

## TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 203, 219, 265, 270, 275, 355, 1050, 1572, 2000, 2001, 2127, 2150.2, 3000, 3003.1, 3005.5, 3800, 3960.2, 3965, 4005, 4009.5, 4150, 4181, 4181.5, 4331, 4657, and 10502** of the Fish and Game Code and to implement, interpret or make specific Sections **110, 200, 201, 203, 203.1, 219, 260, 265, 270, 275, 355, 713, 1008, 1050, 1570, 1571, 1572, 2000, 2001, 2005, 2055, 2150.4, 2192, 3000, 3003.1, 3004.5, 3005.5, 3500, 3511, 3800, 3950, 3960, 3960.2, 3965, 4000, 4004, 4005, 4009.5, 4150, 4152, 4180, 4181, 4181.5, 4190, 4652, 4652.5, 4653, 4654, 4655, 4656, 4657, 4700, 4800, 4900, 4902, 10500, and 10502** of said Code and Section **8670.61.5** of the Government Code, proposes to **amend** Sections 250, 251.5, 252, 257.5, 258, 350, 352, 353, 401, 465.5, 679, and 708.13, **add** Sections 375, 376, 377, 378, and 379, and **repeal** Section 368, Title 14, California Code of Regulations, relating to **Exotic Game Mammals and Wild Pig Validations**.

### Informative Digest/Policy Statement Overview

Governor Newsom signed into law Senate Bill 856 (2022) – Wild Pig Validations sponsored by Senator Dodd from Napa. Most of the provisions of this bill are effective July 1, 2024. This bill made sweeping changes to Fish and Game Code (FGC) which included changes to laws regarding definitions, licensing, hunting take, captive hunting preserves and capture, possession, and release of wild pigs. The intent of his legislation is to give the public and the California Department of Fish and Wildlife (Department) more tools to manage wild pigs and the damage they cause to private property and the environment.

Following the lead of the legislature who made considerable amendments to FGC, the Department proposes a number of changes to California Code of Regulations, Title 14, Division 1, Subdivision 2, Chapter 3. This chapter has been historically Big Game, but under this proposal, would be changed to Big Game and Exotic Game Mammals. The first proposed change recommended by the Department follows suit with the removal of wild pigs from FGC Section 3950 (Game Mammals Defined), and the creation and addition of wild pigs to FGC Section 3965 (Exotic Game Mammals Defined), by the legislature. This change requires the Department to strike wild pigs from Title 14 section 350 (Big Game Defined), and associated sections 352 (Shooting Hours for Big Game), and 353 (Methods Authorized for Taking Big Game). The Department is proposing to repeal and renumber section 368 (Wild Pigs) to follow the new flow to this section.

The Department is proposing to create four new sections for exotic game mammals directly related to sport hunting. To do this, exotic game mammals must be added to supporting regulations sections 250, 251.5, 252, 257.5 and 258. The first new section proposed is 375 (Exotic Game Mammals Defined), which characterizes such an animal as a mammal, nonnative to California, seen to be detrimental to the ecology and conservation of native species and their habitat. This section would list wild pigs, feral pigs, European wild pigs and their hybrids as the only group. Following Big Game as an example, the next section proposed is 376 (Shooting Hours for Exotic Game Mammals), followed by section 377 (Methods Authorized for Taking Exotic Game Mammals), and section 378 (Wild Pig), renumbered from

368, which defines the hunting season, bag and possession limits for wild pigs. The proposed section 379 (Prohibition on Feeding Exotic Game Mammals), places a prohibition on knowingly feeding exotic game mammals.

The Department proposes to amend Title 14 section 401 (Issuance of Permit to Take Animals Causing Damage), by allowing depredation permits for wild pigs to extend for up to five years rather than the current one-year scenario. This should reduce annual administrative duties for both the Department and permit holders. Another proposed amendment to section 401 include extends the reporting period to one year rather than monthly, which creates uniformity with new proposed reporting requirements for sport take per the requirements set forth in FGC Section 4657. The Department proposes to remove the tagging requirement for wild pigs taken under depredation permits and require individuals to have their permit in their possession. Finally, the Department proposes to remove language related to wanton waste for pigs taken under a depredation permit.

The Department proposes to add exotic game mammals to Title 14 section 465.5 (Use of Traps), to indicate that exotic game mammals may not be taken with the use of steel-jawed traps. The addition of exotic game mammals to section 465.5 also means that the requirements for trap placement, trap marking and trap-check frequency ((g)(1)-(g)(5)), all apply to any body gripping trap set for an exotic game mammal, for the purposes described in this section.

The Department proposes to make changes Title 14 section 708.13 (Wild Pig License Tags), for conformity with statute, by replacing “tag” with “validation.” The Department also proposes a reporting method for sport harvest to address requirements in statute. Individual must report their take annually in the Automated License Data System before procuring a validation for the next hunting license year whether they have harvested wild pigs or not. The Department proposes reporting criteria of county, month and number taken facilitated in the Automated License Data System at the end of each license year.

The proposed changes to Title 14 are assumed to have little impact, if any, on businesses. Assessment of financial impacts to the Department indicates the Department may lose an estimated \$156,000 annually, after wild pig tags are transitioned to validations.

#### *Benefits of the Proposed Regulations:*

The benefits of this regulation stem from the ability to manage wild pigs separately from other big game mammal species through the creation of a new game classification “exotic game mammals,” and the designation of wild pig as the first exotic game mammal. The regulation benefits hunter’s ability to take pigs by replacing pig tags with a single validation that allows for unlimited take. The regulation benefits landowners by stating that the California Department of Fish and Wildlife cannot place any limitations on the number of pigs that a landowner can take with a depredation permit and by utilizing hunters to aid in taking nuisance pigs. This regulation seeks to mitigate environmental damage caused by wild pigs through the prohibition of any new contained hunting preserves, while grandfathering in existing facilities and prohibiting

existing contained hunting preserve operations from being sold, transferred, or passed on. These regulations also require marking of released pigs which is intended to aid in identifying any pigs that escape from contained hunting preserves.

*Consistency and Compatibility with Existing State Regulations:*

The Legislature has delegated authority to the Commission to promulgate hunting regulations (FGC Sections 200 and 203) and with regard to management of the state's mammal resources. Given SB 856 and the authority provided herein, no other state agency has the authority to promulgate such regulations for wild pigs. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of fishing regulations and has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## **Public Participation**

### **Comments Submitted by Mail or Email**

It is requested, but not required, that written comments be submitted on or before **February 1, 2024** at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on **February 9, 2024**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

### **Meetings**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **San Diego**, California, which will commence at **8:30 a.m.** on **December 13, 2023** and may continue at **8:30 a.m.**, on **December 14, 2023**. The exact location of this meeting has not yet been determined. As soon as this information is available, but not less than ten days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published on the Commission's website. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **Sacramento**, California, which will commence at **8:30 a.m.** on **February 14, 2024** and may continue at **8:30 a.m.**, on **February 15, 2024**. The exact location of this meeting has not yet been determined. As soon as this information is available, but not less than ten days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published on the Commission's website. This meeting will also include the opportunity to participate via

webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

### **Availability of Documents**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or David Haug at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Dan Skalos, Senior Environmental Scientist, Department of Fish and Wildlife, [dan.skalos@wildlife.ca.gov](mailto:dan.skalos@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action/Results of the Economic Impact Assessment**

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

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

The Commission does not anticipate any significant adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulations will not impose new compliance costs.

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

The Commission does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California. No benefits to worker safety are anticipated. Benefits are anticipated to the general health and welfare of California residents and the state's environment by mitigating the potential spread of pig-borne diseases and environmental damage caused by wild pigs.

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

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

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

None. The proposed regulation will not affect any other state agency and the Department program oversight and Law Enforcement Branch workload is projected to be unchanged from currently existing budgets and resources. However, the Department anticipates license revenue changes with the switch from pig tags to pig validations (See STD399 Addendum).

- (e) Nondiscretionary Costs/Savings to Local Agencies

None.

- (f) Programs Mandated on Local Agencies or School Districts

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None.

- (h) Effect on Housing Costs

None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

## **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: October 24, 2023

Melissa Miller-Henson  
Executive Director