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STATE OF CALIFORNIA  
Gavin Newsom, Governor

**Melissa Miller-Henson**  
**Executive Director**  
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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

April 29, 2024

### TO ALL INTERESTED AND AFFECTED PARTIES:

Pursuant to the requirements of California Government Code Section 11346.8, subdivision (c), and Section 44 of Title 1 of the California Code of Regulations, the California Fish and Game Commission is providing you with a notice of sufficiently related changes to the proposed regulations concerning Mitigating Risk of Cervid Importation and Movement, published in the California Regulatory Notice Register on August 4, 2023, Notice No. Z2023-0725-01, and adopted by the California Fish and Game Commission (Commission) on October 11, 2023.

This notice provides notice of revisions to the proposed amendments to regulatory language in sections 257.5, 475, 676, and 712 and proposed addition of regulatory language sections 681, and 714, Title 14, California Code of Regulations (CCR).

Because these regulations are different from, yet sufficiently related to, the originally proposed regulations, the Administrative Procedure Act requires that we make these changes available to you for a fifteen-day written comment period. The proposed changes to the regulations are clearly indicated on the attached revised proposed regulatory language and DFW Form 1681 as follows: additions of newly proposed text are shown in double underline; originally proposed text that is now proposed for deletion is shown in ~~single underline double strikeout~~; originally proposed text not affected by the changes described in this notice is indicated in single underline.

Pursuant to APA requirements, we are providing you with the full text of all sections of the originally proposed regulatory language; however, there are no revisions to the originally proposed regulatory language in Section 712, or to DFW form 1681, Title 14, CCR.

Please refer to the attached description of the specific edits to the regulatory text and forms.

Written comments on the revisions to the proposed regulatory language that mailed or emailed to the Commission office, must be received between April 29, 2024 and May 14, 2024 at 5:00 p.m. and may be sent via email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or mailed to Melissa Miller-Henson, Executive Director, California Fish and Game Commission, P.O. Box 944209, Sacramento, California 94244-2090. In addition, the Commission will accept oral and written comments on the revised proposed regulations and on the documents added to the rulemaking file at its May 15, 2024 meeting.

Letter to Interested and Affected Parties

April 29, 2024

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*NOTICE OF LOCATION OF HEARING*

The Commission will consider approving the revised proposed regulations at its May 15, 2024, meeting. Any person interested may present statements, orally or in writing, relevant to this action from the locations listed below. Instruction for participating in the meeting via webinar/teleconference are posted on the Commission's website ([www.fgc.ca.gov/Meetings/2024](http://www.fgc.ca.gov/Meetings/2024))

Trinidad Rancheria  
Tribal Council Chambers  
1 Cher-Ae Lane  
Trinidad, CA 95570

Kenwood Investments  
144 West Napa Street  
Sonoma, CA 95476

Scripps Institution of Oceanography  
Eckart Building  
Fish Bowl Conference Room 120  
8755 Biological Grade  
La Jolla, CA 92037

California Natural Resources  
Headquarters Building  
Conference Room 2-301  
715 P Street, 2nd Floor  
Sacramento, California 95814

Please refer to the original notice ([www.fgc.ca.gov/Regulations/2023-New-andProposed#257.5](http://www.fgc.ca.gov/Regulations/2023-New-andProposed#257.5)) for more information.

Sincerely,

Jenn Bacon  
Regulatory Analyst

Attachments

## **Description of Specific Edits to Regulatory Language and Department of Fish and Wildlife Forms**

### **Edits Made to Approved Regulatory Language**

#### All Sections

The acronym “CWD” has been replaced by spelling out “chronic wasting disease” this change was necessary for consistency and clarity throughout the regulations.

#### Section 257.5

Subsection 257.5(a): Previously included the definition of “bait” and “baited area”. The definition of “baited area” has been moved to subsection (b). The language, “...or cervid derived biofluid” has also been added. This amendment was necessary to define “bait” and clarify the difference between “bait” and “baited area”.

Subsection 257.5(b): Previously part of subsection (a), The language “shelled, shucked or unshucked corn, wheat or other grains, salt, or other feed whatsoever, or cervid derived biofluid” has been replaced with “bait”. This amendment is necessary to clarify what needs to be present to constitute what is considered a “baited area”.

#### Section 475

Subsection (g): The language, “(a) of these regulations” has been removed. This amendment was necessary to make the regulatory language consistent.

#### Section 676

Subsection 676(e)(1): “obtain” was changed to “import”. This amendment is necessary to clarify that the permit is for importation of cervids into California. “This application and documentation identified below...” has been changed to “The application and documentation identified in subsections 676(e)(2) and (3) shall...”. This amendment was necessary to clarify where to find the requirements of the application documents.

Section 2355 Fish and Game Code has been added to the authority cited. This amendment is necessary to clarify the authority for the importation of deer into the state.

#### Section 681

Subsection 681(c)(6): New language added to clarify what the department will base the decision to deny, revoke, or reconsider a permit or permit application. This amendment is to clarify how the department will make decisions regarding the denial, revocation, and reconsiderations of permits for cervid importation.

Subsection 681(c)(7): Denial of Application. Previously subsection 681(c)(6). After the title “Denial of Application” the remaining language from this section has been moved into a new subsection, 681(c)(7)(A). The last sentence “Past behavior will be taken into consideration...” has been removed. This sentence is no longer necessary as the new subsection 681(c)(6) clarifies how the Department will make decisions regarding denial, revocation, and reconsideration.

Subsection 681(c)(8): Previously subsection 681(c)(7). There are no corrections to the adopted regulatory language of this subsection.

Subsection 681(c)(9): Reconsideration. New language added regarding reconsideration of denied or revoked applications. This amendment is necessary to provide instructions for having applications and revocations reconsidered by the Department.

Subsection 681(c)(10): New subsection has been added regarding written notices about the Department's determinations of reconsiderations. This amendment is necessary to clarify how applicants will be notified by the Department.

Subsection 681(e): Title of the subsection was changed from "Inspection and Retention of Health Records" to "Retention of Health Records." This amendment is necessary to clarify the context of the subsection.

Subsection 681(e)(1): This subsection has been deleted. The language from this subsection has been added to subsection 681(e). This amendment is necessary for consistency of the numbering in the regulation.

Subsection 681(f): Previously subsection 681(e)(2). This has been changed to subsection 681(f) as it did not pertain only to the retention of health records. The title "Inspection" has been added to clarify the context of the subsection.

Subsection 681(g): Previously subsection 681(e)(3). This amendment as the language does not only pertain to subsection 681(e) and is necessary for consistency of the numbering in the regulation.

Section 2355 Fish and Game Code has been added to the authority cited. This amendment is necessary to clarify the authority for the importation of deer into the state.

#### Section 712

No changes

#### Section 714

Subsection 714(a): The language, "but is not limited to" has been added to the description of biofluid. This amendment is necessary to make the language in the regulations consistent with sections 257.5 and 475.

Section 2355 Fish and Game Code has been added to the authority and references cited. This amendment is necessary to clarify the authority and reference for the importation of deer into the state.

#### **Edits Made to Adopted Department Forms**

No changes to DFW form 1681