

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

Amend Sections 250, 251.5, 252, 257.5, 258, 350, 352, 353, 401, 465.5, 679, 708.13

Add Sections 375, 376, 377, 378, 379

Repeal Section 368

Title 14, California Code of Regulations

Re: Exotic Game Mammals/Wild Pig Validations

I. Date of Initial Statement of Reasons: August 9, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: October 11, 2023

Location: San Jose

(b) Discussion Hearing

Date: December 13, 2023

Location: San Diego

(c) Adoption Hearing

Date: February 15, 2024

Location: Sacramento

III. Description of Regulatory Action

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

BACKGROUND INFORMATION

Governor Newsom signed into law Senate Bill 856 (2022) – Wild Pig Validations (SB 856) 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, capture, possession, and release of wild pigs. The intent of this 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. It is important to understand the statute provided by the legislature from this bill serves as guidelines for Department to further promulgate regulations in California Code of Regulations, Title 14 (CCR Title 14). Below, the changes to FGC will be outlined first for context and proposed changes to Title 14 will be outlined thereafter.

Current statute (FGC Section 3950) classifies wild pigs as game mammals for purposes of managing, taking, or hunting. New laws stemming from SB 856 recasts the provisions applicable to wild pigs by, among other things, removing them from FGC Section 3950 and specifying that the wild pig is not a game mammal or nongame mammal (FGC Section 4150), but is an exotic game mammal, with the addition of FGC Section 3965. This new term is defined to include wild pigs, feral pigs, wild boar, and their hybrids. The authors of this legislation included criteria to identify wild pigs in the field as stated in FGC Section 4650 and require that domestic pigs having two or more phenotypic characteristics listed in this section are marked consistent with regulations developed by California Department of Food and Agriculture, per Food and Agricultural Code Section 10791.

Existing statute in FGC Section 3031 indicates that a hunting license grants the privilege to take birds and mammals and sets forth the fees and issuance criteria to grant these licenses based on residency, age and, in some cases, duration. FGC Section 3031.2 provides that, if a person with a lifetime hunting license pays a premium, the person shall annually be issued a deer tag application and five wild pig tags, often referred to as the “big game package.” Amendments to FGC Section 4652 establish a single wild pig validation, which will allow hunters to take any number of pigs on an annual basis, in place of wild pig tags. Changes to FGC Section 4653 allow the Department to establish a procedure for issuing wild pig validations, and amendments to FGC Section 4654 establish base fees of \$25 for residents and \$90 for nonresidents. These fees will be adjusted annually based on an inflation index indicated in FGC Section 713. These validations are good for one license year, beginning on July 1, and revenues generated from the sale of these validations will be placed in the Big Game Management Account for expenditure by the Department per FGC 3953. Amendments to FGC Section 3031.5 allows a wild pig validation to be issued to those possessing a two-day nonresident hunting license, and amendments to FGC Section 3031.2 replace pig tags with a validation for those who have paid for the lifetime hunting license and big game package. Wild pig validations will be available to those registered to participate in the newly created “free hunting days” established in FGC Section 3040 and detailed in Section 700.1. Amendments to

FGC Section 4657 require hunters to report their take and sets forth minimum reporting criteria for the Fish and Game Commission to adopt. These criteria include name of the individual who has taken a wild pig, date, and location.

FGC Section 4181 allows the Department to issue depredation permits to landowners whose property is being damaged by wild pigs. The Department is required to engage landowners who request these permits to potentially mitigate damages to their property by allowing public hunting opportunity through the Shared Habitat Alliance for Recreational Enhancement Program as stated in FGC Section 4651.5. Enrolling in this program may help reduce damage by wild pigs through direct removal and hazing but also provides the landowner a monetary incentive in which to recuperate costs associated with repairing damage caused by wild pigs.

The authors of SB 856 include exotic game mammals in FGC Section 3003.1, indicating that it is unlawful to use or authorize the use of any steel-jawed leghold trap, padded or otherwise, to capture an exotic game mammal. Further, the inclusion of exotic game mammals in FGC Section 3004.5 requires that nonlead ammunition be used when taking these animals with any firearm. The addition of exotic game mammals to FGC Section 4304 means that a person shall not leave, through carelessness or neglect, any portion of flesh of an exotic game mammal that is usually eaten by humans, to go needlessly to waste.

The newly added FGC Section 4652.5 provides a definition for “contained hunting preserves” which are defined as any tract of land on which a fence or other apparatus is used to prevent free roaming of swine that are to be taken pursuant to FGC Section 86 and not used solely for domestic swine production. This code specifies that no new operations of this type are permitted, but operations in business before January 1, 2022 may continue to operate. However, these businesses may not operate more acres than the number in operation prior to January 1, 2022. Additionally, owners are prohibited from selling, transferring, or passing on these businesses. This code section also indicates that it shall be unlawful to intentionally or knowingly release any hog, boar, or pig into the wild. The addition of exotic game mammals to FGC Section 3005.5 makes it unlawful to capture, possess or confine these animals from the wild. An exception is made for those who aim to treat injured or diseased animals.

PROPOSED CHANGES TO REGULATIONS

The Department is proposing changes to Title 14 based on the guidelines described above in FGC. These changes revolve largely around sport hunting, but also consist of changes to regulations concerning depredation, possession, release licensing, and feeding of exotic game mammals. The Department is proposing to insert exotic game mammals into Title 14, Division 1, Subdivision 2, Chapter 3. This chapter has been historically dedicated to Big Game Sections 350-368, but under this proposal would be changed to Big Game Mammals Sections 350-367 and Exotic Game Mammals Sections 375-379.

Amend Sections 250, 251.5, 252, 257.5, and 258 – General Provisions.

The first proposed change recommended by the Department would be to add exotic game mammals to general provisions under Sections 250 (General Prohibition Against Taking Resident Game Birds, Game Mammals, and Furbearing Mammals); 251.5 (Game Birds, Game Mammals, Furbearers, and Nongame Animals, Possession of); 252 (Bag and Possession Limit Defined); 257.5 (Prohibition Against Taking Resident Game Birds and Mammals by the Aid of

Bait); and 258 (Season Defined). These changes are necessary to allow the Department to establish take, possession, bag limits, prohibit the use of bait, and establish seasons. The removal in subsection 251.5(a) of the reference to Section 500 is necessary because the section for band-tailed pigeons was repealed as of October 2, 1998, and is therefore obsolete. Instead, a reference to sections 257 and 502 is included relative to resident small game and game birds.

Amend Sections 350, 352, 353 – Big Game

The next proposal follows suit with the removal of wild pigs from FGC Section 3595 (Game Mammals Defined), and the creation and addition of wild pigs to FGC Section 3695 (Exotic Game Mammals), by the legislature. This change would strike wild pigs from Title 14 Section 350 (Big Game Defined), Section 352 (Shooting Hours for Big Game) and Section 353 (Methods Authorized for Taking Big Game). This change is necessary to separate exotic game mammals from big game mammals and allow regulations to be set for animals under this classification independent of other classifications.

Add Chapter 3.5 – Exotic Game Mammals (Sections 375-379)

The Department is proposing to create four new sections for exotic game mammals directly related to sport hunting. These new sections will separate exotic game mammals from big game mammals and allow regulations to be set for animals under this classification independent of other classifications.

Add Section 375 – Exotic Game Mammal Defined

The first proposed addition is Section 375 (Exotic Game Mammal 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 exotic game mammals. This change is necessary to establish regulations for addition of Section 3695 of FGC, whereby the exotic game mammal classification was established.

Add Section 376 – Shooting Hours for Exotic Game Mammals

The next proposed addition is Section 376 (Hours for Exotic Game Mammals), suggested as one-half hour before sunrise to one-half hour after sunset, in accordance with the shooting hours for big game mammals and consistency with FGC Section 3000. This section is necessary to establish shooting hours for exotic game mammals.

Add Section 377 – Methods Authorized for Taking Exotic Game Mammals

The proposed addition of Section 377 (Methods Authorized for Taking Exotic Game Mammals) mirrors section 353 (Methods Authorized for Taking Big Game), in that, hunters would be required to follow regulations that require nonlead ammunition (Section 250.1) and weapons, projectiles and aiming devices outlined in Section 377(a-h) in this section (see proposed regulatory language). Additionally, the Department proposes to limit the use of crossbows to take exotic game mammals in an area where a deer archery season is open (f). Proposed Section 377 and existing Section 353 differ in that there are no conditions where a scoped sight is prohibited on a muzzleloader to take wild pigs in as the Department does not seek to

limit methods for taking pigs. This section is necessary to establish methods of take for exotic game mammals.

Repeal Section 368 and add Section 378 – Wild Pig

The Department proposes renumbering Section 368 (Wild Pig), which currently falls under the umbrella of Big Game, to Section 378, where it will fall under Exotic Game Mammals. This section defines the hunting season for wild pigs as open year-round (a), and that there are no daily or possession limits for wild pigs (b). This renumbering is necessary as it places this section under exotic game mammals rather than big game mammals.

Add Section 379 – Prohibition against feeding exotic game mammals.

In memorializing the legislation, it is important that the Department consider means in which one may intentionally bolster wild populations of exotic game mammals and seek to limit those activities. The proposed Section 379 (Prohibition on Feeding Exotic Game Mammals), places a prohibition on knowingly feeding such animals. This section is necessary to prevent the intentional increase of wild pig populations.

Amend Section 401 – Issuance of Permit to Take Animals Causing Damage.

The Department issues nearly 600 depredation permits for wild pigs statewide on an annual basis to allow landowners to haze pigs from their property and directly reduce numbers through take. Department staff spend considerable time on these permits and, as the number of applications for these permits continues to increase annually, can only expect more staff time will be needed. The Department proposes to address this issue by amending Section 401 (Issuance of Permit to Take Animals Causing Damage), by removing wild pigs from (b)(1), which limits permits to one year and adding a new subsection (b)(5) to allow wild pig depredation permits to extend for up to five years. This will reduce annual administrative duties for both the Department and permit holders, given that the issues concerning damage from these animals are typically ongoing and span longer than a year. Additionally, in the spirit of SB 856, it is important to note that the Department intentionally did not add exotic game mammals to Section 251.2 (Permits to Pursue, Drive, Herd, or Take Birds and Mammals), which will allow landowners to use non-lethal means to haze pigs from their property without a permit. This may also reduce burden on staff as some permit holders only ask to haze wild pigs. Other proposed amendments to Section 401 include extending the reporting process in (g) to a one-year period rather than monthly reporting, and creating uniformity in the format of that reporting similar to Section 708.13, which will be detailed below. In Section 401(h), the Department proposes to remove wild pigs from the tagging requirements under depredation permits and, instead, proposes to require individuals in possession of a pig taken under a depredation permit to have their permit in their possession.

Amend Section 465.5 – Use of Traps.

Section 465.5 will be amended in a separate rulemaking to realign the provisions to fit statute provided in previous legislation concerning recreational trapping and fur trade, but the Department is proposing to add exotic game mammals to subsections (b) and (e) to be consistent with FGC Section 3003.1, indicating that the use of steel-jawed leg-hold traps is a prohibited method of take for exotic game mammals. Additionally, the inclusion of exotic game mammals in subsections (b) and (e) means that the provisions contained in subsections (g)(1)-

(g)(5) regarding requirements for trap placement, marking and checking apply to “authorized mammals,” to include exotic game mammals, per the text of subsection (g).

Amend Section 679 – Possession of Wildlife and Wildlife Rehabilitation.

The Department proposes amendments to Section 679 (Possession of Wildlife and Rehabilitation), to generally prohibit the possession of exotic game mammals (a) and prohibit the release into the wild of rehabilitated animals per (f)(4). These changes are necessary as per the statutory prohibition of possession or confinement in FGC Section 3005.5 and the overall direction of SB 856 in slowing the proliferation of wild pigs throughout the state.

Amend Section 708.13 – Wild Pig Validations.

For conformity with FGC Section 4652, the Department proposes replacing “tag” with “validation,” in Section 708.13 (Wild Pig License Tags).

The Department also proposes a reporting method to address requirements in FGC Section 4657:

- (a) any applicable hunting license holder older than 12 years of age must first procure a wild pig validation to hunt pigs;
- (b) the validation is only valid during the remaining portion of the current hunting license year;
- (c) the individual must possess the validation when hunting wild pigs and 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. These changes are necessary to meet the statutory requirements outlined in FGC Sections 4652 and 4657.

(b) Goals and Benefits of the Regulation

The goal of the regulation is to support the legislation which has facilitated an updated approach to managing wild pigs in California by separating them from big game mammal species and removing barriers to take. Wild pigs are not native to North America; California is estimated to have the fourth largest population of wild pigs in the country, at between 200,000 and 400,000. These animals are descendants of released domestic pigs and Russian wild boar. Wild pigs currently exist in 56 of the state's 58 counties, can be found in a variety of habitats, and are omnivorous. Wild pigs are known carriers of five major waterborne pathogens that can contaminate drinking water. Wild pigs are known to cause extensive damage to agricultural crops and rangelands, resulting in \$2 million of damage per year in California, and \$2.5 billion per year nationwide. Ecological impacts include soil compaction, damage to native plant communities, reduced water quality from increased turbidity and bacterial contamination, competition with other game species for food and space, and predation of ground-nesting bird eggs, amphibians, reptiles, and small mammals. Due to the damage they cause, wild pigs pose a significant risk to the conservation and recovery of California red-legged frogs, which are federally threatened and California tiger salamanders, which are both state and federally threatened. The Department of Parks and Recreation reports having to address damage due to wild pigs and there have been numerous press accounts of wild pigs destroying residential and recreational landscapes.

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. Finally, these regulations require the marking of pigs which have two or more phenotypic characteristics indicated in statute to aid in identifying any pigs that escape from a domestic operation..

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

Amend Section 250

Authority cited: Sections 200, 203 and 265, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 260, 265, 270, 275, 2000, 2001, 3000, 3500, 3950, 3965 and 4000, Fish and Game Code.

Amend Section 251.5

Authority cited: Sections 200, 203, 265, 275, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 265, 275, 2000, 2001, 3005.5, 3800, 4150 and 4800, Fish and Game Code.

Amend Section 252

Authority cited: Sections 200, 203, 265, 2001, 3800, 3965, and 4150, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 260, 265, 270, 275, 2001, 3800, 3965, and 4150, Fish and Game Code.

Amend Section 257.5

Sections 200, 203 and 265, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 260, 265, 270, 275, 3800, 3950, and 3965, Fish and Game Code.

Amend Section 258

Authority cited: Sections 200, 203, 265, 355, 3800 and 4150, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 260, 265, 270, 275, 355, 3800, 3965 and 4150, Fish and Game Code.

Amend Section 350

Authority cited: Sections 200, 203 and 265, Fish and Game Code.

Reference: Sections 110, 200, 203, 203.1, 260, 265, 270, 3950, 4700, 4900 and 4902, Fish and Game Code.

Amend Section 352

Authority cited: Sections 3000, Fish and Game Code.

Reference: Sections 3000, and 3950, Fish and Game Code.

Amend Section 353

Authority cited: Sections 200, 203 and 265, Fish and Game Code.

Reference: Sections 2005, 2055, 3004.5 and 3950, Fish and Game Code.

Add Section 375

Authority cited: Sections 200, 203, 265, 3965, Fish and Game Code.

Reference: Sections 110, 200, 203, 203.1, 260, 265, 270, 3965, 4700, Fish and Game Code.

Add Section 376

Authority cited: Section 3000, Fish and Game Code.

Reference: Sections 3000 and 3965, Fish and Game Code.

Add Section 377

Authority cited: Sections 200, 203 and 265, Fish and Game Code.

Reference: Sections 2005, 2055, 3004.5 and 3965, Fish and Game Code.

Repeal Section 368 and Add Section 378

Authority cited: Sections 200, 203, and 265, Fish and Game Code.

Reference: Sections 110, 200, 203, 203.1, 265, 3965, 4652, 4653, 4654, 4655, 4656 and 4657, Fish and Game Code.

Add Section 379

Authority cited: Sections 200, 203, and 265, Fish and Game Code.

Reference: Sections 110, 200, 203, 203.1, 265, 270, 275, and 3965, Fish and Game Code.

Amend Section 401

Authority cited: Sections 200, 265, 1050, 3960.2, 4150, 4181 and 4181.5, Fish and Game Code.

Reference: Sections 3003.1, 3960, 3960.2, 4150, 4152, 4181 and 4181.5, Fish and Game Code.

Amend Section 465.5

Authority cited: Sections 200, 203, 219, 265, 3003.1, 4005 and 4009.5, Fish and Game Code.

Reference: Sections 110, 200, 203, 203.1, 265, 3003.1, 3950, 3965, 4000, 4004, 4005, 4009.5, 4150, 4152, 4180, and 4700 Fish and Game Code.

Amend Section 679

Authority cited: Sections 200, 1050, 2000, 2127, 2150.2, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 200, 713, 1008, 2000, 2001, 2150.4, 2192, 3005.5, 3511, 3800, 3950,

3965,4150, 4190, 4700, and 4800, Fish and Game Code; and Section 8670.61.5, Government Code.

Amend Section 708.13

Authority cited: Sections 200, 203, 219, 265, 270, 275, 1050, 1572, 3005.5, 4331, 4657, and 10502, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 1050, 1570, 1571, 1572, 3965, 4652, 4652.5, 4653, 4654, 4655, 10500 and 10502, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

Senate Bill 856 (2022) Dodd: Wild pigs: Validations -

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB_856

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

Wildlife Branch outreach meeting 4/3/2023, Wildlife Resources Committee Meeting 5/16/2023, Wildlife Resources Committee Meeting 9/19/2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

None.

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

None.

V. Mitigation Measures Required by Regulatory Action

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

VI. Impact of Regulatory Action

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

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

The 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.

VII. Economic Impact Assessment

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

The Commission anticipates minor impacts to jobs, some may be created through increased business for hunting guides while some may be eliminated by provisions that eliminate captive hunting operations.

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

The Commission anticipates that some of the provisions may possibly increase business opportunities for guided hunts for pigs. Approximately six grandfathered captive hunting operations for pigs will eventually expire and may not be transferred to new owners nor will any new captive hunting operations be allowed to open, per the provisions of the bill.

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

The Commission does not anticipate any effects on the expansion of businesses currently doing business within the state.

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

The Commission does not anticipate substantial benefits, but it is possible that the bill allows landowners to control pigs and reduce damage to the environment and agriculture. Reducing wild pig numbers would also lessen the potential for various diseases carried by pigs to be spread to domestic animals or to humans through crops.

(e) Benefits of the Regulation to Worker Safety

No benefits to worker safety are anticipated because the proposed regulations will not affect working conditions.

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

The regulation seeks to mitigate damage to the State's environment by reducing pig numbers through a variety of means. First, the regulation eliminates the barrier to hunter-harvest by replacing individual 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.

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.