



Tracking Number: *2017-008* (Click here to enter text.)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: Trent Orr, Gregory Loarie on behalf of American Bird Conservancy
Address: Earthjustice, 50 California St., Ste 500, San Francisco, CA 94111
Telephone number: 415-217-2000
Email address: torr@earthjustice.org; gloarie@earthjustice.org
- 2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:** F&G Code § 399 (“the commission, when adopting...a regulation pursuant to authority vested in it by this code, may, after at least one hearing, adopt...that regulation pursuant to Section 11346.1 of the Government Code, if it [finds]: That the adoption...is necessary for the immediate conservation, preservation, or protection of birds, mammals, fish, amphibians, or reptiles....”); (F&G Code § 10502 (“The commission may: (a) Exercise control over all mammals and birds in a game refuge; ... (d) Adopt regulations not in conflict with any law for the protection of birds, mammals, fish, amphibians, reptiles, or marine life within a refuge.”); F&G Code § 10503 “For the purposes of ... protecting birds, mammals, fish, amphibians, and reptiles, the commission may do all of the following: Acquire ... and administer land... suitable for ... game refuges.”); F&G Code § 10504 (“Any property acquired for game refuges shall ... be subject to such regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as game refuges.”
- 3. Overview (Required) - Summarize the proposed changes to regulations:** Ban the use of neonicotinoid pesticides, which are both directly and indirectly harmful to birds, mammals, amphibians, and other vertebrates, on refuge lands subject to the Commission's management jurisdiction.
- 4. Rationale (Required) - Describe the problem and the reason for the proposed change:** See attached “Rationale,” which, together with the Section I items above, does not exceed five pages.



SECTION II: Optional Information

5. **Date of Petition: September __, 2017**
6. **Category of Proposed Change**
- Sport Fishing
 - Commercial Fishing
 - Hunting
 - Other, please specify: wildlife conservation
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):.
 - Add New Title 14 Section(s): to ban the use of any neonicotinoid pesticides on refuges under the California Fish and Game Commission's jurisdiction..
 - 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 .**
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: As soon as possible, especially if any neonicotinoid pesticides are currently being used in any wildlife refuges under the Fish and Game Commission's jurisdiction.
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: 1. U.S. Fish & Wildlife Service memorandum banning use of neonicotinoids in agricultural practices in the National Wildlife Refuge System (July 17, 2014) 2. Gibbons et al. 2015. A review of the direct and indirect effects of neonicotinoids and fipronil on vertebrate wildlife. 3. Hallmann, et al. 2014. Declines in insectivorous birds are associated with high neonicotinoid concentrations. 4. Hladik, et al. 2015. First national-scale reconnaissance of neonicotinoid insecticides in streams across the USA. 5. Mineau & Palmer. 2013. The Impact of the Nation's Most Widely Used Insecticides on Birds. 6. Morrissey, et al. 2015. Neonicotinoid contamination of global surface waters and associated risk to aquatic invertebrates: A review. 7. Sánchez-Bayo, et al. 2016. Contamination of the Aquatic Environment with Neonicotinoids and Its Implication for Ecosystems. 8. Van der Sluijs, et al. 2014. Conclusions of the Worldwide Integrated Assessment on the risks of neonicotinoids and fipronil to biodiversity and ecosystem functioning. 9. Wood, et al. 2017. The Environmental Risks of Neonicotinoid Pesticides: A review of the evidence post-2013.
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: Petitioner American Bird Conservancy is not aware of any impacts that a ban on the use of neonicotinoid pesticides on California wildlife refuges would have on revenues to the Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing..



12. Forms: If applicable, list any forms to be created, amended or repealed:
not applicable

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

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

2017 SEP 18 PM 1:00

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