Department Lands](#)
7. **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: .
8. **Forms:** If applicable, list any forms to be created, amended or repealed:
[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: 01/09/2023

FGC staff action:

- ☒ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

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

CALIFORNIA FISH AND GAME COMMISSION PETITIONS FOR REGULATION CHANGE - ACTION ON FEBRUARY 8-9, 2023

FGC - California Fish and Game Commission DFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Grant: FGC is willing to consider the petitioned action through a process Deny: FGC is not willing to consider the petitioned action Refer: FGC needs more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt	FGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Final Staff Recommendation
2021-007	5/10/2021	Colin Gallagher	Wild pig	Request to revise authorized methods of take and designation for wild pig	6/15-16/2021	8/18/2021	REFER to DFW for review and recommendation the portions of the petition that are within FGC's authority. (a) REFER for inclusion in DFW's current review of Petition 2019-010 regarding use of air gun; (b) REFER. (c) This request is outside FGC authority, as "big game" is defined in statute and would require a legislative change.	8/18/2021	DFW	DENY based on the rationale in DFW memo under Item 17 in February 2023 meeting materials.
2021-017	8/30/2021	Dan Ryan	Mammal hunting: Big game	Request to make various changes to big game hunting regulations	10/14/2021	12/15-16/2021	REFER to WRC for review and recommendation.	12/15-16/2021	WRC	GRANT in part, DENY in part. See details in Item 17, February 2023 meeting materials.
2022-18	11/10/2022	John Burk	Game hunting: Deer season	Request to delay season start dates for deer hunting.	12/14-15/2022	2/8-9/2023	DENY: CDFW plans to explore hunting season changes for a number of big game species, including deer, for a potential future rulemaking. This request will be considered in the context of that rulemaking.			



Tracking Number: (_2021-007_)

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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: Colin Gallagher

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:

~~The Fish and Game Commission's regulatory process is governed by the California Administrative Procedure Act (APA). APA is a series of acts of the California Legislature, first enacted June 15, 1945. Chapter 3.5 of the APA requires California State agencies to adopt regulations in accordance with its provisions.~~

~~The Commission is the proper entity to review and act upon proposed changes to Fish and Game regulations. The interpretations and changes requested in this case have first been sent to staff for review and were also sent as a timely public comment on the May 11, 2021 Wildlife Resources Committee agenda item 4(a) – Discuss Potential Regulatory Options for 2021-2022 Seasons for Mammal Hunting. My comments are now sent to the Commission as a request (petition) for interpretation and change to regulations, after first having asked the Wildlife Resources Committee to recommend my proposals to the full Commission.~~

Authority cited: Sections 200, 203 and 265, Fish and Game Code, and in context of the proposal, note in particular Sections 200(a), 203(d), and 265 of Fish and Game Code. (Reference: Sections 2005, 2055, 3004.5 and 3950, Fish and Game Code.)

Authority for Commission to enact changes to California Code of Regulations Title 14, Section 353 (for 14 CCR § 353 subsection (c), 14 CA ADC § 353 subsection (c))

3. Overview (Required) - Summarize the proposed changes to regulations:



There should be rendered by the Commission an interpretation of Mammal Hunting Regulations §353. Methods Authorized for Taking Big Game subsection (c) so that it will be considered to be legal to utilize a BB device for hunting wild pig in California, so long as the BB device is at least .40 caliber in designation, or larger.

My second request is that the Commission alter the .40 caliber minimum designation formally to .30 minimum (whether for rifle centerfire, muzzleloader, or BB device) in 353(c).

Alternatively, the Commission could make a change that would require .357 caliber minimum for BB devices to hunt wild boar (this would not alter any California lead free regulations), and clarify that hunting boar with centerfire cartridges with softnose or expanding projectiles of .30 caliber or greater in designation is permitted (lead free would still be required as the law currently requires if we are using centerfire rounds).

My third request is distinct than my first and second and should be evaluated separately. This request is for an actual change, not an interpretation. This request, for a change in Mammal Hunting Regulations, is simply to remove wild pig (feral pigs, European wild pigs, and their hybrids (genus *Sus*)) from Big Game as defined in the Mammal Hunting Regulations at §350. I request that the Commission agendaize this change for discussion then finalize the change.

See also previous legislation on the matter from 2017 - 2018 (AB 2805):

https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB2805

4. Rationale (Required) -

item 1 rationale.

Currently it is not legal to hunt boar with a BB device in California. However, it is legal to own BB devices in California, and is legal to hunt with them for some animals in California such as turkey. It is legal in many other States to hunt boar with what are called "big bore airguns," which would be as proposed by this comment, BB devices as defined in law by California, with the caveat that the interpretation would require that the caliber equivalent for BB devices to be used on wild boar be .40 caliber in designation or larger.

This would not circumvent any hunter safety requirement, hunter license, or tag requirement in California, as all these laws still exist and would need to be followed regardless.

item 2 rationale.

to allow formally for flexibility of ammunition in the highly constrained market of lead-free products, ranging from .308 down to 7.62x39. This is due to the current language of 353(c) of Fish and Game Code which reads, "(c) Except for the provisions of the following subsections (d) through (j), big game may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354 of these regulations for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including "in-line" muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation" - Currently the language of this provision appears flexible on centerfire cartridges but should be rewritten to expand the flexibility to allow for "centerfire, muzzleloader, and BB device" including any wheellock, matchlock, flintlock, or percussion type or "in-line" muzzleloaders as the case may be, to allow for use of those instruments to hunt big game with .30 caliber minimum designation. In the market, as some examples, the Airforce Texan BB device (big bore airgun) is available in .30, .357, and .45; the Benjamin Bulldog BB device is available in



.357, and the Umarex Hammer, a BB device (big bore airgun) can deliver three .50 caliber rounds one after the other. In the case of BB devices, California law does not require lead-free ammunition (though a few BB device users have explored it), in the case of firearms, it remains required when hunting.

The 7.62x39 round, one of which is perfectly suitable to take down a boar with (example: 7.62X39 RUSSIAN 123GR DT LEAD FREE SC-HP, 2400fps - 1574 ft./lbs), is roughly equivalent to a 30-30 and is essentially a .30 caliber round (7.85–7.9 mm (0.309–0.311") SAAMI 7.92 mm (0.312") CIP). The .308 Winchester, often used on big game, is (0.308" (7.8 mm)). The 7.62x54mmR, used by many in North America today who are owners of Mosin-Nagant bolt-action rifles, is the largest of the three ammunition types mentioned here, and the 7.62x39mm is the smallest cartridge in terms of case length, overall length, rim diameter, and case capacity. However, the 7.62x39 and 7.62x54mmR both have the same bullet diameter. 7.62x39mm factory loads typically use bullet weights in the 120-125 grain range, with 122 and 123 grain bullets being the most common. 7.62x54R factory loads most often use 147-203 grain bullets and 148, 150, and 180 grain bullets are the most popular. Finally, typical .308 Winchester factory loads use bullets in the 110-180 grain range. 150 grain, 165 grain, 168 grain, and 180 grain bullets are the most common. However, all of this ammunition in centerfire is very hard to find (normally out of stock for months) if you are looking for lead-free.

item 3 rationale.

The numbers of wild pigs are exceedingly high, there is damage from the growth of non-native species, and removing them from big game rules at §350 would help encourage more hunters to get back into the field.

SECTION II: Optional Information

5. Date of Petition: May 10, 2021

6. Category of Proposed Change

☐ Sport Fishing

☐ Commercial Fishing

• **Hunting**

☐ Other, please specify:

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

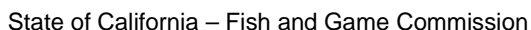
- **Amend Title 14 Section(s): Division 1, Subdivision 2, Sections 350, 353, and 353(c).**

☐ Add New Title 14 Section(s):

☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition

Or ***Not applicable.***



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- ### SECTION 3: FGC Staff Only

FGC staff action:

- ☒ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: 5/26/2021

Meeting date for FGC consideration: 2/8-9/2023

FGC action:

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



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).

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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: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

☒ 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>*)

☒ Amend Title 14 Section(s) [\[Sections 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Also see attached for more details\]](#)

☒ 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 ☒ 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

Tracking Number

Date petitioner was notified of receipt of petition and pending action: [9/14/2021]

Meeting date for FGC consideration: [2/8-9/2023]

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 Abraham

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

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

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 CZones

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
Clark Mountain Kingston Range	2015	Helicopter	4	20	22	0	46
	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
White Mountains	2015	Helicopter	9	25	14	0	48
	2016	Helicopter	3	31	19	2	55
	2018	Helicopter	5	80	34	0	119
	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
Cady Mountains	2018	Ground	36	124	62	1	223
	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	2 nd 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

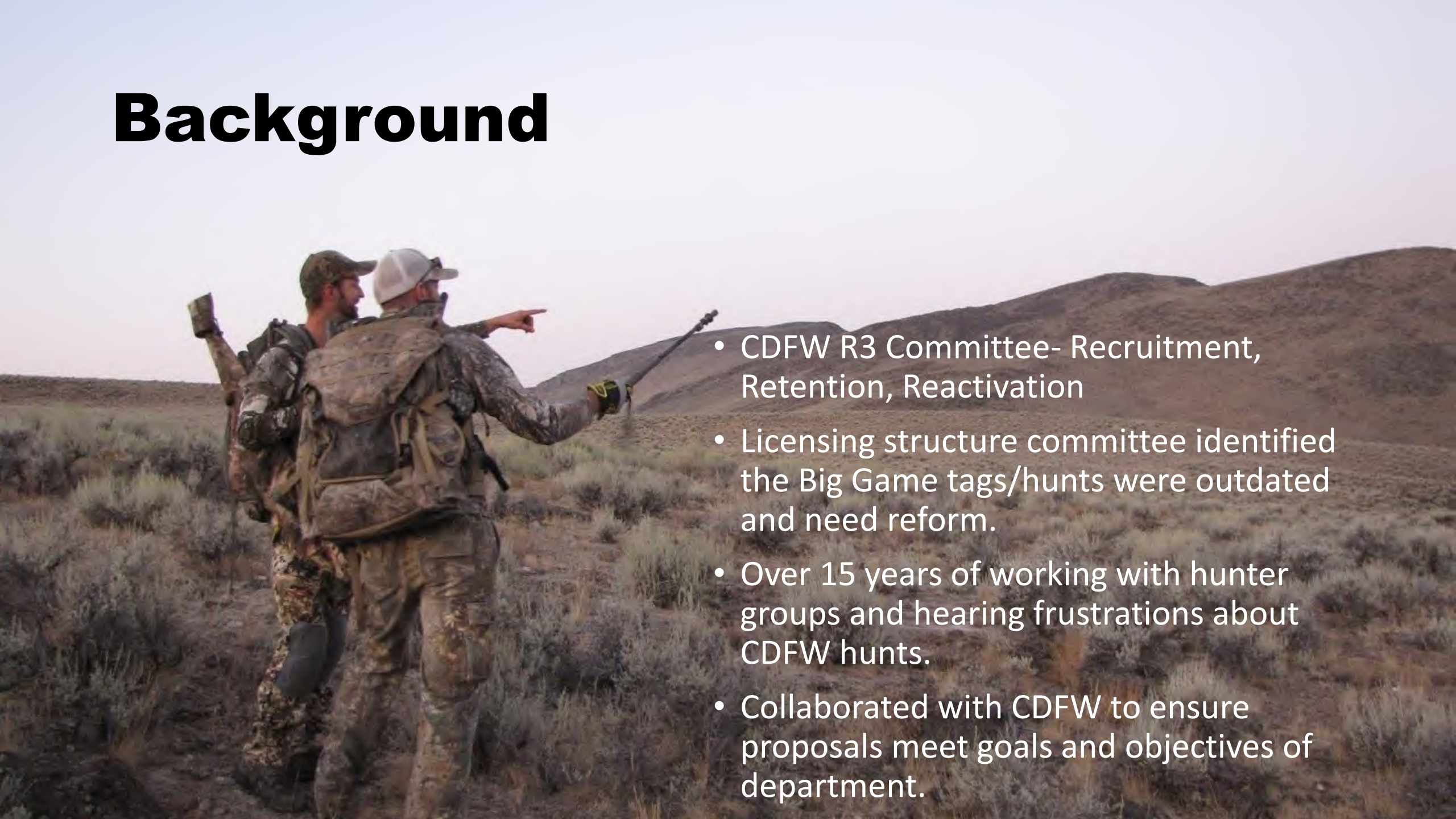
22	J24- Late Season X4 hunt	13	2023
23	Marble & Siskiyou Antlerless Date Change	14	2022
24	Archery Grizzly Island Bull	14	2024
25	Alternate Elk dates for potential closures	14	2022
26	Archery BHS opportunity	15	2024

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

- Party Applications Return Tags Rule
 - 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	2 nd 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!





Tracking Number: (_2022-18_)

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: JOHN BURK

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish & Game Code 203 (a)

3. Overview (Required) - Summarize the proposed changes to regulations: I am proposing adjusting the deer hunting season in zones D-8,9, & 10 by making the following change to:

[Section 360, Title 14, CCR](#) (Deer)

A, B, C, and D Zone Hunts.

Under D Zone sections (7), (8), & (9), and under the (B) season section of each: PROPOSE:

(B) Season: The season in Zone D-8, D-9 & D-10 shall open on the **first Saturday in October** and extend for 30 consecutive days.

4. Rationale (Required) - I have hunting in Southern California (Kern County) for 50 years and it has become obvious to all in this region the climate has been changing and fall temperatures are staying warmer longer into the year, making October of 2022 much like September of 2002. Temperatures, as I am sure you are aware, drastically affect deer migration and interaction behavior. We, in Kern County and specifically zones D-8, 9, & 10, are not seeing legal huntable bucks until late October/early November, after the legal hunting season ends, this year on October 23. In 2021 the deer tags issued total 8305 for the three (3) zones, the total reported bucks harvested in those same zones was 518 or



a 6% buck success rate. That success rate is very low even if some bucks were not reported. The change I propose would align the actual weather season with the hunting season of years past in this warm and more southern zone of California and help raise the success rate for paying hunters.

SECTION II: Optional Information

5. **Date of Petition:** 11-09-2022

6. **Category of Proposed Change**

- ☐ Sport Fishing
☐ Commercial Fishing
☒ 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>)*

- ☐ Amend Title 14 Section(s) [Section 360, Title 14, CCR](#)
☐ Add New Title 14 Section(s): [Click here to enter text.](#)
☐ 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 ☒ 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: 06/15/2023

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: 2021 DEER HARVEST REPORTS ZONE D

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: NONE

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: 11/10/2022

FGC staff action:



☒ Accept - complete

☐ Reject - incomplete

☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: 11/23/2022

Meeting date for FGC consideration: Feb 8-9, 2023

FGC action:

☐ Denied by FGC

☐ Denied - same as petition

Tracking Number

☐ Granted for consideration of regulation change

Memorandum

Date: December 27, 2022

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Petition #2021-007: Wild Boar & Ammo**

A petition submitted by Mr. Colin Gallagher (Petitioner) to the Fish and Game Commission (Commission) proposes to interpret California Code of Regulations, Title 14, section 353 ("Section") and to amend section 350 ("Section 350") and 353(c) to support control of non-native wild pigs and encourage more hunting opportunity. The California Department of Fish and Wildlife (Department) has reviewed the petition and finds that the proposed regulatory changes are not warranted at this time. Therefore, the Department recommends that the Commission deny Petition 2021-007.

The petitioner made three requests in their petition, related to rendering an interpretation of section 353 that would allow BB devices to take big game, amending subsection (c) to change the .40 caliber minimum designation, and amending section 350 to remove wild pig from the definition of big game.

(1) There should be rendered by the Commission an interpretation of Mammal Hunting Regulations §353. Methods Authorized for Taking Big Game subsection (c) so that it will be considered to be legal to utilize a BB device for hunting wild pig in California, so long as the BB device is at least .40 caliber in designation, or larger.

Section 353(c) currently states:

Except for the provisions of the following subsections (d) through (j), big game may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354 of these regulations for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including "in-line" muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation.

In this request the Petitioner is not proposing a particular regulation change, but instead is proposing a change to the interpretation of Section 353(c). The Department interprets this section to provide that big game may only be taken by rifles using centerfire cartridges, bow and arrow, or wheellock, matchlock, flintlock, or percussion type rifles, including muzzleloaders. The Department does not agree that Section

353(c) authorizes the use of BB devices, defined in Penal Code section 16250 as “any instrument that expels a projectile, such as a BB or a pellet, through the force of air pressure, gas pressure, or spring action, or any spot marker gun,” to take wild pig.

- (2) *My second request is that the Commission alter the .40 caliber minimum designation formally to .30 minimum (whether for rifle centerfire, muzzleloader, or BB device) in 353(c). Alternatively,*
- a. *the Commission could make a change that would require .357 caliber minimum for BB devices to hunt wild boar (this would not alter any California lead free regulations) and clarify that hunting boar with centerfire cartridges with softnose or expanding projectiles of .30 caliber or greater in designation is permitted (lead free would still be required as the law currently requires if we are using centerfire rounds).*

With respect to altering the current .40 caliber minimum designation as identified in Section 353(c), the Department believes .40 caliber projectiles are required only with respect to the use of muzzleloading rifles. For general take of big game with a rifle, the requirement is for centerfire cartridges with softnose or expanding projectiles; there is no specific caliber required. Similarly, with respect to the alternative identified in the second request, the Department believes that regulating non-muzzleloader firearms by caliber is not warranted, nor is it for air rifles to hunt wild pig since that method of take is not allowed. Therefore, the Department does not believe additional clarification is needed in Section 353(c) as to the allowable methods of take of wild pig.

The Petitioner has provided supporting rationale purporting that the market of lead-free products, ranging from .308 down to 7.62x39 caliber, is highly constrained and difficult to obtain. The Petitioner has also articulated that his intent is for the Commission to authorize BB devices (air rifles) to take wild pigs because the use of BB devices is not subject to the lead projectile prohibition. Current prohibitions in California Code of Regulations, Title 14, section 250.1 (Section 250.1), which addresses the use of lead projectiles or ammunition containing lead projectiles to take wildlife, applies to the use of firearms; air rifles or BB devices are not firearms and are not subject to the same prohibitions (See Penal Code section 16520). The Department continues to support the ban on lead projectiles in taking wildlife and therefore does not agree that merely requiring a minimum .357 caliber when using an air rifle to take wild pig would not require similar changes to section 250.1 to ensure lead is not being used.

- (3) *My third request is distinct than my first and second and should be evaluated separately. This request is for an actual change, not an interpretation. This request, for a change in Mammal Hunting Regulations, is simply to remove wild pig (feral pigs, European wild pigs, and their hybrids (genus Sus)) from Big Game as defined in the Mammal Hunting Regulations at §350. I request that the Commission agendaize this change for discussion then finalize the change.*

Senate Bill 856 (Statutes of 2022, Chapter 469) was signed on September 22, 2022 which, among other things, added to Fish and Game Code a definition that removes wild pig from the list of "game mammals" and designates it as an "exotic game mammal," a new category of wildlife. The change becomes operative on July 1, 2024 and, we believe, addresses the intent of the petition. The Department is currently working with Commission staff to evaluate Senate Bill 856 and the need for any future regulatory amendments.

In closing, the Department continues to evaluate the use of air rifles for take of wild pig and other wildlife. The evaluation must be thoughtful and considerate in understanding the relationships between multiple factors, including: the terminology used and definitions of the words firearm, rifle, air rifle, BB device, BB gun, and air-gun; the changes in code and existing regulation that address current hunting locations and restrictions; the use of lead and the availability of lead ammunition; the enforcement aspects of allowing air rifles to take wild pig; and the efficiency and effectiveness of ensuring ethical harvest through the use of air rifles.

Please direct further questions to Scott Gardner, Wildlife Branch Chief, at (916) 801-6257 or by email at Scott.Gardner@wildlife.ca.gov.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Scott Gardner, Chief
Wildlife Branch

Ari Cornman, Wildlife Advisor
Fish and Game Commission

California Department of Fish and Wildlife (CDFW)
Initial Assessment and Recommendations for Petition 2021-017 (Big Game Hunts)
Presented to the California Fish and Game Commission Wildlife Resources Committee
January 5, 2023

Item #	Petition Request	Current Rule	Proposed Change from Petition 2021-017	Initial Assessment by CDFW Staff	Initial Recommendation by CDFW Staff
1	Party Applications Return of Tags Rule	Individuals in a party can return tag and get points reinstated.	All or none can return tag and request points.	Discussion and research does not show widespread abuse. Supportive of finding a solution to adress/close the loophole.	At the September 2022 WRC meeting, CDFW made recommendations regarding preference points and refunds for hunting tags; this included a recomendation addressing a fix to the party applications return of tags rule - that individual party members may return tags only if their points are less than or equal to the party points average, and that all party members must return their tags for all points reinstatement.

Item #	Petition Request	Current Rule	Proposed Change from Petition 2021-017	Initial Assessment by CDFW Staff	Initial Recommendation by CDFW Staff
2	Returned Tag Reissuance	Hunters are allowed to return tag prior to opening day for premium hunts, receive refund and points reinstated for elk, pronghorn and bighorn tags.	Establish Alternate list.	<p>For Elk, Pronghorn, and Bighorn Sheep tags, all applicants are potential alternates and returned tags are offered to alternates by their draw rank. Very rarely a tag will go unissued due to the returned tag coming in too late to be practical to reissue.</p> <p>Premium deer tags are not refundable. Returns are only accepted for preference point reinstatement and with the exception of areas with fire closures, tags must be returned prior to the season opener to be eligible. Around 100 tags are returned annually. Alternate lists are not maintained as hunters applying for the hunt unsuccessfully have generally already been issued another tag after the draw. With the small volume of returns, the cost of reissuance is not economical.</p>	Reject this proposed change.
3	Second Bear Tag Option	Only 1 bear tag per hunter	Allow 2nd bear tag to be purchased after first tag has been filled and reported.	The Black Bear Conservation and Management Plan is currently being revised with a draft expected by May 2023. The revised plan will include an improved method for estimating and monitoring bear populations and guidance on how this information would be used to recommend any changes to bear harvest.	CDFW recommendation is to reject any bear regulatory changes, including this proposal at this time, pending completion of the revised bear management plan.
4	General Deer Tag Archery/Rifle Separation - A, B, D Zones	Hunters are allowed to hunt both archery and general season with the same tag.	Separate Archery and General tags. Require an archery-only tag for archery season in A, B, D zones. Add late archery hunt for archery-only tag holders.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.

Item #	Petition Request	Current Rule	Proposed Change from Petition 2021-017	Initial Assessment by CDFW Staff	Initial Recommendation by CDFW Staff
5	Split Rifle C Zones (Deer)	Zones are lumped together.	Split out individual zones	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
6	Split Zone X3B (Deer)	Very large zone.	Split into North and South zones	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
7	G40 - A Zone North Late Hunt (Deer)	N/A	Add late season to A Zone North	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
8	G41 - A Zone South Late Hunt (Deer)	N/A	Add late season to A Zone South	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
9	G42 - Snow Mt Early Hunt (Deer)	N/A	Snow Mountain Wilderness Early Rifle	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
10	G43 - Late D6 Hunt (Deer)	N/A	Late Season Buck Hunt Zone D6	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
11	G44 - Late D7 Hunt (Deer)	N/A	Late Season Buck Hunt Zone D7	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
12	M8 - Bass Hill Boundary Chage (Deer)	Currently limited to Lassen County	Allow access to the rest of Zone X6A during the M8 hunt	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.

Item #	Petition Request	Current Rule	Proposed Change from Petition 2021-017	Initial Assessment by CDFW Staff	Initial Recommendation by CDFW Staff
13	M13 - D3 Late Muzzleloader Hunt (Deer)	N/A	Add late season muzzleloader hunt to Zone D3	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
14	M14 - D4 Late Muzzleloader Hunt (Deer)	N/A	Add late season muzzleloader hunt to Zone D4	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
15	M15 - D5 Late Muzzleloader Hunt (Deer)	N/A	Add late season muzzleloader hunt to Zone D5	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
16	M16 - Jackson State Muzzleloader Hunt (Deer)	N/A	Add muzzleloader hunt.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
17	Split Archery C Zones (Deer)	Currently combined into one hunt area C1-C4	Split out individual zones.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
18	A26 - Bass Hill Late Archery (Deer)	Currently hunters are limited to Lassen County portion of Zone X6A	Add access to all of Zone X6A.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
19	A34 - King Range Late Archery (Deer)	N/A	Add late archery hunt for B4 Zone.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
20	A36 - C1-C3 Late Archery (Deer)	N/A	Add late archery hunt for C1, C2, C3 zones.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.

Item #	Petition Request	Current Rule	Proposed Change from Petition 2021-017	Initial Assessment by CDFW Staff	Initial Recommendation by CDFW Staff
21	J23 - Honey Lake Wildlife Area (WA) Apprentice Hunt (Deer)	N/A	Add early rifle on the Dakin and Fleming units of Honey Lake WA	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
22	J24 - Late Season X4 Apprentice Hunt (Deer)	N/A	Add late season apprentice hunt for X4.	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	No recommendation at this time.
23	Elk Antlerless Season Change	Marble Mountain and Siskiyou antlerless hunts run concurrently with bull hunts.	Move antlerless hunts after the bull hunt.	CDFW is currently proposing changes to elk hunting regulations. These include increasing the antlerless tag quota and adjusting the bull season dates in the Siskiyou Roosevelt Elk Hunt Zone.	CDFW presented a proposed regulation change at the December 2022 Commission meeting.
24	Grizzly Island Wildlife Area (GIWA) Antlerless Archery Elk Hunt	N/A	Add archery-only antlerless hunt to GIWA	This proposal may be warranted, but an analysis is needed to assess potential biological effects and implications to hunter opportunity.	CDFW presented a proposed regulation change at the December 2022 Commission meeting.
25	Non-resident elk opportunity	Claims there is only one tag available for non-resident elk.	Allocate 10% of elk tags for non-resident hunters.	Fish and Game Code Section 332(e) limits nonresident elk tags to one, the same is true for antelope(Fish and Game Code Section 331 (e)). This is not true of bighorn sheep and Title 14 allows for up to 10% of general lottery bighorn sheep tags to go to nonresidents.	Reject this proposed change, which is limited by statute.
26	Alternate seasons or longer seasons for elk	Current seasons.	Provide alternate hunt dates for hunts that are closed due to wildfire.	CDFW is considering alternatives to current hunting seasons to avoid impacts of fire-related closures and this proposal may be warranted.	CDFW continues to evaluate the proposal. No recommendation at this time.

Item #	Petition Request	Current Rule	Proposed Change from Petition 2021-017	Initial Assessment by CDFW Staff	Initial Recommendation by CDFW Staff
27	Archery and Muzzleloader Desert Bighorn Sheep Hunts	N/A	Add archery and muzzleloader tags/seasons for sheep.	Hunt opportunities are extremely limited, 27 general tags for 20,000 applicants. Archery and muzzleloader are existing methods of take for bighorn sheep. Allocating method specific tag would limit a hunt opportunity to the majority of the constituency base.	Reject this proposed change, because opportunities are already very limited.

From: Colin Gallagher <[REDACTED]>
Sent: Thursday, December 15, 2022 9:50 AM
To: Cornman, Ari@FGC <[REDACTED]>
Subject: On my 10 minute break from work, but sending a few additional thoughts for today's wild pig item

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Hi Ari,

On the subject of when the operative language from the recent state law becomes effective that would enable the full implementation of the idea I've proposed through the regulatory request to FGC, it would be mid-2024, but that would not keep the FGC from approving the proposal today or in February.

On the subject of grains (pellet / slug grains), I believe this is best left for implementation in the event of approval, but minimum grains should be 145 IMHO. Texas min grains is 150 but 145 is better / more flexible.

On the subject of power, most .357 air rifles today such as Benjamin Bulldog or higher caliber have power of 800 fps min at first shot which is more than sufficient, and I think matches Texas regs developed for power.

From: Colin Gallagher <[REDACTED]>
Sent: Saturday, January 21, 2023 12:56 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Colin Gallagher's comment on Feb. 8-9, 2023 [Agenda item TBD]: Petition 2021-007: Request to revise authorized methods of take and designation for wild pig.

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California Fish and Game Commission Decides at December 15, 2022 Meeting to Defer Decision on Big Bore BB Devices (Big Bore airguns) as a method of take for wild pig to the Feb. 2023 Meeting [Full Details and how to submit comment prior to Feb. 2023 meeting]

Dear Fish and Game Commission Members,

The California Fish and Game Commission, evaluating whether or not to approve big bore airguns (known in California as "BB devices") as an allowed method of take for CA wild pig hunting, decided at its December 15, 2022 meeting date to deliberate further on the issue (the regulatory petition was not denied, but it was not approved on that date either), and on December 15, 2022 the Commission decided to schedule a decision on the regulatory petition on this issue for the February 2023 meeting.

This was my understanding of what the Commission had decided to do in December 2022, based on my observation of that December 2022 meeting outcome.

However, the agenda as initially released by the Commission does not show Petition 2021-007 anywhere on the agenda.

I request that it be added to the agenda for action.

As an aside, this comment by email has been sent in on Jan. 21, 2023, which is well before the cutoff date of 5 p.m. on January 25, 2023 (the last date by when comments sent in on such date will be read by Commissioners prior to the meeting).

I have met the cutoff, therefore I ask that all Commissioners be given a copy of this message to read prior to the meeting and that the agenda be changed to include some sort of action item on 2021-007, whether that is to approve (my recommendation), to delay (continue) further, or to deny. But to take no action or not show the item on the agenda does not seem right.

Supplemental Information:

some examples of "big bore airguns" (viable big bore BB devices) appropriate to hunt wild pig with: Some examples that have come up: Texan SS, Benjamin Bulldog (there are many more)

examples of slugs used and grains for wild pig with airguns (I have recommended to staff that the minimum grains be 145 as a guideline) - Note: the Nosler eXTREME Ballistic Tip, which can be used with the Benjamin Bulldog .357, is 145-grain. Additionally, the EcoSlug (not often available and restricted / tailored to only a few specific types of airguns, but still sold in the market) is 145 grains. I do not think that there should be a "150 grain minimum" in California as there is in Texas regulation, because regulation here should be more flexible and allow for maximum use of slug types.

Comparable regulations in other states: For example, in Texas, there is airgun regulation that states,

"Alligators, big horn sheep, javelina, mule deer, white-tailed deer, and turkey may be taken only with pre-charged pneumatic arrow guns, or pre-charged pneumatic air guns."

"Pre-charged pneumatic air guns must fire a projectile of at least 30 caliber in diameter and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy."

Sources: <https://fishgame.com/2018/11/big-bore-airguns-finally-legal-for-hunting-texas-whitetail/>

and current Texas regulations at <https://tpwd.texas.gov/regulations/outdoor-annual/hunting/air-gun-arrow-gun-regulations>

The proposal being considered by the California Fish and Game Commission (literally what the relevant part of the petition is for the Commission to consider) is:

"Alternatively, the Commission could make a change that would require .357 caliber minimum for BB devices to hunt wild boar (this would not alter any California lead free regulations), and clarify that hunting boar with centerfire cartridges with softnose or expanding projectiles of .30 caliber or greater in designation is permitted (lead free would still be required as the law currently requires if we are using centerfire rounds)."

Notably, in California, BB devices (airguns) do not require lead free rounds and do not have silencer / suppressor prohibitions (those California prohibitions / limitations only apply to actual firearms, and BB devices are not firearms. As such, the proposal suggests leaving intact the lead free hunting regulation that California is using with firearms and making no change to the law or regulation California has with BB devices with respect to the pellets or slugs allowed (as any type are allowed). The proposal is intended specifically and simply to gain Fish and Game Commission approval of BB devices, in particular big bore BB devices of .357 caliber minimum, as an allowed method of take for wild pig.

The proposal was first submitted to the FGC on May 23, 2017 (more than five and a half years ago), with engagement to the California Wildlife Resources Committee and California Fish and Game Commission on the subject annually thereafter, and a formal regulatory petition was submitted on the subject of big bore BB devices (airguns) as a method of take for wild pigs in California to the California Fish and Game Commission on May 10, 2021 with a Request to Correct Authority Cited (and request to waive 10 day response requirement) submitted on May 18, 2021. With California's SB 856 (the wild pig bill) becoming law on Sept. 22, 2022, the remaining element of the petition not addressed by SB 856, is found in that part of the regulatory petition (2021-007) which recommends "change that would require .357 caliber minimum for BB devices to hunt wild boar." Full implementation of this change (if the Commission approves it) would take place in mid-2024 unless the Commission or the Legislature decide to accelerate the process, though the first step is actually getting it approved.

The Commission should approve the regulatory petition at its February 2023 meeting or directly thereafter if the agenda process does not permit it in February.

The exact language (for limits on the method of take) can then be formulated by the Commission staff during the period prior to the SB 856 implementation and after the approval of the regulatory petition.

From: Colin Gallagher <[REDACTED]>

Sent: Thursday, January 26, 2023 12:37 PM

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

Subject: Additional comment on Feb. 8-9, 2023 [Agenda item TBD]: Petition 2021-007: Request to revise authorized methods of take and designation for wild pig.

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It occurs to me that the Commissioners may be interested in seeing what regulation exists in other states. For javelinas and / or wild boar, see regulations allowing use of airguns (BB devices) to hunt (boar, feral pig, or javelinas as defined) in (the states of) AZ, NM, TX, LA, AL, GA, SC, NC, and FL.

You can also review this state by state or by category such as "wild game" or "nuisance animal" at the following regulatory repository for airguns:

<https://www.pyramydair.com/airgun-map/>

Respectfully,

Colin Gallagher

Please advise me of what day and what item number the Petition 2021-007 will be considered on Feb 8-9 or if it will not be acted on during Feb 8-9 then what agenda item it will receive an update during.

ommission or the Legislature decide to accelerate the process, though the first step is actually getting it approved.

The Commission should approve the regulatory petition at its February 2023 meeting or directly thereafter if the agenda process does not permit it in February.

The exact language (for limits on the method of take) can then be formulated by the Commission staff during the period prior to the SB 856 implementation and after the approval of the regulatory petition.

From: Michael Costello <[REDACTED]>
Sent: Sunday, January 22, 2023 5:10 PM
To: FGC <FGC@fgc.ca.gov>; Charles Whitwam <info@howlforwildlife.org>; [REDACTED]
Cornman, Ari@FGC <[REDACTED]>; Gardner, Scott@Wildlife
<[REDACTED]>; bill.gainesandassociates.net <bill@gainesandassociates.net>
Subject: Public Comments regarding Petition 2022-018

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Hello,

Please accept and circulate my comments (attached) regarding Petition 2022-018.

Sincerely,

Mike Costello
[REDACTED]
[REDACTED]

Hello Commissioners,

I am writing to you regarding petition 2022–018. While I do not fully support this request for the full D8-D9-D10 general deer season being shifted back by two weeks. I believe shifting the entire general hunt 2 weeks later *could* negatively impact the overall deer herd, as hunter success would likely increase 2x-4x. Through an alternate suggestion, I do specifically identify support for the concept of later season hunt opportunity and support the basis for -018's inspiration.

018 identifies common frustration experienced throughout the hunting community in CA: *our deer hunt seasons are intentionally scheduled during the most difficult time of year to locate, view and successfully harvest a mature buck*. Petition -018 also captures a concept shared in petition 2021–017: establishing *tags for some* later seasons will give hunter better opportunities to locate, observe and harvest a mature buck.

In Petition 2021–017, several new premium late season hunts were proposed. I believe the hunter sentiment expressed in both petitions is the same. 2021-017 proposed to remove a % of general season tags and then provide (significantly) fewer tags for late season opportunities. This can be managed in a way that California hunters can frequently access hunts zones of their choosing (among A, B, C and D zones), and to not cause over-harvest of deer. Thousands of messages and hours of participation in WRC and F&G meetings regarding 2021-017 demonstrate a strong desire for this innovation. Unfortunately, CDFW sat on this issue without consideration for over 14-months now.

Zone	Current Tag Allocation	2019-2021 Success % (CDFW Est)	Avg Est. Buck Harvest	Proposed General (5% reduction)	General Tag Harvest	Proposed Late Rifle Nov 4-12	Harvest % Assumed	Proposed Archery 11/18 to 12/3	Harvest % Assumed	Estimated Harvest With late season hunts
D3-5	33,000	12%	3960	31350	3762	275	40%	350	25%	3960
D6	10,000	8.70%	870	9500	827	75	40%	50	25%	869
D7	9,000	8%	720	8550	684	50	40%	50	25%	717
D8	8,000	8.80%	704	7600	669	50	40%	50	25%	701
D9	2000	12%	240	1900	228	20	40%	20	25%	241
Totals	62,000		6,494	58,900	6,170	470		520		6,487

The above table represents a late season hunt concept which reduces “over the counter” opportunity by 3.4%, while introducing 990 new late season opportunities across 7 of California’s most popular and accessible zones. The hunter success during general season and late season hunts is easily monitored and tag allocations are easily modulated to achieve opportunity, access and harvest metrics desired.

Please consider 2022-018 as an extension of what has been asked for in prior petitions. The hunting community in California understands herd management and opportunity, and seeks F&G and CDFW innovation in both areas. The proposal above is insignificant to herd numbers, reversible and adaptable, based on data.

Please direct the Dept to develop rulemaking for small tag allocation reductions, along with the creation of new Premium hunt opportunities along the west slope of the Sierra Nevada (D3 through D9).

Thank you for your time and attention.

Mike Costello, West Sacramento CA