

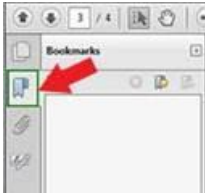
California Fish and Game Commission Meeting Binder



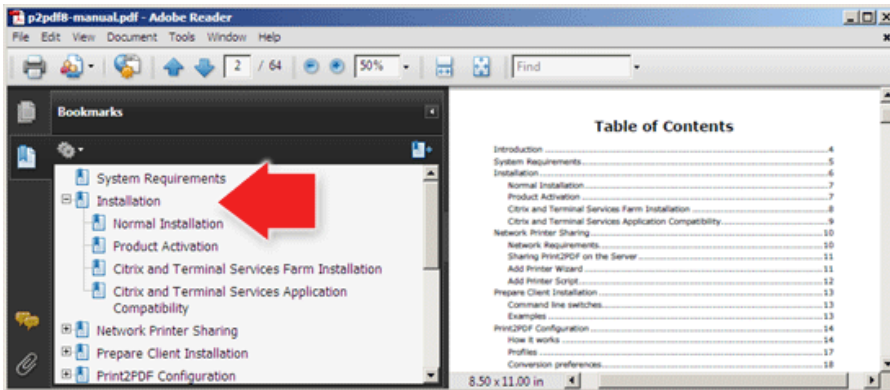
June 19-20, 2024
Mammoth Lakes


EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

Commissioners
Samantha Murray, President
La Jolla
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Darius W. Anderson, Member
Kenwood

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa A. Miller-Henson
Executive Director
P.O. Box 944209
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fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Meeting Agenda June 19-20, 2024

Participate in Person

* **Mountainside Conference Center at Main Lodge**
10001 Minaret Road, Conference Room 4
Mammoth Lakes, CA 93546

or

Participate via Webinar/Phone

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join at the in-person location, via Zoom, or by telephone; you may join the webinar directly at <https://us02web.zoom.us/j/83255957652>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit fgc.ca.gov/meetings/2024.

* The elevation at Mountainside Conference Center at Main Lodge is 9,000 feet. Be prepared for and take proactive steps to avoid altitude sickness symptoms, such as headache, muscle fatigue, insomnia, shortness of breath, sunburn, and dehydration.

- Notes:**
- (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 12.**
 - (2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**
 - (3) All section and subsection references are to Title 14 of the California Code of Regulations, unless otherwise noted.**

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

Call to Order and Roll Call to Establish a Quorum

1. Consider approving agenda and order of items

2. Juneteenth

Recognize the importance of June 19 to commemorate the emancipation of enslaved Black people in the United States.

Consent Items

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. Initial private lands wildlife habitat enhancement and management area (PLM) plan and licence (consent)

Consider approving initial PLM plan license for:
(Pursuant to Section 601)

- | | |
|-----------------------|-----------------|
| (A) Butte County | (C) Yolo County |
| I. Magers Ranch | I. 360 Ranch |
| (B) Modoc County | |
| I. Fort Bidwell Ranch | |

4. Five- year PLM plans (consent)

Consider approving five-year PLM plans and 2024-2028 licenses for:
(Pursuant to Section 601)

- | | |
|---------------------------------|--------------------------|
| (A) Calaveras County | (E) Los Angeles County |
| I. Ordway Ranch | I. Santa Catalina Island |
| (B) Glenn County | (F) Monterey County |
| I. Anderson Ranch | I. Work Ranch |
| II. Bird Haven Ranch | (G) Shasta County |
| (C) Kern County | I. Duncan Creek Ranch |
| I. Tejon Ranch | |
| (D) Lassen County | |
| I. Clarks Valley Ranch | |
| II. Five Dot Ranch – Avila Unit | |
| III. Red Rock Ranch | |

5. Annual PLM plans (consent)

Consider approving annual PLM plans and 2024-2025 licenses for:
(Pursuant to Section 601)

- (A) Butte County
 - I. Angel Slough
 - II. Deseret Farms
 - III. Llano Seco Ranch
 - IV. M&T Chico Ranch
- (B) Butte and Tehama counties
 - I. Rock Creek Ranch
- (C) Lassen County
 - I. Ash Valley Ranch
 - II. Dixie Valley Ranch
 - III. Five Dot Ranch - Horse Lake Unit
 - IV. Five Dot Ranch - School Section Unit
 - V. Five Dot Ranch - Tunnel Springs Unit
 - VI. Five Dot Ranch - Willow Creek Unit
 - VII. Grasshopper Ranch
 - VIII. Kramer Ranch
 - IX. Mendiboure Cold Springs Ranch
 - X. Mendiboure Ranch
 - XI. Observation Peak Ranch
 - XII. Walton Homestead Family LLC
- (D) Modoc County
 - I. Basin View Ranch
 - II. Lookout Ranch
 - III. Roberts Ranch
 - IV. SL Ranch
- (E) San Bernadino County
 - I. Big Morongo Springs Ranch
- (F) Shasta County
 - I. Black Ranch
 - II. Cow Creek Ranch
 - III. Hathaway Oak Run Ranch
 - IV. Jerusalem Creek Ranch
 - V. JS Ranch
 - VI. Kampmann Ranch
 - VII. Rickert Ranch
 - VIII. Willow Creek Ranch
- (G) Siskiyou County
 - I. Long Prairie Farms
 - II. Pondosa
 - III. Red Rock Valley Farms
- (H) Tehama County
 - I. Big Bluff Ranch
 - II. El Rancho Rio Frio
 - III. Little Dry Creek Ranch
 - IV. Mill Creek Ranch
 - V. Salt Creek Ranch
- (I) Yolo County
 - I. Smith Flat
- (J) Yuba County
 - I. Sugarloaf-Bangor Ranch

6. Readoption of white sturgeon emergency regulation (consent)

Consider adopting a second 90-day extension of emergency regulations for sport take of white sturgeon (*Acipenser transmontanus*) in inland and ocean waters to support recovery of populations and to track fishing pressure and success.
(Amend sections 5.79, 5.80, 27.90 and 27.92)

7. **Duck stamp expenditure proposals (consent)**
Consider approving proposed duck stamp project expenditures from the Duck Stamp Dedicated Account Fund for Fiscal Year 2024-25.
(Pursuant to Section 3702, California Fish and Game Code)
8. **Milo Baker's lupine (consent)**
Consider ratifying findings on the decision to list Milo Baker's lupine (*Lupinus milo-bakeri*) as an endangered species under the California Endangered Species Act.
(Pursuant to Section 2075.5, California Fish and Game Code)
9. **Western burrowing owl (consent)**
Consider approving the Department's request for a 30-day extension to review the petition to list western burrowing owl (*Athene cunicularia hypugaea*) as a threatened or endangered species under the California Endangered Species Act.
(Pursuant to Section 2073.5, Fish and Game Code)

Discussion and Action Items

10. **Commission executive director and Department reports**
 - (A) **Commission executive director**
 - I. Update on justice, equity, diversity and inclusion plan
 - (B) **Department director and Law Enforcement Division**
11. **Inland sport fishing**
Discuss proposed amendments to inland sport fishing regulations for freshwater sport fishing bag limits, gear, and low-flow information.
(Amend sections 2.30, 5.00, 7.50, 8.00, and 703)
12. **Emergency regulations to address chronic wasting disease**
Discuss and consider adopting emergency regulations to increase surveillance and limit the spread of chronic wasting disease in California.
(Amend Section 708.5)
13. **Wildlife rehabilitation**
Consider authorizing publication of notice of intent to amend regulations regarding wildlife rehabilitation.
(Repeal Section 679; add sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8 and 679.9, and add Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual)
14. **White sturgeon sport fishing regular rulemaking**
Discuss proposed amendments to adopt emergency rules through a regular rulemaking for the recreational take of white sturgeon in inland and ocean waters.
(Amend sections 5.79, 5.80, 27.90 and 27.92)
15. **White sturgeon petition to list**
Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing white sturgeon (*Acipenser*

transmontanus) as a threatened species under the California Endangered Species Act may be warranted.

(Pursuant to sections 2074 and 2074.2, California Fish and Game Code)

Note: if the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

16. White sturgeon take and reporting – 2025

Consider authorizing publication of notice of intent to amend regulations for white sturgeon take and reporting for inland sport fishing and ocean recreational fishing beginning in 2025.

Staff will recommend that this item be continued to a future meeting.

17. Commission policies

Discuss potential amendments to five Commission policies currently under review. (Pursuant to Section 703, California Fish and Game Code)

(A) ***Code of Conduct***

(B) ***Planting Fish in Youth Camps***

(C) ***Youth Fishing Programs***

(D) ***Research***

(E) ***Naming Installations***

Staff will recommend that this item be continued to a future meeting.

18. Regulation change petitions (wildlife and inland fisheries)

(A) ***New petitions***

Receive new petitions for regulation change.

(Pursuant to Section 662)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the August 14-15, 2024 meeting.

(B) ***Previously received petitions***

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

(Pursuant to Section 662)

I. *Petition 2024-03: Request to amend regulations to prohibit local governments from contracting with private trappers to trap coyotes on public land and to prohibit use of carbon dioxide as a killing method for coyotes.*

19. California grizzly bear

Consider a revised resolution to recognize the 100-year anniversary of the extirpation of California's state animal, grizzly bear (*Ursus arctos californicus*).

20. Wildlife Prosecutor of the Year for 2023

Announce recipient of the annual Wildlife Prosecutor of the Year award for 2023.
(Pursuant to Commission Wildlife Prosecutor of the Year Policy)

21. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) **Wildlife Resources Committee**

Receive summary and consider approving recommendations from the May 16, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

(B) **Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division**

- I. Department presentation on bighorn sheep, deer and mountain lion
- II. Department presentation on the Department Private Lands Management Program

The Department will recommend that the second presentation be continued to a future meeting.

General Public Comment

22. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

DAY 2 – June 20, 2024, 8:30 AM

Call to Order/Roll Call to Establish Quorum

Consent Items

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

23. Restricted Species Permit Application (consent)

Review application approved by the Department for a permit to possess transgenic Hawaiian bobtail squid (*Euprymna scolopes*).
(Pursuant to subsection 671.1(a)(8)(H))

Discussion and Action Items

- 24. Recreational fishing regulations for federal groundfish for 2025 and 2026, and fillet requirements at sea**
Consider authorizing publication of notice of intent to amend recreational regulations for (a) federal groundfish for consistency with and to complement federal rules in 2025 and 2026 and (b) fillet regulations for select groundfish and state managed finfish.
(Amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56 and 28.65)
- 25. Commercial California halibut and white seabass set gill net**
Discuss proposed amendments to regulations for commercial California halibut and white seabass gill net fisheries.
(Add Section 174.1)
- 26. Fisheries logbook forms and fishing block charts**
Discuss proposed amendments to regulations for fisheries logbook forms and fishing block charts.
(Amend sections 120.7, 122, 165, 190 and 705.1)
- 27. Experimental Fishing Permit (EFP) Application 2024-01**
Receive, consider, and potentially act on EFP application to conduct exploratory fishing of brown box crab and to test on-demand buoy retrieval systems in deep water in northern California.
(Pursuant to Section 91)
- 28. Regulation change petitions (marine)**
- (A) ***New petitions***
Receive new petitions for regulation change.
(Pursuant to Section 662)
Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the August 14-15, 2024 meeting.
- (B) ***Previously received petitions***
Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.
(Pursuant to Section 662)
- I. *Petition 2024-02*: Re-open the red abalone fishery at San Miguel Island, Santa Barbara County, for recreational take and for commercial take under conditions (former commercial abalone divers only, catch quota, data collection).
- II. *Petition 2023-10*: Allow recreational anglers to donate fish to non-profit organizations under a sport-caught fish exchange permit.
- 29. Non-regulatory requests from previous meetings (marine)**
Consider and potentially act on non-regulatory requests submitted by members of the public at previous meetings.

30. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held Monday, August 13, 2024.

(B) ***Marine Resources Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held July 17-18, 2024.

(C) ***Department Marine Region***

- I. Public discussion of action taken to close the recreational razor clam fishery in Humboldt County due to elevated levels of domoic acid. (Pursuant to subdivision 5523(a)(2), California Fish and Game Code)
- II. Update on annual recreational ocean salmon regulations, and automatic conformance to federal regulations. (Pursuant to Section 1.95, Title 14, CCR)

31. Commission administrative items

(A) ***Legislative report***

Receive updates on legislative activity and consider providing direction to staff on potential actions.

(B) ***Rulemaking timetable updates***

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

(C) ***Potential meeting dates and locations for 2026***

Review and provide feedback on draft meeting dates and locations for 2026 as proposed by staff.

(D) ***Future meetings and new business***

Review logistics and approve draft agenda items for the next Commission meeting (August 14-15, 2024), consider any changes to approved meeting dates or locations, or introduce new business for a future meeting agenda.

General Public Comment

32. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

Adjourn

Public Receipt of Documents

This section of the agenda highlights reports or other documents received by the Commission since the previous meeting. Any Commission discussion or action on these documents will be noticed and placed on the agenda of a future meeting. Since April 23, 2024, the Commission received one Department document:

1. The Department's [five-year species review report on Lake County stonecrop](#) (*Sedella leiocarpa*) which is currently listed as endangered under the California Endangered Species Act (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=222433>)

Executive Session

(Not open to the public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - II. Wright v. Sklar (classification of ferrets)
 - III. Borba et al. v. Merced Co, Merced Irrigation Dist, California Dept of Fish and Wildlife, and California Fish and Game Commission (complaint for damages related to flooding)
 - IV. Perez-Ramirez et al. v. County of Merced, City of Merced, Merced Irrigation Dist., California Dept of Fish and Wildlife, and California Fish and Game Commission (complaint for damages related to flooding)
 - V. Glenn et al. v. County of Merced, City of Merced, Merced Irrigation Dist., California Dept of Fish and Wildlife, and California Fish and Game Commission (complaint for damages related to flooding)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the accusation in FGC Case No. 24ALJ04-FGC seeking a one-year suspension of John Boling's commercial Dungeness crab permit.

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
July 17-18, 2024		Marine Resources Santa Rosa area
August 13, 2024		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 14-15, 2024	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 12, 2024		Wildlife Resources San Jose
October 9-10, 2024	California Natural Resources Headquarters Building Auditorium, 1 st Floor 715 P Street Sacramento, CA 95814	
November 7, 2024		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2 nd Floor Sacramento, CA 95814
December 10, 2024		Tribal San Diego area
December 11-12, 2024	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 22-25, 2024 – Madison, WI

Pacific Fishery Management Council

- September 18-24, 2024 – Spokane, WA
- November 13-19, 2024 – Costa Mesa, CA
- March 5-11, 2025 – Vancouver, WA
- April 9-15, 2025 – San Jose, CA

Pacific Flyway Council

- August 30, 2024 – Jackson, WY

Western Association of Fish and Wildlife Agencies

- December 3-5, 2024 – WY
- June 2-6, 2025 – Provo, UT

Wildlife Conservation Board

- August 22, 2024 – Sacramento, CA
- November 21, 2024 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 155th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Civil Rights Office (CRO) at civilrights@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the CRO immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on June 6, 2024**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on June 14, 2024**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments will not be accepted after the supplemental comment deadline.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the **Supplemental Comment Deadline** (or delivered in person at the meeting during the regulation change petitions agenda item). Petitions received at this meeting will be scheduled for consideration at the next

regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

To speak on an agenda item by webinar/teleconference, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number is called.
2. When addressing the Commission, please give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time. If you are participating via Zoom and ceding your time to another speaker, please notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom you are ceding your time, and be present on Zoom during the agenda item.
 - c. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - d. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).

- e. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order and on either day pursuant to the discretion of the presiding commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.

Introductions for California Fish and Game Commission Meeting

Commission Members

Samantha Murray	President (La Jolla)
Erika Zavaleta	Vice President (Santa Cruz)
Jacque Hostler-Carmesin	Member (McKinleyville)
Eric Sklar	Member (Saint Helena)
Darius W. Anderson	Member (Kenwood)

Commission Staff

Melissa Miller-Henson	Executive Director
David Thesell	Deputy Executive Director
Mike Yaun	Legal Counsel
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Kimi Rogers	Environmental Scientist
Sherrie Fonbuena	Associate Governmental Program Analyst
Jenn Bacon	Associate Governmental Program Analyst
David Haug	Associate Governmental Program Analyst
Kelsey Leaird	Executive Analyst
Jessica Shaw	Seasonal Clerk
Devon Rossi	California Sea Grant State Fellow
Cynthia McKeith	Staff Services Analyst

California Department of Fish and Wildlife Staff

Chuck Bonham	Director
Chad Dibble	Deputy Director, Wildlife and Fisheries Division
Nathaniel Arnold	Acting Deputy Director and Chief, Law Enforcement Division
Josh Grover	Deputy Director, Ecosystem Conservation
Craig Shuman	Regional Manager, Marine Region
Scott Gardner	Branch Chief, Wildlife Branch
Jay Rowan	Branch Chief, Fisheries Branch

I would also like to acknowledge special guests who are present:
(i.e., elected officials, including tribal chairpersons, and other special guest

Overview of California Fish and Game Commission Meeting

- Welcome to a meeting of the California Fish and Game Commission. This is the 155th year of operation for the Commission, in partnership with the California Department of Fish and Wildlife. Both organizations originated from the Board of Fish Commissioners in 1870.
- The Commission's goals include preserving our wildlife heritage and conserving our natural resources through informed decision making. These meetings are vital in achieving those goals and, in that spirit, we provide the following information to be as effective and efficient toward that end.
- We are operating under the Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location.
- Items may be heard in any order pursuant to the determination of the presiding commissioner, which is President Murray today.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- If you are here in the in-person location, speaker cards need to be filled out **legibly** and turned in to staff **before** we start the agenda item.
- If you are online or on the phone, you will receive additional instructions in a few minutes.
- We will ask how many speakers we have before taking public comment; please be prepared and listen closely for your name or phone number to be called.
- When you speak, please state your name and any affiliation. Please be respectful and note that disruptions will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up for our electronic mailing lists.
- If you want the Commission to consider a regulation change, all petitions for regulation change must be submitted in writing on the authorized form, FGC 1, which is available on the Commission's website or directly from staff.
- For members of the public, if you have access to the Internet and are not planning to make public comment, you may listen to the meeting via our regular webcast by visiting the commission website at www.fgc.ca.gov (link is on right side).
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

Staff Summary for June 19-20, 2024

2. Juneteenth**Today's Item**Information Action

Recognize Juneteenth, celebrated annually on June 19, to commemorate the end of slavery in the United States.

Summary of Previous/Future Actions (N/A)**Background*****Origins of Juneteenth***

The Emancipation Proclamation was issued by President Abraham Lincoln on January 1, 1863, declaring that all slaves in the southern United States of America would be free. Due to confederate control, however, it wasn't until June 19, 1865 that over 250,000 enslaved people in Texas learned of their freedom, making it a significant day in history (Exhibit 1). As such, Juneteenth commemorates the end of slavery, recognizes the resilience and heritage of Black Americans, and provides a chance to reflect on a shared American history and the significance of freedom.

Through acknowledging Juneteenth, the Commission continues to celebrate the contributions of Black Americans, including to the conservation movement, while also recognizing the impacts of systemic racism on Black Americans throughout California's outdoor spaces.

Systemic Racism along California's Coastline

Experiences of Black Americans that settled in California taught our state that America's struggle for freedom did not conclude with the end of slavery, but continues to this day. For example, in 1922 public beaches in Santa Monica became increasingly inaccessible to Black communities. In 1927, the National Association for the Advancement of Colored People worked to ensure public beaches in Santa Monica were accessible for all.

In 2008, a monument was established at Bay Street and Oceanfront Walk in Santa Monica called "A Place of Celebration and Pain" to honor the history of the beach as a historically important gathering place for the Black community, to recognize the efforts that have gone into ensuring it remains that way, and to recognize Nick Gabaldón, the first California documented surfer of African and Mexican American descent (Exhibit 2).

Legislation and Proclamations in Recognition of Juneteenth

On June 17, 2021, President Joe Biden designated Juneteenth as a U.S. federal holiday and, for the first time in California, in June 2023 Governor Gavin Newsom issued a proclamation declaring "Juneteenth National Freedom Day: A Day of Observance" in the State of California (Exhibit 3).

Today's Commission meeting marks the 159th year since the first Juneteenth of 1865. Today, the Commission will potentially adopt a resolution (Exhibit 4) recognizing Juneteenth to commemorate the ending of slavery in the United States; in addition, it will be integrating

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principles of justice, equity, diversity, and inclusion into its policies and practices to ensure equitable access to California's natural resources.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Adopt the draft resolution in Exhibit 2 recognizing Juneteenth.

Exhibits

1. [National Museum of African American History & Culture, *The Historical Legacy of Juneteenth*](#)
2. [Santa Monica Conservancy, *African Americans and The Beach in Santa Monica at the Bay Street Site Controversially Known as the "Inkwell"*, written by Dr. Alison Rose Jefferson](#)
3. [News release: *Governor Newsom Proclaims Juneteenth Day of Observance*, dated June 17, 2023](#)
4. [Draft resolution, dated June 12, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the draft resolution recognizing Juneteenth as part of its commitment to justice, equity, diversity and inclusion.

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3. Initial Private Lands Wildlife Habitat Enhancement and Management Area (PLM) Plan and License (consent)

Today's Item

Information

Action

Consider approving initial PLM plans and 2024-2028 licenses.

Summary of Previous/Future Actions (N/A)

Background

California Fish and Game Code sections 3400-3408 and Title 14 Section 601 prescribe conditions for a PLM program that provides incentives for landholders to manage their property for the benefit of fish and wildlife in exchange for access to increased recreational opportunities, such as hunting tags or extended seasons ("harvest program"). In return for a harvest program, the landholder must prepare a biologically-sound wildlife management plan and complete specific wildlife habitat improvements on the PLM property.

The Department has reviewed the initial management plans for three new properties in three counties consisting of approximately 21,893 acres. These new properties cover a variety of habitats, including chaparral and riparian areas which benefit both game and non-game species. Proposed habitat improvements include promoting early successional growth, installing numerous water catchments in an arid area, and improving the quality of riparian areas by removing non-native species.

The Department recommends that the Commission approve the wildlife management plans, license applications, and 2024-2028 harvest programs under conditions specified in Exhibit 2. Habitat improvements accomplished under this plan will enhance and maintain wildlife resources on and around the PLM area. The goals and objectives stated in the management plans are compatible with Department management plans for appropriate species in this area and the Department finds they are in compliance with Commission regulations and policies for PLM licenses and plans.

Significant Public Comments (N/A)

Recommendation

Commission staff: Approve the initial PLM licenses for the 2024-2028 seasons and associated PLM management plans with proposed seasons, harvests, and habitat improvements for three properties, under a motion to adopt the consent calendar.

Department: Approve the initial PLM licenses, and management plans and proposed seasons, harvests, and habitat improvements for three properties, under the conditions specified in Exhibit 2.

Exhibits

1. [Department memo, received June 13, 2024](#)
2. [PLM Area License Initial Management Plans, 2024-2028, Proposed Seasons, Harvests, and Habitat Improvements, received June 6, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 3-9 on the consent calendar.

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4. Five-Year Private Lands Wildlife Habitat Enhancement and Management Area (PLM) Plans (consent)

Today's Item

Information

Action

Consider approving five-year PLM plans and 2024-2028 licenses.

Summary of Previous/Future Actions (N/A)

Background

California Fish and Game Code sections 3400-3408 and Title 14 Section 601 prescribe conditions for a PLM program that provides incentives for landholders to manage their property for the benefit of fish and wildlife in exchange for access to increased recreational opportunities, such as hunting tags or extended seasons ("harvest program"). In return for a harvest program, the landholder must prepare a biologically-sound wildlife management plan and complete specific wildlife habitat improvements on the PLM property.

The Department has reviewed five-year renewals for 10 properties in 7 counties consisting of approximately 355,360 acres. PLM properties are conducting a variety of habitat work, including maintaining nesting and water sources for wildlife, treating invasive weeds, and contributing to the Department's surveillance of chronic wasting disease.

The Department recommends that the Commission approve the wildlife management plans, license applications, and 2024-2028 harvest programs under conditions specified in Exhibit 2. Habitat improvements accomplished under this plan will enhance and maintain wildlife resources on and around the PLM area. The goals and objectives stated in the management plans are compatible with Department management plans for appropriate species in this area and the Department finds they are in compliance with Commission regulations and policies for PLM licenses and plans.

Significant Public Comments (N/A)

Recommendation

Commission staff: Approve five-year PLM license renewals for 2024-2028, and proposed seasons, harvests and habitat improvements for 2024-2028 as recommended by the Department for ten properties, under a motion to adopt the consent calendar.

Department: Approve 5-year PLM license renewals for ten properties, under the conditions specified in Exhibit 2.

Exhibits

1. [Department memo, received June 13, 2024](#)
2. [PLM Area License 5-Year Renewals, 2024-2028, Proposed Seasons, Harvests, and Habitat Improvements, received June 6, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 3-9 on the consent calendar.

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5. Annual Private Lands Wildlife Habitat Enhancement and Management Area (PLM) Plans (consent)

Today's Item

Information Action

Consider approving annual PLM plans.

Summary of Previous/Future Actions (N/A)

Background

California Fish and Game Code sections 3400-3408 and Title 14 Section 601 prescribe conditions for a PLM program that provides incentives for landholders to manage their property for the benefit of fish and wildlife in exchange for access to increased recreational opportunities, such as hunting tags or extended seasons ("harvest program"). In return for a harvest program, the landholder must prepare a biologically-sound wildlife management plan and complete specific wildlife habitat improvements on the PLM property.

The Department has reviewed annual reports for 40 properties in 9 counties consisting of approximately 254,885 acres. PLM properties are conducting a variety of habitat work, including inspecting and repairing fencing, maintaining wildlife foraging areas, and creating wildlife migratory travel routes.

The Department recommends that the Commission approve the wildlife management plans, license applications, and 2024-2025 harvest programs under the conditions specified in Exhibit 2. Habitat improvements accomplished under this plan will enhance and maintain wildlife resources on and around the PLM area. The goals and objectives stated in the management plans are compatible with Department management plans for appropriate species in this area, and the Department finds they are in compliance with Commission regulations and policies for PLM licenses and plans.

Significant Public Comments (N/A)

Recommendation

Commission staff: Approve continuing PLM licenses and approve the annual seasons, harvests, and habitat improvements for 2024-2025 as recommended by the Department for 40 properties, under a motion to adopt the consent calendar.

Department: Approve continuing the PLM licenses and approve the annual seasons, harvests and habitat improvements for 40 properties, under the conditions specified in Exhibit 2.

Exhibits

1. [Department memo, received June 13, 2024](#)
2. [PLM Area License Annual Renewals, 2024-2025, Proposed Seasons, Harvests, and Habitat Improvements, received June 6, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 3-9 on the consent calendar.

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6. Readoption of White Sturgeon Emergency Regulation (consent)**Today's Item**Information Action

Consider adopting a second 90-day extension of emergency regulations for sport take of white sturgeon (*Acipenser transmontanus*) in inland and ocean waters to support recovery of populations and to track fishing pressure and success.

Summary of Previous/Future Actions

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| • Adoption hearing for emergency regulations concerning sport take of white sturgeon | October 11-12, 2023 |
| • Adoption hearing for the first 90-day extension of emergency regulations concerning sport take of white sturgeon | April 17-18, 2024 |
| • Today consider adopting the second 90-day extension of emergency regulations concerning sport take of white sturgeon | June 19-20, 2024 |

Background

At its October 2023 meeting, the Commission adopted emergency regulations to amend recreational take of white sturgeon to support recovery of populations and to track fishing pressure and success (see Exhibit 1 for detailed background information). The Commission adopted an emergency regulation that implemented four concepts:

1. Reduced the white sturgeon slot limit from 40 to 60 inches to 42 to 48 inches.
2. Reduced the number of fish harvested to one fish per report card per year but allowed anglers to continue catch and release fishing after they have harvested one fish.
3. Applied a seasonal closure in upper spawning grounds only from January through May.
4. Reduced the vessel limit to two fish per day per boat.

The emergency regulation went into effect on November 16, 2023 for a period of 180 days. At the April 2024 meeting, the Commission took action to extend the emergency regulations for an additional 90 days; if not extended by the Commission, the emergency regulation will expire August 14, 2024.

For today's meeting, the Department has provided a draft finding of emergency and a draft statement of proposed emergency regulatory action for the Commission to consider in re-adopting the emergency regulation (exhibits 2 and 3).

Significant Public Comments (N/A)**Recommendation**

Commission staff: Under a motion to adopt the consent calendar, determine, pursuant to Section 399 of the California Fish and Game Code, that adopting these regulation changes is necessary for the immediate conservation, preservation, and protection of birds, mammals,

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fish, amphibians, or reptiles, including, but not limited to, their nests or eggs. Further determine, pursuant to Section 11346.1 of the California Government Code, that an emergency situation exists and that the proposed regulation changes are necessary to address the emergency. Readopt for an additional 90 days the emergency regulations amending sections 5.79, 5.80, 27.90 and 27.92, related to the sport take of white sturgeon, as recommended by the Department.

Department: Adopt a second 90-day extension of the emergency regulations amending sections 5.79, 5.80, 27.90 and 27.92.

Exhibits

1. [Staff summary from October 11-12, 2023 \(for background purposes only\)](#)
2. [Department transmittal memo, received May 20, 2024](#)
3. [Draft emergency statement](#)
4. [Draft proposed regulatory language](#)
5. [Draft economic and fiscal impact statement \(STD 399\) and addendum](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 3 through 9 on the consent calendar

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7. Duck Stamp Expenditure Proposals (Consent)**Today's Item**Information Action

Consider approving proposed duck stamp project expenditures from the Duck Stamp Account for Fiscal Year (FY) 2024-25.

Summary of Previous/Future Actions (N/A)**Background**

Pursuant to California Fish and Game Code sections 3702-3705, the Commission must approve any projects funded by the State Duck Stamp Account in the Fish and Game Preservation Fund; the funds shall be used for projects or endowments to protect, preserve, restore, enhance, and develop migratory waterfowl breeding and wintering habitat, evaluate habitat projects, and conduct waterfowl resource assessments and other waterfowl-related research.

The Department annually requests and reviews proposals for projects that meet the statutory goals of this dedicated account, which are reviewed by the Department's Duck Stamp Advisory Committee and then submitted by the Department to the Commission as a list of recommended projects. Exhibits 1 and 2 contain an overview and summary of the proposed projects for consideration and approved for funding in FY 2024-25.

For FY 2024-25, authorized expenditures from this fund are \$2,0132,000. After deducting the required administrative overhead costs (limited to 6%, per Fish and Game Code Section 3701, or \$113,321), and the mandated amount portioned to Canada (\$2.25 per stamp/validation per Section 3704 or \$150,068), a total of \$1,742,152 is available for new and ongoing projects.

The Department proposes funding six new projects totaling \$1,423,022. A total of 13 projects are recommended, including continued authorization for ongoing projects. Combined, the new and ongoing projects in California total \$1,892,220 (Exhibit 2).

Significant Public Comments (N/A)**Recommendation**

Commission staff: Approve this proposed FY 2024-25 funding from the Duck Stamp Account as recommended by the Department.

Department: Approve the projects identified in Exhibit 2 for funding from the Duck Stamp Account in FY 2024-25.

Exhibits

1. [Department memo, received June 6, 2024](#)
2. [Department summary of recommendations for FY 2024-25 California Duck Stamp Account expenditures](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the list of staff recommendations for items 3-9 on the consent calendar.

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8. Milo Baker's Lupine (consent)**Today's Item**Information Action

Consider ratifying findings on the decision to list Milo Baker's lupine (*Lupinus milobakeri*) as an endangered species under the California Endangered Species Act (CESA).

Summary of Previous/Future Actions

- | | |
|------------------------------------------------------------------------------------------------|-------------------------|
| • Received the Department's five-year status review report and recommendation to change status | December 9-10, 2020 |
| • Determined action may be warranted, initiating Department's one-year status review | February 10, 2021 |
| • Determined a change in listing is warranted | June 15-16, 2022 |
| • Today potentially adopt findings | June 19-20, 2024 |

Background

Milo Baker's lupine has been listed as a threatened species pursuant to CESA since 1987 and is included in the list of threatened plants found in California Fish and Game Code Section 670.2. At its December 2020 meeting, the Commission received the Department's five-year status review of Milo Baker's lupine, recommending a change in status from threatened to endangered. At its February 2021 meeting, the Commission determined a change in status may be warranted, and subsequently provided notice regarding Milo Baker's lupine's protected, candidate species status. The notice prompted the Department's status review of the species, as required by Fish and Game Code Section 2074.6.

The Commission received the Department's status review report in February 2022. In June 2022, pursuant to Section 2075.5 of the Fish and Game Code, the Commission determined that changing the listing status of Milo Baker's lupine from threatened to endangered is warranted. Fish Game Code Section 2075.5 requires that the Commission adopt written findings to support that decision.

Commission staff developed a draft notice of findings for Commission consideration today (Exhibit 1).

Significant Public Comments (N/A)**Recommendation**

Commission staff: Under a motion to adopt the consent calendar, adopt the proposed findings for the decision to change the listing status of Milo Baker's lupine from threatened to endangered.

Exhibits

1. [Draft notice of findings, dated June 7, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 3 through 9 on the consent calendar.

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9. Western Burrowing Owl (consent)**Today's Item**Information Action

Consider approving the Department's request for a 30-day extension to review the petition to list western burrowing owl (*Athene cunicularia hypugaea*) as a threatened or endangered species under the California Endangered Species Act.

Summary of Previous/Future Actions

- Received petition March 5, 2024
- Transmitted petition to Department March 18, 2024
- Public receipt of petition April 17-18, 2024
- **Today consider Department's request for 30-day extension June 19-20, 2024**

Background

On March 5, 2024, the Commission received a petition from the Center for Biological Diversity, Defenders of Wildlife, the Burrowing Owl Preservation Society, and the Santa Clara Valley Audubon Society to list western burrowing owl as a threatened or endangered species under the California Endangered Species Act. On March 18, 2024, Commission staff transmitted the petition to the Department for review.

California Fish and Game Code Section 2073.5 requires that the Department evaluate the petition and submit a written evaluation with a recommendation to the Commission within 90 days of receiving the petition; under this section, the Department may request an extension of up to 30 days to complete the evaluation.

The Department has requested a 30-day extension (Exhibit 1); if approved, the due date for the Department's evaluation would change to July 16, 2024.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Approve the Department's request for a 30-day extension.

Exhibits

1. [Department memo requesting 30-day extension, received May 17, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 3 through 9 on the consent calendar.

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10A. Commission Executive Director's Report**Today's Item**Information Action

Receive updates from the executive director and staff on items of note since the previous regularly-scheduled Commission meeting (April 17-18, 2024).

Summary of Previous/Future Actions (N/A)**Background**

The Commission employs an executive director to assist in conducting the Commission's operations and ensuring that its wide range of responsibilities and authorities are fulfilled daily. To ensure the ability to maintain functionality in all its capacities, the Commission has delegated various authorities to its executive director, who "...shall report to the Commission at each regular meeting on important delegated actions."

Today's report covers four topics:

- [Justice, equity, diversity and inclusion \(JEDI\) awareness and planning](#)
- [Service-based budgeting](#)
- [Personnel](#)
- [California Environmental Quality Act](#)

JEDI Awareness and Planning

As part of developing the Commission's JEDI plan, staff has been including JEDI activities and information in staff and Commission meetings. Today, there are three highlights: the Commission stakeholder engagement survey, Pride Month, and Immigrant Heritage Month.

JEDI Survey

The Commission is developing a stakeholder engagement plan as part of its broader effort to develop a JEDI plan. Public input is essential in this process, and to gather valuable insights, KH Consulting Group (KH) – the independent, third-party consultant retained by the Commission to assist with its JEDI planning efforts– will distribute a survey to better understand the perspectives and experiences of current and potential stakeholders and partners, and identify areas where the Commission can strengthen its stakeholder engagement and commitment to JEDI principles. All responses to the survey will be kept confidential, and KH will only share tabulated results with the Commission. The survey was originally scheduled to be sent in late April or early May. Staff capacity issues have limited staff's ability to coordinate more timely with KH, though discussions are underway again.

Pride Month

Initially established as a single day to honor the anniversary of the Stonewall Uprising, the Lesbian, Gay, Bisexual, Transgender and Queer+ (LGBTQ+) Pride Month is an entire month dedicated to uplifting LGBTQ+ voices, celebrating LGBTQ+ culture, and supporting

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LGBTQ+ rights. Throughout the month of June, nationwide, there have traditionally been parades, protests, drag performances, live theater and memorials and celebrations of life for members of the community who lost their lives to HIV/AIDS. The word 'pride' is an integral cultural concept within the LGBTQ+ community, representing solidarity, collectivity and identity, as well as resistance to discrimination and violence.

The California Natural Resources Agency has hosted multiple events for Pride Month in which Commission staff have participated. For example, in addition to a Pride march in Sacramento, Secretary Wade Crowfoot moderated an hour-long “thought-provoking discussion exploring diverse voices and histories that have formed California’s LGBTQ+ community.” Several participants are employees of departments within the agency and brought personal insight to their state employment experience. The session can be viewed on the agency YouTube page at <https://www.youtube.com/live/LvICYEz59XQ?si=Re5DdMiWbvYjOhVp>.

Immigrant Heritage Month

The United States is a nation founded by immigration and recognizes the contributions of immigrants in an annual observance each June. National Immigration Heritage Month (NIHM) was first established by President George H. W. Bush, in June 1988 and is celebrated annually to “recognize the significant contributions of immigrants...and to promote the awareness of the diversity of the American people.” President Joe Biden’s proclamation on NIHM begins, “American is the only country in the world with a heart and soul that draws from old and new. We are home to people whose ancestors have been here for thousands of years and home to people from every place on Earth.” California is no different with a vast assemblage of immigrants from around the world. The full Biden proclamation can be accessed at [A Proclamation on National Immigrant Heritage Month](#).

Service Based Budgeting

In 2019, the Department launched its Service-Based Budgeting (SBB) Initiative to identify tasks needed to accomplish its statutory responsibilities and fulfill its mission (“mission-level” data); the data collected would, in part, help inform future budget discussions and requests. As a sister agency whose budget is a line item within the Department’s, the Commission was included in the exercise. Initial efforts concentrated on identifying three key elements: All tasks necessary to accomplish the Commission’s mission, the appropriate types of staff skills (classifications) for each task, and the estimated time commitment from staff to complete each task.

Since completing the mission-level assessment, SBB has annually required a complete accounting of staff time allocated to each of the tasks. As staff engaged in and analyzed each annual reporting, it became clear that the list of tasks specified in the mission level information was incomplete and, in at least one case, a full personnel year was being incorrectly attributed to annual Commission work. This spring marked five years since SBB commenced and has offered the first opportunity to analyze the outcome of efforts, reevaluate included tasks, update the mission-level information, and correct inaccuracies or incomplete information. Staff has been engaging with the Department in the intensive mission level data “refresh” since early March. The project is an important opportunity to identify gaps at the Commission between the resources necessary to meet its statutory responsibilities and fulfill its mission, as opposed to the reality of the resources currently available.

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Personnel

For each Commission meeting, staff provides an update on its workload and activities of the previous two months; a few highlights are provided here, with additional details in Exhibit 2.

Staff Vacancy Rate: Commission staff experienced a 25% staff vacancy rate during the first quarter of the year for current positions — including the project lead for policy reviews, JEDI planning, SBB, and meeting preparations. Utilizing the vacant regulations analyst position, Cynthia McKeith returned to the Commission in May. The program manager and the tribal advisor and liaison positions remain vacant, or approximately 17% of current positions. The vacancies have resulted in a heavier workload for other staff, who are diligently juggling additional tasks from vacant positions on top of their own responsibilities. The pressure is compounded by the Commission’s deadline-driven environment, a larger than normal assemblage of rulemakings and projects, onboarding efforts, and the need for cross-training backups for critical tasks. Some tasks have been delayed until vacant positions are filled.

Recruitment Efforts: Currently, recruitment for two critical positions within the staff services manager classification are underway and advancing rapidly: interviews were conducted this month and offers are in process. The tribal advisor and liaison has been vacant, in part, due to the difficulty filling the position in the prior classification of senior environmental scientist. The program manager position has been vacant since April. For both recruitments, staff are moving quickly to finalize selections and plan to announce the addition of new team members soon.

California Environmental Quality Act (CEQA) Actions

The Commission has delegated authority to its executive director to take actions necessary to comply with CEQA, guidelines generally implementing CEQA, and the Commission’s certified regulatory program approved under CEQA, including conducting — or causing to be conducted — initial studies and deciding whether to prepare draft environmental impact reports, negative declarations, mitigated negative declarations, or determinations of exemption. Since the April 2024 Commission meeting, your executive director determined three regulatory actions were exempt from CEQA:

- Klamath River spring Chinook salmon emergency;
- Ocean salmon auto-conformance; and
- 90-day extension of white sturgeon emergency regulations.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. [Staff Time Allocation and Activities, dated June 14, 2024](#)

Motion (N/A)

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10B. Department Director and Law Enforcement Division Reports

Today's Item

Information

Action

The Department will highlight items of note since the last Commission meeting.

Summary of Previous/Future Actions (N/A)

Background

Verbal reports are expected for the Department director's report and Law Enforcement Division's report.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. [Department news release: Ventura County Poaching Convictions Result in Jail Terms and Fines, dated May 29, 2024](#)

Motion (N/A)

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11. Inland Sport Fishing**Today's Item**Information Action

Discuss proposed amendments to inland sport fishing regulations for freshwater sport fishing bag limits, gear, and low-flow information.

Summary of Previous/Future Actions

- | | |
|----------------------------------------------|-------------------------|
| • Wildlife Resources Committee (WRC) vetting | January 16, 2024; WRC |
| • Notice hearing | April 17-18, 2024 |
| • Today's discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

At its April 2024 meeting, the Commission authorized publication of a notice of its intent to amend Sections 2.30, 5.00, 7.50, 8.00, and 703 related to inland sport fishing. The proposal would:

- Include American shad as a species that may be taken by spearfishing in the Valley District and clarify spearfishing boundaries;
- Reduce the 15-inch total length minimum size limit for black bass at Castaic Lake (Los Angeles County) to the statewide standard 12-inch total length minimum size limit;
- Correct the fishing boundary for Deep Creek (San Bernardino County);
- Amend trout regulations for Parker Lake (Mono County) to year-round angling, a 2-fish bag limit, a 14-inch minimum size limit, and restrict gear to artificial lures only;
- Reduce the daily bag limit from 5 fish per day to catch-and-release fishing only on Willow Creek (Alpine County) upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek, and restrict gear to artificial lures with barbless hooks only;
- Remove the multiple phone lines that fishers currently rely on for low-flow restriction information and replace them with a single department webpage URL; and
- Update the mailing address for the Department's Fisheries Branch.

A summary of the proposed changes is included in Exhibit 1; details of the proposed changes are provided in the initial statement of reasons (Exhibit 2) and the publicly-noticed regulatory language (Exhibit 3).

Today's meeting provides an opportunity for public discussion of the proposed regulation changes.

Significant Public Comments (N/A)**Recommendation (N/A)**

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Exhibits

1. [Staff summary from April 17-18, 2024 Commission meeting \(for informational purposes only\)](#)
2. [Initial statement of reasons](#)
3. [Noticed regulatory language](#)

Motion (N/A)

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12. Emergency Regulations to Address Chronic Wasting Disease**Today's Item**Information Action

Discuss and consider adopting emergency regulations to increase surveillance of chronic wasting disease in California.

Summary of Previous/Future Actions

- Wildlife Resources Committee (WRC) discussion May 16, 2024; WRC
- **Today's adoption hearing June 19-20, 2024**

Background

Chronic wasting disease (CWD) is caused by a misfolded, infectious protein called a prion. The prions concentrate in the central nervous system of an infected animal, but can be found in most tissues, secretions and excretions, including muscles (meat), lymphatics, blood, glandular fluids, saliva, feces, and urine, respectively. The disease is always fatal. There is no vaccine or treatment, and it is the most significant disease affecting all cervid species native to North America – deer, elk, moose and caribou.

Despite efforts to manage and contain the disease, it has continued to spread due to prion ecology, limited management options, and anthropogenic movement of infectious animals or materials. Prions are extremely stable in the environment, remain infective for years to decades, and shed by infected animals long before they show any signs of disease; this can lead to seeding of the environment with infectious prions, an important factor in the spread and maintenance of CWD, before any diseased animals are seen on the landscape. Once established in an area, eradication of CWD has proven to be infeasible, if not impossible.

Synopsis of Events

On May 6, 2024, CWD was confirmed in two California deer populations for the first time. During the May 2024 WRC meeting, the Department presented concerns regarding adequate surveillance, communications, and risks posed by CWD, and a potential emergency regulation. On June 12, 2024, the Department transmitted a draft emergency statement and proposed regulatory language to the Commission (exhibits 2 and 3). The proposed regulatory changes would help determine the prevalence and geographic distribution of CWD, and better inform future management decisions, by requiring that deer hunters in affected hunt zones submit appropriate samples from their harvest for CWD testing.

Proposed Emergency Regulation

The proposed regulatory action amends Section 708.5, which describes deer tagging and reporting requirements.

- Subsection (e): Defines "CWD Management Zone" for the purposes of implementing mandatory deer sampling in deer hunt zones.
- Subsection (f): Requires hunters who take a deer within a CWD management zone to provide the Department with samples for CWD testing.

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- Subsection (g): Establishes the minimum amount of information that hunters providing samples must provide the Department to accompany CWD samples.

Further details on the proposed changes are available in the emergency statement and proposed regulatory language.

Significant Public Comments

A member of the public shares concerns that there are long-standing issues being ignored by the Department and Commission that should receive the same response as CWD has been receiving. The author urges the Commission to initiate increased testing of deer herds outside the CWD zone, establish a more aggressive bear hunting season with higher quotas and allowing hunters to use dogs, complete conservation plans for bobcats and mountain lions and consider hunting as a management tool, and develop a wolf conservation plan that explores the possibility of regulated hunting. (Exhibit 6)

Recommendation

Commission staff: Adopt the emergency regulation amending Section 708.5 related to deer tagging and reporting requirements.

Department: Adopt the emergency regulation as presented in the emergency statement and regulatory language in exhibits 2 and 3 to ensure that the Department obtains essential information for monitoring the spread of CWD.

Exhibits

1. [Department memo, received June 12, 2024](#)
2. [Draft emergency statement and informative digest](#)
3. [Draft proposed regulatory language](#)
4. [Draft economic and fiscal impact statement \(STD 399\) and addendum](#)
5. [Department presentation](#)
6. [Letter from Mike Costello, received June 5, 2024](#)

Motion

The Commission determines, pursuant to Section 399 of the California Fish and Game Code, that adopting these regulations is necessary for the immediate conservation, preservation, and protection of birds, mammals, fish, amphibians, or reptiles, including, but not limited to, their nests or eggs.

The Commission further determines, pursuant to Section 11346.1 of the California Government Code, that an emergency situation exists and finds the proposed regulation is necessary to address the emergency.

Moved by _____ and seconded by _____ that the Commission adopts the emergency regulation amending Section 708.5 related to deer tagging and reporting requirements.

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13. Wildlife Rehabilitation**Today's Item**Information Action

Consider authorizing publication of notice of intent to amend regulations regarding wildlife rehabilitation.

Summary of Previous/Future Actions

- Wildlife Resources Committee (WRC) vetting September 15, 2022; WRC
- WRC vetting May 17, 2023; WRC
- WRC vetting September 21, 2023; WRC
- WRC vetting and recommendation January 16, 2024; WRC
- **Today's notice hearing** **June 19-20, 2024**
- Discuss potential changes to noticed regulations (if proposed timing approved today) August 14-15, 2024
- Discussion hearing (if approved today) October 9-10, 2024
- Adoption hearing (if approved today) December 11-12, 2024

Background

Under multiple authorities in California Fish and Game Code, the Commission adopts regulations governing wildlife rehabilitation; pursuant to those regulations, the Department oversees permitting for wildlife rehabilitators in the state through its Native Wildlife Rehabilitation Program. A wildlife rehabilitator provides animal care and rehabilitation of sick, injured, and orphaned native wildlife, as well as wildlife conservation education and outreach to diverse local communities. Currently, there are 80 permitted wildlife rehabilitators operating wildlife rehabilitation facilities in California, and sub-permittees operate approximately 550 satellite facilities; around 100,000 animals are rehabilitated every year by these facilities. Rehabilitated animals help to maintain and bolster wild native populations.

Current wildlife rehabilitation regulations, last updated in 2007, provide a definition of "wildlife rehabilitation facilities", specify application requirements for the Department to approve and issue a permit to wildlife rehabilitation facilities that meet standards set forth in *Minimum Standards for Wildlife Rehabilitation Manual* (3rd edition), provisions related to the operation of a wildlife rehabilitation facility, requirements for reporting dead or diseased animals, record keeping, the release of wildlife back into the wild, and compliance requirements with other restrictions and federal, state, city, or county laws.

The acceptable standards for wildlife rehabilitation facilities and veterinary care have changed since the last update of the regulations. The Department requests that the Commission amend the regulations to update standards for the care and possession of injured and diseased wildlife, address issues regarding animal welfare, provide clearer guidance to the public and wildlife rehabilitators, improve the Department's Native Wildlife Rehabilitation Program administration, and bolster Department authorities to take administrative action in the rehabilitation of native wildlife. As part of its proposal, the Department created *Native Wildlife Rehabilitation 679 Regulations Manual* (DFW 679 Manual) that provides both general program

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information and resources, as well as regulatory actions incorporated by reference in the draft regulations.

Draft Proposed Regulations

Note: Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

The draft proposed regulation changes include:

- Repeal Section 679, regulation for possessing wildlife and wildlife rehabilitation under which the Department and rehabilitation facilities currently operate.
- Add Section 679.1, establishing definitions for terms used in the wildlife rehabilitation regulations.
- Add Section 679.2, specifying requirements for transporting and confining live wild animals.
- Add Section 679.3, establishing the process and requirements for issuing and amending permits to temporarily possess wildlife for the purpose of rehabilitation.
- Add Section 679.4, establishing facility and enclosure standards for wildlife in rehabilitation. Chapter 2 of the DFW 679 Manual contains specific enclosure requirements.
- Add 679.5, establishing humane care standards for wildlife rehabilitation. Chapter 3 of the DFW 679 Manual establishes protocol and procedures that must be adhered to, to protect the welfare of each wild animal in the care of facilities.
- Add Section 679.6, establishing protocols for releasing rehabilitated animals into the wild.
- Add Section 679.7, establishing the process and requirements for inspecting wildlife rehabilitation facilities.
- Add Section 679.8, establishing procedures and requirements for seizing animals and the transfer, euthanasia, and release of seized animals.
- Add Section 679.9, establishing the processes for permit suspensions and revocations of sub-permits and variance requests, proof of service, requests for reconsideration, and appeals.

Draft Proposed Forms

- DFW 479, Native Wildlife Rehabilitation 679 Regulations Manual: This new manual is an easily accessible document that is free to the public and provides both general program information and resources, as well as regulatory actions incorporated by reference in the regulations. Only chapters 2 and 3 of the manual constitute regulatory action incorporated by reference.
- DFW 480A, Wildlife Rehabilitation Permit Application: Establishes the wildlife rehabilitation permit application and clearly informs the applicant of required information necessary to be considered for a permit.

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- DFW 480B, Wildlife Rehabilitation Sub-Permit Application: Standardizes information required for submission by a permittee to add a satellite facility operated by a sub-permittee.
- DFW 480C, Specialty Rehabilitation Authorization Form: Standardizes information required for submission by a permittee to receive authorization for specialty rehabilitation.
- DFW 480D, Permittee Notice of Revocation: Notice of revocation of a sub-permit specifying why a sub-permit is being revoked.
- DFW 481, Veterinarian of Record Agreement: Standardizes the process for providing required information specific to the “Veterinarian of Record.”
- DFW 482, Wildlife Rehabilitation List of Authorized Persons: Standardizes the process for providing required information of all individuals identified as an authorized person.
- DFW 483, Facility Emergency Action Plan: Standardizes the process for providing a written emergency plan for a facility.
- DFW 484, Authorization to Access Property: Standardizes the process for the applicant to provide authorization to the Department to access the property to conduct inspections.
- DFW 485A, Wildlife Rehabilitation Facility Inspection Form and DFW 485B, Satellite Facility Inspection Form: Standardizes the process for information to be collected by the Department during an inspection.
- DFW 485C, Wildlife Rehabilitation – Variance Request: Establishes the process of requesting a variance of any required enclosure construction design, size, or materials of specific caging requirements.
- DFW 486, Wildlife Rehabilitation Annual Report: Standardizes information to be submitted annually documenting facility rehabilitation activities for the prior calendar year.
- DFW 487, Certification of Animal Condition (Non-Releasability): Standardizes information required for certification of a non-releasable animal’s condition and request for permanent captive placement.

Further details on the draft proposed changes are available in the initial statement of reasons, draft proposed regulatory language, and draft proposed DFW forms (exhibits 2 through 5). Today, the Department will present an overview of its recommendations.

Ongoing External and Internal Dialogue

Members of the wildlife rehabilitation community have continued to share with the Department additional suggested modifications to the draft proposed regulations; furthermore, Department staff and Commission staff have identified potentially necessary changes to the regulatory language and initial statement of reasons currently before the Commission. Hence, the Department and staff anticipate recommending additional changes to the DFW 679 Manual and draft proposed regulatory language that are not reflected in the versions presented today. Staff also believes additional time will be necessary to incorporate further changes and provide the public sufficient time to review the changes prior to a discussion. For example, potential recommended changes, in summary, include:

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- Clarifications for definitions, including rehabilitation animal age classes;
- new restrictions on the movement of cervids, and disinfection protocols, to limit the spread of chronic wasting disease;
- modifications to the requirements and standards for authorized persons;
- clarifications for enclosure construction, materials, sizes, enrichment, and other specifications for certain mammal, bird, and herptile species;
- expanded requirements for amphibian and reptile treatment and care;
- accommodations for temporary wildlife enclosures;
- clarifications for Department actions with regard to permitting, revocation, and inspections;
- clarifications for administrative updates to permits and the process for removing personnel listed on permits, including establishing a 30-day grace period to obtain a new veterinarian of record if removed;
- clarifications to the fee table in Section 703; and
- other minor corrections, updates, and clarifications.

Next Steps

Given the dynamic nature of this proposed rulemaking, there are several potential pathways the Commission may choose to consider, including:

1. Approve publishing a notice of intent to amend regulations using the documents currently before the Commission, with the understanding that additional proposed changes will be captured in a future "clean up" rulemaking at some point in the next five years;
2. delay notice to a future meeting to allow further development and refinement of the rulemaking documents based upon ongoing dialogue;
3. approve publishing notice of the recommended regulations for a standard three-meeting process and request that staff present details of an additional notice for Commission approval at the discussion hearing; or
4. approve publishing notice of the recommended regulations for a four-meeting process and request that staff present details of a proposed additional notice for Commission consideration and potential approval at the meeting between the notice hearing (today) and the discussion hearing (proposed for October).

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of notice of intent to repeal Section 679, add sections 679.1, et al., and add chapters 2 and 3 of the DFW 679 Manual, as recommended by the Department and discussed today, without the further changes outlined in this summary under "Ongoing External and Internal Dialogue." Additionally, direct staff to bring to the August

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2024 Commission meeting for discussion and consideration the specific changes recommended for each of the ongoing dialogue items outlined in this summary, and schedule the discussion hearing for the October 2024 Commission meeting and the adoption hearing for December 2024.

Committee: WRC recommends that the Commission support a rulemaking regarding wildlife rehabilitation, to be noticed at the Commission's June 2024 meeting.

Department: Authorize publication of notice of proposed changes to the regulations regarding the temporary possession of wildlife for the purposes of rehabilitation.

Exhibits

1. [Department memo, received May 29, 2024](#)
2. [Draft initial statement of reasons and attachments](#)
3. [Draft proposed regulatory language](#)
4. [Draft DFW 679 Manual \(Form DFW 479\)](#)
5. [Draft DFW forms](#)
6. [Draft economic and fiscal impact statement \(STD 399\) and addendum](#)
7. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to repeal Section 679, add sections 679.1 et al., and add chapters 2 and 3 of *Native Wildlife Rehabilitation 679 Regulations Manual* related to the temporary possession of wildlife and rehabilitation and release of wild animals, with the changes discussed today. Additionally, the Commission requests staff bring to the August 2024 meeting for Commission discussion and consideration the specific changes recommended for each of the ongoing dialogue items summarized in the staff summary. The schedule for this rulemaking is a discussion hearing in October and potential adoption in December.

OR

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to repeal Section 679, add sections 679.1 et al., and add chapters 2 and 3 of *Native Wildlife Rehabilitation 679 Regulations Manual*, related to the temporary possession of wildlife and rehabilitation and release of wild animals, with the changes discussed today, [*with or without*] the ongoing dialogue items summarized in the staff summary.

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14. White Sturgeon Sport Fishing Regular Rulemaking**Today's Item**Information Action

Discuss proposed amendments to adopt emergency rules through a regular rulemaking for sport take of white sturgeon in inland and ocean waters.

Summary of Previous/Future Actions

- Adoption of emergency regulations October 11-12, 2023
- Notice hearing for regular rulemaking and adoption of 90-day extension of emergency regulations April 17-18, 2024
- **Today's discussion hearing** **June 19-20, 2024**
- Adoption hearing August 14-15, 2024

Background

At its October 2023 meeting, the Commission took emergency action to amend regulations regarding inland and ocean recreational take of white sturgeon to support recovery of populations and to track fishing pressure and success. The emergency regulation went into effect on November 16, 2023. At its April 2024 meeting, the Commission took action to extend the emergency rules for an additional 90 days. If not extended again by the Commission, the current emergency rules will expire August 14, 2024. The Commission will be asked to consider re-adopting the emergency regulations for an additional 90-day period for a final time during Agenda Item 6 of today's meeting. If approved, the emergency regulations will expire November 12, 2024.

Prior to implementing the emergency regulations, recreational anglers were permitted to keep one white sturgeon per day, and a combined total of three per year, between 40- and 60-inches fork length. The season was open year-round, with some limited regional and/or seasonal closures.

The proposed regulatory action under this agenda item seeks to continue, through a regular rulemaking, the emergency amendments to sections 5.79, 5.80, 27.90 and 27.92 that specify report card and tagging requirements, seasons, and bag limits for white sturgeon sport fishing in inland waters and ocean waters. The intent is to continue the limited harvest regimen until the effective date of 2025 regulations currently under development concerning recreational take of white sturgeon. At its April 2024 meeting, the Commission authorized staff to publish a notice of intent to amend regulations regarding recreational take of white sturgeon. The notice was published in the California Notice Register on May 31, 2024.

Today's meeting provides an opportunity for public discussion of the proposed changes to the regulations. Further details on the proposed changes are available in the initial statement of reasons and proposed regulatory language (exhibits 2 and 3).

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Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. [Staff summary from April 17-18, 2024 Commission meeting \(for background purposes only\)](#)
2. [Initial statement of reasons](#)
3. [Noticed regulatory language](#)

Motion (N/A)

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15. White Sturgeon Petition to List**Today's Item**Information Action

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing white sturgeon (*Acipenser transmontanus*) as a threatened species under the California Endangered Species Act may be warranted.

Summary of Previous/Future Actions

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| • Received petition | November 29, 2023 |
| • Transmitted petition to Department | December 7, 2023 |
| • Public receipt of petition | December 13-14, 2023 |
| • Published notice of receipt of petition | January 5, 2024 |
| • Approved Department's request for a 30-day extension | February 14-15, 2024 |
| • Received Department's 90-day evaluation report | April 17-18, 2024 |
| • Today, potentially determine if the petitioned action may be warranted, initiating the Department's one-year status review | June 19-20, 2024 |

Background

San Francisco Bay Keeper, Restore the Delta, the Bay Institute, and California Sportfishing Protection Alliance submitted a petition in November 2023 to the Commission requesting the Commission list white sturgeon (*Acipenser transmontanus*) as threatened under the California Endangered Species Act (CESA; Exhibit 1). On December 7, 2023, the Commission referred the petition to the Department for an evaluation and recommendation.

California Fish and Game Code Section 2073.5 requires that the Department evaluate the petition and submit a written evaluation with a recommendation to the Commission; the Commission received the Department's evaluation report (exhibits 2 and 3) at its April 2024 meeting. The evaluation report delineates each of the categories of information required for a petition, evaluates the sufficiency of the available scientific information for each of the required components, and incorporates additional relevant information that the Department possessed or received during the review period. Based on the information contained in the petition and other relevant information, the Department concludes that there is sufficient information to indicate the petitioned action may be warranted.

At today's meeting, the Commission will receive a presentation on the Department's petition evaluation, receive a presentation from the petitioners, and hold a public hearing to receive oral testimony. If the Commission determines listing may be warranted, pursuant to Section 2074.2 of the Fish and Game Code the Department will undertake a one-year status review before the Commission can make a final decision on listing.

CESA and the Commission's listing regulation require that the petition contain specific scientific information related to the status of the species. CESA and case law interpreting it

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make clear that the Commission must accept a petition when the petition contains sufficient information to lead a reasonable person to conclude there is a substantial possibility the requested listing could occur; the requested listing is tied to the species' status, that is, whether the species' continued existence is in serious danger or is threatened by a number of factors, and in no way relates to economic consequences that might result from listing.

If the Commission determines the petitioned action may be warranted, white sturgeon becomes a candidate for listing as threatened pursuant to Fish and Game Code Section 2074.2. Candidate species are protected during the remainder of the listing process pursuant to Fish and Game Code Section 2085. The Commission did receive a regulatory change petition from a member of the public to allow white sturgeon harvest during candidacy under the authority of Fish and Game Code Section 2084 (tracking number 2024-06), which is being received at this meeting under agenda item 18(A) and will be scheduled for initial action at the August 2024 meeting (see Item 18, Exhibit 2).

Significant Public Comments

1. The Plaza Aqua Farm writes to urge the Commission to be cognizant of private industry farm-raising of white sturgeon; it believes industry is exempt from take provisions under the California Fish and Game Code. (Exhibit 5)
2. The Coalition for a Sustainable Delta argues against listing white sturgeon under CESA. The coalition claims the petition to list the fish is flawed for several reasons, including insufficient data; incomplete graphical data that does not allow for reliable conclusions about population trends; misinterpretation of existing data on factors like recruitment and harvest rates; focus on historical threats like dam construction, not current ones; lack of details on the impact of current threats on the fish population; and the petition's assessment of existing management measures. The coalition believes the Commission's recent sturgeon regulations may effectively manage the white sturgeon population and prevent it from becoming endangered. (Exhibit 6)
3. The California Aquaculture Association (CAA) urges the Commission to consider the benefits of the white sturgeon industry when evaluating the petition to list white sturgeon as threatened. The CAA developed the largest farm-raised sturgeon caviar industry in the U.S. and supports regulations that promote domestic aquaculture to reduce reliance on imported seafood and to lessen pressure on wild fish populations. (Exhibit 7)
4. A co-written letter from State Water Contractors and San Luis & Delta-Mendota Water Authority urges the Commission to not list white sturgeon as a candidate under CESA, noting that the petition does not have the necessary requirements to meet the threshold for consideration, existing regulations already protect the fish, and the data provided is flawed. (Exhibit 8)
5. The Sierra Club urges listing white sturgeon as threatened under CESA due to population decline and threats from water diversions and habitat alterations. The club states that existing regulations are inadequate, and proposals for new water projects would further harm the species. Additionally, the Sierra Club collected 700 public comments from members and supporters urging the Commission to list white sturgeon. (Exhibit 9)

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6. The owner of a sturgeon farm provides the history of sturgeon farming in California and notes the importance of the industry. The author also states that farmed sturgeon does not pose a threat to wild sturgeon and that any recovery plans for sturgeon should not impact the sturgeon farming industry. (Exhibit 10)

Recommendation

Commission staff: Determine that listing may be warranted; direct staff to issue a notice reflecting this finding and indicating that white sturgeon is a candidate for threatened species status.

Department: Accept the petition for further consideration under CESA.

Exhibits

1. [Petition, received November 29, 2024](#)
2. [Department memo, received March 13, 2024](#)
3. [Department 90-day evaluation report, dated March 2024](#)
4. [Department presentation](#)
5. [Letter from Ali Bolourchi, President, Plaza Aqua Farm, received June 4, 2024](#)
6. [Letter from Paul S. Weiland, Nossaman LLP, received June 5, 2024](#)
7. [Letter from Tony Vaught, President, California Aquaculture Association, received June 6, 2024](#)
8. [Co-written letter from Jennifer Pierre, General Manager, State Water Contractors and Federico Barajas, Executive Director, San Luis & Delta-Mendota Water Authority, received May 6, 2024](#)
9. [Letters from Erin Woolley, Senior Policy Strategist, Seirra Club California, received May 6, 2024](#)
10. [Letter from Ken Beer, President, The Fishery, received May 6, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission, pursuant to Section 2074.2 of the California Fish and Game Code, finds that the petition to list white sturgeon (*Acipenser transmontanus*) as a threatened species does provide sufficient information to indicate that the petitioned action may be warranted based on the information in the record before the Commission, and directs staff to issue a notice reflecting this finding and indicating that white sturgeon is a candidate for threatened species status.

OR

Moved by _____ and seconded by _____ that the Commission, pursuant to Section 2074.2 of the California Fish and Game Code, finds that the petition to list white sturgeon (*Acipenser transmontanus*) as a threatened species does not provide sufficient information to indicate that the petitioned action may be warranted based on the information in the record before the Commission.

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16. White Sturgeon Harvest and Reporting - 2025

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations for white sturgeon harvest and reporting beginning in 2025.

This item is not ready for Commission consideration. Staff recommends continuing this item to a future meeting.

Summary of Previous/Future Actions (N/A)

Background (N/A)

Significant Public Comments (N/A)

Recommendation

Commission staff: Under Agenda Item 1, continue consideration of authorizing publication of notice of intent to amend regulations for white sturgeon harvest and reporting beginning in 2025 to a future meeting.

Exhibits (N/A)

Motion (N/A)

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17. Commission Policies

Today's Item

Information

Action

Discuss potential amendments to five Commission policies currently under review.

- (A) Code of Conduct
- (B) Planting Fish in Youth Camps
- (C) Youth Fishing Programs
- (D) Research
- (E) Naming Installations

This item is not ready for Commission consideration. Staff recommends continuing this item to a future meeting.

Summary of Previous/Future Actions (N/A)

Background (N/A)

Significant Public Comments (N/A)

Recommendation

Commission staff: Under Agenda item 1, continue this item to a future meeting.

Exhibits (N/A)

Motion (N/A)

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18. 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 regulation change petitions

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

- **Today receive new petitions** **June 19-20, 2024**
- Potentially act on new petitions **August 14-15, 2024**

(B) *Petitions for Regulation Change – Scheduled for Action*

- Received Petition 2024-02 **April 17-18, 2024**
- **Today potentially act on petitions** **June 19-20, 2024**

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 if they are delivered by the public comment or supplemental comment deadlines or delivered in person to the Commission meeting.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will act on petitions received at today’s meeting at the next regularly scheduled Commission meeting (currently August 14-15, 2024), following staff evaluation, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

Today, one new petition for regulation change was received by the comment deadline; the petition is summarized in Exhibit A1 and provided as Exhibit A2.

(B) *Act on Previously-Received Regulation Change Petitions*

Petitions received at the previous meeting are scheduled for Commission consideration at the next regularly scheduled business meeting. A petition may be (1) denied, (2) granted, or (3) referred to a committee, staff or the Department for further evaluation or information-gathering. Referred petitions are scheduled for action once the evaluation is completed and a recommendation made.

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Today, one petition is scheduled for action:

1. *Petition 2024-03*: Request to amend regulations to prohibit local governments from contracting with private trappers to trap coyotes on public land and to prohibit use of carbon dioxide as a killing method for coyotes (Exhibit B2, *Note: due to file size, the link below will open a separate PDF*).

Significant Public Comments

No significant public comments were received by the public comment deadline.

Recommendation

Commission staff: Refer Petition 2024-03 to the Department for review and recommendation.

Exhibits

- A1. [Summary of new petitions for regulation change received through June 6, 2024](#)
- A2. [Petition 2024-06, received May 28, 2024](#)
- B1. [Summary of petitions for regulation change scheduled for action](#)
- B2. [Petition 2024-03, received April 2, 2024](#) (*link will open a separate PDF due to file size*)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation to refer petition 2024-03 to the Department for review and recommendation.

OR

Moved by _____ and seconded by _____ that for petition 2024-03, the Commission _____.

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19. California Grizzly Bear**Today's Item**Information Action

Consider a revised resolution to recognize the 100-year anniversary of the extirpation of California's state animal, grizzly bear (*Ursus arctos californicus*).

Summary of Previous/Future Actions

- Commission adopted grizzly bear resolution April 17-18, 2024
- **Today potentially adopt a revised resolution June 19-20, 2024**

Background

Despite having been extirpated (made extinct) from the state 100 years ago, the California grizzly bear, also commonly called the brown bear, remains one of California's most iconic species. Notably, the grizzly bear remains a socially, culturally, and spiritually important animal to many California Native American tribes and tribal communities. Recently, the California State Senate declared 2024 to be the Year of the California Grizzly Bear through [a resolution](#) that, in part, acknowledges for thousands of years grizzly bears coexisted with the ancestors of contemporary California Native American tribes.

At the Commission's April 2024 meeting, the Commission received a presentation on the ecology, history, and significance of grizzly bear in California and heard from tribal voices on the importance of grizzly bear to Native Americans. Following the presentation and testimony, the Commission passed a resolution to recognize the 100-year anniversary of the extirpation of California's state animal. Also at that meeting, the Commission agreed to consider a revised resolution, provided as Exhibit 1, which the Commission will consider adopting today.

The new resolution expands on the version adopted in April, with the addition of encouraging the State to focus on lessons learned from the loss of California grizzly bear and requesting that the Department report back to the Commission at a future meeting with a brief summary on the restoration of grizzly bears in other states.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Adopt the revised resolution in Exhibit 1 recognizing the 100-year anniversary of the extirpation of grizzly bear in California.

Exhibits

1. [Revised resolution, dated June 13, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the revised resolution in Exhibit 1, recognizing the 100-year anniversary of the extirpation of grizzly bear in California.

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20. Wildlife Prosecutor of the Year for 2023

Today's Item

Information

Action

Announce the recipient of the annual Wildlife Prosecutor of the Year Award pursuant to Commission policy.

Summary of Previous/Future Actions (N/A)

Background (N/A)

Significant Public Comments (N/A)

Recommendation

Commission staff: *Staff recommends that this item be continued to the October 9-10, 2024 meeting.*

Exhibits (N/A)

Motion (N/A)

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21A. Wildlife Resources Committee (WRC)**Today's Item**Information Action

Receive summary and consider approving recommendations from the May 16, 2024 WRC meeting. Discuss referred topics and consider revisions to topics and timing.

Summary of Previous/Future Actions

- Previous WRC meeting May 16, 2024; WRC
- **Today consider approving recommendations June 19-20, 2024**
- Next WRC meeting September 12, 2024; WRC

Background

WRC works under Commission direction to set and accomplish its work plan (Exhibit 1).

Previous Committee Meeting

WRC met on May 16 in Sacramento, with webinar and phone options for participation, and discussed annual rulemakings, periodic rulemakings, plastic pollution from shotgun wads, waterfowl hunting in Southampton Bay, and the take of nongame mammals.

Annual Regulation Changes

For regulation changes that occur on an annual basis, discussions centered on:

- Optimizing the timing for California Waterfowl Association meetings to better align with Commission regulation cycles for reviewing waterfowl hunting regulations, and
- increasing date flexibility for sport fishing regulations within the Central Valley system.

Periodic Regulation Changes

WRC also discussed potential regulation changes that are considered on a periodic, though irregular, basis:

- Upland game bird hunting: The Department indicated that it is contemplating recommending changes for pheasants and turkeys, but does not have firm plans to bring a proposal to WRC yet.
- Mammal hunting: Requests were made for an increase in archery elk tags, including in conflict zones. A discussion of the Department's Shared Habitat Alliance for Recreational Enhancement (SHARE) Program versus Private Lands Management (PLM) Program tags addressed the differences between the two tag types, how to balance between them, and strategies to boost participation.
- Chronic wasting disease (CWD): WRC received a presentation on CWD in deer and other cervids and the recent detection of CWD in California at two locations, followed by a lengthy discussion about potential regulatory changes that could be proposed as emergency regulations in June. Concerns highlighted ensuring adequate surveillance,

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communication, and mitigating the risks posed by CWD. Discussions centered on potential regulatory amendments for mandatory testing within the CWD area, restrictions on the movement of cervid parts, and a restriction or prohibition on fawn rehabilitation.

Take of Nongame Mammals

While there was minimal discussion during the meeting, WRC agreed as part of the ongoing discussion about take of nongame mammals to explore a potential regulation change aiming to interpret California Fish and Game Code Section 4152 in a way that aligns more closely with WRC's interpretation of the law's original intent. Co-chair Zavaleta stated that a proposed change would be consistent with the Commission's mission to protect and conserve predator populations.

Commission staff agreed to collaborate with the Department to provide the committee with additional background on the legislative intent behind Section 4152 and the potential implications of any regulation change.

Waterfowl Hunting in Southampton Bay

The petitioner for the regulation change regarding hunting in Southampton Bay clarified the intent behind previous proposals, followed by a discussion of their feasibility. There was general agreement that additional meetings with stakeholders outside WRC meetings were unlikely to be productive. Discussion will continue at the September 2024 WRC meeting, with the goal of developing a recommendation to the Commission on the subject.

Plastic Pollution from Shotgun Wads

Co-chairs Zavaleta and Anderson acknowledged that plastic pollution from shotgun wads is not a critical threat to wildlife, public health, or beaches at this time, relative to other, more significant sources of plastic pollution. However, they recognized the desire for, and encouraged, the hunting community to work with ammunition manufacturers to take steps to address the pollution source.

Minutes of the WRC meeting may be found on the [Commission's YouTube channel](#).

Committee Recommendations

There are no recommendations for consideration today.

Committee Work Plan

Topics that have been referred from the Commission to WRC are displayed in a work plan for scheduling and tracking (Exhibit 1). WRC and staff recommend that the topic of plastic shotgun wads be removed from the work plan.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Approve the updated work plan.

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Exhibits

1. [WRC work plan, updated June 13, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the updated work plan, as discussed today.

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21B. Department Wildlife and Fisheries Division and Ecosystem Conservation Division Report**Today's Item**Information Action

The Department will highlight items of note since the last Commission meeting.

Summary of Previous/Future Actions (N/A)**Background**

The Department's Wildlife and Fisheries Division will provide a presentation on mule deer, mountain lions, and Sierra Nevada bighorn sheep (Exhibit 1) and a verbal update on other items of interest since the last Commission meeting.

The Department recommends moving its originally scheduled presentation on the Department Private Lands Management Program to a future meeting.

A news release of potential interest is provided as Exhibit 2.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [Department presentation on mule deer, mountain lions and Sierra Nevada bighorn sheep](#)
2. [Department news release: CDFW Releases More Than 2 Million Chinook Salmon into Klamath River, dated May 24, 2024](#)

Motion (N/A)

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22. General Public Comment for Items Not on the Agenda**Today's Item**Information Action

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Summary of Previous/Future Actions

- **Today receive verbal requests and comments** **June 19-20, 2024**
- Consider granting, denying, or referring August 14-15, 2024

Background

This item is to provide the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. 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, non-regulatory requests generally follow a two-meeting cycle, beginning with receipt today; the Commission will determine the outcome of non-regulatory requests received at today's meeting at the next regularly scheduled Commission meeting (currently August 14-15, 2024), following staff evaluation

Significant Public Comments

1. New, non-regulatory requests are summarized in Exhibit 1, original requests are provided as exhibits 2 through 4.
2. Informational comments are provided as exhibits 5 through 30.

Recommendation

Commission staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits

1. [Summary of new non-regulatory requests received by June 6, 2024 at 5:00 p.m.](#)
2. [Letter from Matt Kingsley, Chairperson, Inyo County Board of Supervisors, requesting the Commission and Director Charlton Bonham explore all options for mountain lion management policies to protect bighorn sheep and deer populations, received May 7, 2024](#)
3. [Email from David Trask requesting that the Commission develop a lethal management program for sea lions similar to programs implemented in Oregon's Columbia and Willamette rivers, received May 15, 2024](#)

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4. [Email from Doug Wells requesting the Commission make a request to the Attorney General Bonta to open an investigation into why no charges were filed against the individual who shot and killed a bear cub in the Lake Tahoe area, received May 29, 2024](#)
5. [Email from Wayne Blich, owner, Flying Fish Sportfishing, proposes changing fathom limits for the months of October through December 2024 to help mitigate vermilion rockfish catches, received April 3, 2024](#) [Note: Staff will contact post-meeting with information about the regulation change process.]
6. [Email from Ben Schock opposing any future expansion of marine protected areas in California, received April 15, 2024](#)
7. [Email from Francis Coats stating that, under the Public Trust Doctrine, interference with public access for fishing on state-owned land should be avoided, received April 16, 2024](#)
8. [Email from Mandy Davis, President, Responsible Energy Adaptation for California's Transition \(REACT\) Alliance, highlighting the potential impacts of Atlas Wind's NP-6 permit application and the need for full review by the State Water Resources Control Board and the issuance of a scientific collection permit by the Department, received April 18, 2024](#)
9. [Email from Larry Phillips, Pacific Fisheries Policy Director, American Sportfishing Association, addressing the recently adopted fishing closures for the 2024 season and calling for maximum flexibility in dispersing relief funds, received April 19, 2024](#)
10. [Email from Robert Hughes expressing concern that combining the veterans' weekend hunt with the late goose season diminishes the importance of the veterans hunt, received April 20, 2024](#)
11. [Email from Walter Lamb, President, Ballona Wetlands Land Trust, sharing his thoughts and photos from recent field trips to the Ballona Wetlands Ecological Reserve and the significance that access to this space provides in the context of the Commission's justice, equity, diversity and inclusion goals, received April 23, 2024](#)
12. [Email from Michael Minshall noting frustration with scheduling of Youth Hunt Day 2024 for waterfowl, received April 24, 2024](#)
13. [Email from Eric Mills, Action for Animals, sharing an article in the East Bay Times regarding the ban on live frogs and turtles, received April 26, 2024](#)
14. [Email from James Kanzler opposing the proposed MPA's in the Santa Cruz area, received April 26, 2024](#)
15. [Email from Stephanie Ford calling attention to neighborhood trees removed in Burbank, California with established bird nests, received April 27, 2024](#)
16. [Email from Grace Smith expressing support for the expansion of marine protected areas in California, received May 2, 2024](#)
17. [Email from Joshua Wels voicing opposition to the permit application the Catalina Conservancy has initiated, and citing the unique possibilities provided by the isolation](#)

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- [of the island's deer population as chronic wasting disease has been discovered on the mainland, received May 12, 2024](#)
18. [Email from Kolin Ozonian opposing the proposed eradication of mule deer on Catalina Island, and calling for the Catalina Island Conservancy to have its "use permit" revoked, received May 13, 2024](#)
 19. [Email from Rachel Doughty, Esq., Greenfire Law, representing several individuals and organizations seeking protection and restoration of Strawberry Canyon in San Bernardino County, received May 13, 2024](#)
 20. [Email from Dan Epperson, a hunter education instructor, suggesting the issuance of a bear tag and two pig tags to the holders of lifetime hunting licenses rather than five pig tags, received May 15, 2024](#)
 21. [Email from Rachelle Fisher, California Dungeness Crab Task Force \(DCTF\), discussing DCTF's recommendations to the Risk Assessment Mitigation Program, received May 16, 2024](#)
 22. [Email from Ken Prather highlighting the pros and cons of lead ammunition as a hunter and vintage gun owner, stating that a "blanket ban" on lead ammunition is too broad, received May 17, 2024](#)
 23. [Letter from Paul Smith suggesting a senior discount option when purchasing hunting licenses and tags, received May 17, 2024](#)
 24. [Emails from several individuals conveying concern about the handling of an incident between a homeowner and a yearling bear in the Lake Tahoe area, received May 29, 2024 through June 2, 2024](#)
 25. [Email from Mark Michaelsen, a kelp restoration diver, seeking consideration to allow divers continue their work on kelp restoration, received May 31, 2024](#)
 26. [Email from Randy Anderson suggesting the elimination of MPAs, received May 31, 2024](#)
 27. [Email from Kim Konte, Non-Toxic Neighborhoods, highlighting the use of herbicides containing "forever chemicals" approved by the Wildlife Conservation Board, received June 3, 2024](#)
 28. [Email from Jess Harris emphasizing reassessment of the current bear management plan, received June 3, 2024](#)
 29. [Email from Mike Costello providing feedback regarding the Private Lands Management \(PLM\) and Shared Habitat Alliance for Recreational Enhancement \(SHARE\) programs and committing to remaining engaged in any dialogue about the programs, received June 4, 2024](#)
 30. [Email from Jess Harris noting concern about increased water temperatures in the Klamath River affecting salmonids and stating that the dam removal project will worsen the situation, received June 6, 2024](#)

Motion (N/A)

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23. Restricted Species Permit Application (consent)**Today's Item**Information Action

Review application approved by the Department for a permit to possess transgenic Hawaiian bobtail squid (*Euprymna scolopes*).

Summary of Previous/Future Actions (N/A)**Background**

State regulation (Section 671.1, Title 14, California Code of Regulations) prohibits possession or use of restricted species without a permit issued by the Department; this includes transgenic aquatic animals, for which additional procedures apply. Subsection (a)(8)(H) of Section 671.1 mandates Commission review before the Department issues a permit for importing, possessing, transporting, rearing or conducting research on transgenic aquatic animals. The Commission can deny issuance of the permit if it determines the applicant is unable to meet regulatory requirements.

The California Institute of Technology (Caltech) submitted to the Department a restricted species permit application proposing to use transgenic Hawaiian bobtail squid (a marine invertebrate) for biomedical research; the proposal includes an emergency preparedness plan to meet regulatory requirements. The Department has fulfilled its notification requirement to the Commission (Exhibit 1).

Unlike research involving transgenic finfish, which requires notification to both the Commission and the California State Legislature's Joint Committee on Fisheries and Aquaculture (Fish and Game Code, Section 15007, subdivision (e)), notification for invertebrates is not mandatory.

Following a thorough review, the Department determined that the applicant has met the regulatory requirements for permit approval and supports issuing a restricted species permit to Caltech for the possession of transgenic squid. Refer to Exhibit 1 for the application and Department memo. Unless the Commission determines that the applicant is unable to meet regulatory requirements and takes action to deny issuance of the permit, the Department will issue the permit.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Receive the restricted species permit application and accept any public comment, under a motion to adopt the consent calendar. No further action is recommended.

Department: No action recommended.

Exhibits

1. [Department memo and permit application, received May 20, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation for Agenda Item 23 on the consent calendar.

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24. Recreational Fishing Regulations for Federal Groundfish for 2025 and 2026, and Fillet Requirements at Sea**Today's Item**Information Action

Consider authorizing publication of notice of intent to amend recreational regulations for (a) federal groundfish for consistency with and to complement federal rules in 2025 and 2026, and (b) fillet regulations for select groundfish and state managed finfish.

Summary of Previous/Future Actions

- Pacific Fishery Management Council (PFMC) action June 6-15, 2024
- **Today's notice hearing** **June 19-20, 2024**
- Discussion hearing August 14-15, 2024
- Adoption hearing October 9-10, 2024

Background

The Commission biennially adopts recreational regulations for federal groundfish as necessary for consistency with federal rules that go into effect January 1 of odd-numbered years. Since 2004, the Commission has adopted recreational regulations for state-managed species associated with federal groundfish species in the same rulemaking.

At its June 6-13, 2024 meeting, the PFMC approved recommended recreational fishing regulations for federally-managed groundfish species for the 2025-2026 management cycle (at the time this summary was prepared, the outcomes of that meeting had not yet been distributed). The proposed action will require amending several state regulations for state waters for consistency with and to complement the new federal regulations expected to go into effect on or around January 1, 2025.

Changes to recreational fishing regulations may include, but are not limited to:

- repeal of minimum size limits for cabezon, greenlings of the genus *Hexagrammos*, and California scorpionfish;
- modifications to seasons, depth limits, and bag limits in some or all groundfish management areas;
- modification of fillet requirements for select groundfish and state-managed finfish; and
- clarifying rules governing transit with groundfish aboard through areas closed to fishing.

Specific changes cannot be identified yet, and the initial statement of reasons (ISOR) cannot be completed, until after PFMC action at its June 2024 meeting. The Department is expected to provide additional information regarding PFMC's final recommendations during today's meeting. Commission staff requests the Commission authorize publication of the notice of proposed rulemaking, based on the information contained in the Department memo (Exhibit 1) and discussed today; an ISOR will be prepared subsequently.

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Significant Public Comments (N/A)**Recommendation**

Commission staff: Authorize publication of the notice as recommended by the Department.

Department: Authorize publication of a notice of intent to amend recreational fishing regulations for federal groundfish as necessary for consistency with and to complement federal rules for 2025 and 2026 and fillet regulations for select groundfish and state managed finfish, as described in the Department memo (Exhibit 1).

Exhibits

1. [Department memo, received May 29, 2024.](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56 and 28.65, Title 14, California Code of Regulations, related to recreational fishing regulations for federal groundfish for consistency with and to complement federal rules in 2025 and 2026, and fillet regulations for select groundfish and state managed finfish.

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25. Commercial California Halibut and White Seabass Set Gill Net**Today's Item**Information Action

Discuss proposed amendments to regulations for commercial California halibut and white seabass set gill net fisheries.

Summary of Previous/Future Actions

- | | |
|--------------------------------------------|---------------------------|
| • Marine Resources Committee (MRC) vetting | 2022 – 2023, various; MRC |
| • MRC vetting | November 16, 2023; MRC |
| • Notice hearing | April 17-18, 2024 |
| • Today's discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

In April 2024, the Commission authorized publishing a notice of intent to add regulations related to commercial California halibut and white seabass set gill nets. The notice was published in the California Regulatory Notice Register on May 31, 2024 (Z2024-0521-01).

The proposed regulation is the initial phase of introducing management measures into the California set gill net fishery, with the objectives of reducing bycatch impacts on unintended marine life and improving data collection to fill data gaps through:

1. *maximum net service interval (soak time)*, limiting the time nets remain set to reduce bycatch mortality;
2. *gear marking*, adding colored straps for easier identification and data collection; and
3. *maximum net height (mesh depth)*, limiting net depth to target specific fish species.

More detailed information on the proposed regulation and its development can be found in Exhibit 1.

The new regulation was noticed with options for a maximum net service interval requirement (range of 24-48 hours) and gear marking color for the required nylon strap (three color options). As part of its notice authorization, the Commission requested that the Department provide a recommendation for the soak time and gear marking color options at the discussion hearing (today).

Update

As requested, the Department has provided recommendations for the regulatory options (Exhibit 5):

1. *Maximum net service interval*: The Department recommends a 36-hour maximum service interval to strike a balance between reducing discard mortality and providing increased fishing flexibility.

The Department's recommendation was informed by detailed analyses it presented at the November 2023 MRC meeting. The analyses considered net service interval trends,

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including trade-offs in conservation benefit (reduced discard mortality rates) and economic benefits (catch rates of primary target species, fuel use and operational flexibility). Additional analyses and discussion of trade-offs are included in the initial statement of reasons (Exhibit 3; see discussion starting on page 2 and figures on pages 3 through 5).

2. *Gear marking color*: The Department recommends an *orange*-colored nylon strap as the identifying color marker for set gill nets from California, following consultation with industry members and assessing product availability.

Today's meeting is an opportunity for public discussion of the proposed regulation and Department recommendations.

Significant Public Comments

1. Two commenters express concern about set gill net bycatch levels of sensitive species like birds and sharks and state that current levels of bycatch in the fishery should be declared unacceptable (exhibits 5 and 7).
2. Assemblymember Bennett commends the Commission's efforts to update set gill net fishery regulations, and urges the Commission to address bycatch and marine mammal entanglement through a 24-hour maximum service interval (Exhibit 6).
3. Eight commenters with substantially similar emails consider set gill nets to be an outdated fishing method with unacceptable bycatch, and, if not outright banned, advocate for the shortest possible soak time and unique gear markings (see Exhibit 8 as an example).
4. Several NGOs and academic scientists advocate for strictest regulations to bycatch and mortality, emphasizing a 24-hour maximum service interval (exhibits 9 and 10) and support one unique gear marking color and continued effort to refine marking (Exhibit 9).

Recommendation

Commission staff: Consider the Department's recommended options at the adoption hearing for soak time (36 hours) and gear marking color (orange).

Exhibits

1. [Staff summary from April 17-18, 2024 Commission meeting \(for background purposes only\)](#)
2. [Initial statement of reasons](#)
3. [Noticed regulatory language](#)
4. [Department memo with recommendations, received June 6, 2024](#)
5. [Email from Mary Alice Lorio, received April 23, 2024](#)
6. [Email from the office of Assemblymember Steve Bennett, received May 30, 2024](#)
7. [Email from Cayla Salvador, received June 5, 2024](#)
8. [Email from Sal Martinovich, example of emails from various commenters, received June 5-6, 2024](#)

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9. [Email from Scott Webb on behalf of multiple non-governmental organizations, received June 6, 2024](#)
10. [Email from Douglas McCauley on behalf of several scientists, received June 6, 2024](#)

Motion (N/A)

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26. Fisheries logbook forms and fishing block charts**Today's Item**Information Action

Discuss proposed amendments to regulations for fisheries logbook forms and fishing block charts.

Summary of Previous/Future Actions

- Notice hearing April 17-18, 2024
- **Today's discussion hearing June 19-20, 2024**
- Adoption hearing August 14-15, 2024

Background

To ensure fishing records provide the most precise data possible, the Department has proposed updates to charts defining areas of commercial fishing activity. These charts are referred to as "fishing blocks" and are used to document fishing locations for reported catch. The current charts in use have inaccuracies that have accumulated since they were introduced in 1934. Updates to the fishing blocks aim to provide more accurate information to support effective fishery management decisions.

At the April 2024 meeting, the Commission authorized staff to publish a notice of intent to amend regulations regarding marine logbooks and fishing block charts. The notice was published in the California Notice Register on May 31, 2024. Today's meeting provides an opportunity for public discussion of the proposed changes to the regulations. Further details on the proposed changes are available in the initial statement of reasons and proposed regulatory language and forms (exhibits 2 through 4).

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [Staff summary from April 17-18, 2024 Commission meeting \(for background purposes only\).](#)
2. [Initial statement of reasons](#)
3. [Noticed regulatory language](#)
4. [Proposed form DFW 1681](#)

Motion (N/A)

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27. Experimental Fishing Permit (EFP) Application 2024-01**Today's Item**Information Action

Receive, consider and potentially act on EFP Application 2024-01 to conduct exploratory fishing of brown box crab and to test on-demand buoy retrieval systems in deep water in northern California.

Summary of Previous/Future Actions

- Department transmitted accepted EFP application to Commission February 8, 2024
- Published notice of receipt of EFP application February 13, 2024
- Department transmitted recommendation for EFP major amendment request March 29, 2024
- Published notice of receipt of Department recommendation April 29, 2024
- **Today discuss and consider action for EFP Application 2024-01** **June 19-20, 2024**

Background

The Commission and Department jointly administer the EFP Program, authorized by the California Fisheries Innovation Act of 2018 (California Fish and Game Code Section 1022) and established through a regulation adopted by the Commission (Section 91, Title 14, California Code of Regulations). The EFP Program fosters innovation and experimentation in California's commercial and recreational marine fisheries to inform the conservation and sustainable use of the state's marine resources. The program provides opportunities for fishers and scientific partners to obtain limited, short-term exemptions from state fishing laws and regulations to test and deploy new management approaches or pursue fishery-related research. For additional information, see the Department's EFP Program webpage at <https://wildlife.ca.gov/Conservation/Marine/EFP>.

EFP Application 2024-01 Background and Overview

On February 8, 2024, the Department accepted and transmitted to the Commission the subject application (Exhibit 1) for a Tier 4 exploratory fishing EFP (pursuant to subsection 91(d)(2)). The application proposes targeting brown box crab and king crab using pots and testing on-demand buoy retrieval systems off the central California coast.

The project would build upon a collaborative research program (2018-2023) for brown box crab that involved the Department, California Sea Grant, commercial partners, and other stakeholders. The program included exploratory fishing, a tag-recapture study, and life history studies for brown box crab in southern California.

Following the collaborative research program, in June 2023, a Tier 4 EFP ([EFP Application 2023-01](#)) was approved for southern California (between Point Conception and the

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California/Mexico border). The approved EFP aims to: (1) gather additional biological and fishery data for brown box crab and California king crab; and (2) test the use pop-up gear to evaluate its effectiveness in this fishery.

The applicant for EFP Application 2024-01 is interested in exploring if box crab and king crab could provide an alternative market in central California when Dungeness crab is not available due to season delay or closure. The applicant proposes to expand on the research in southern California by providing biological and fishing data between Pigeon Point (San Mateo County) and the Sonoma/Mendocino county line to help fill gaps in essential fishery information. The proposed project seeks to evaluate the potential for a commercial fishery for brown box crab and king crab species and to evaluate the feasibility of using the same pop-up gear in a modified on-demand fishing system in deep water (50-125 fathoms). Notably, EFP activities would be prohibited when the commercial Dungeness crab season is open. See the EFP application for more details.

Department Review and Recommendation

The Department completed its evaluation of the application and transmitted its recommendation to the Commission on March 29, 2024 (Exhibit 2). In its evaluation, the Department highlighted that this EFP is related to ongoing research being conducted on separate and prior EFPs in other areas. The proposed research activities continue to be of interest to the Department; however, the Department recommends that existing EFPs focused on similar gear and species in southern California be completed and evaluated prior to undertaking similar research in a new area. Therefore, the Department does not support approving the EFP application at this time.

Considering the ongoing challenges faced by coastal fishing communities, such as disruptive fishery closures and other stressors, Commission staff finds this proposed project to be relevant for exploring adaptation strategies, and notes it would be compatible with other EFPs approved by the Commission. However, recognizing that similar research in southern California is ongoing, and results won't be available until the data currently being collected is analyzed, staff supports the Department recommendation.

Today, the Commission will receive, consider, and potentially act on EFP Application 2024-01. The Department is available to answer any questions.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Deny EFP Application 2024-01 at this time, as recommended by the Department.

Department: Deny EFP Application 2024-01 at this time to allow existing EFPs focused on similar gear and species to be completed and evaluated.

Exhibits

1. [EFP Application 2024-01](#)
2. [Department memo, received March 29, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission *denies at this time* EFP Application 2024-01 to conduct exploratory fishing of brown box crab and testing of on-demand buoy retrieval systems in deep water in northern California.

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28. Regulation Change Petitions (Marine)**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 regulation change petitions

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

- **Today receive new petitions** **June 19-20, 2024**
- Potentially act on new petitions August 14-15, 2024

(B) *Petitions for Regulation Change – Scheduled for Action*

- Received Petition 2023-10 October 11-12, 2023
- Commission referred Petition 2023-10 to Department for review and recommendation December 13-14, 2023
- Received Petition 2024-02 April 17-18, 2024
- **Today potentially act on petitions** **June 19-20, 2024**

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 if they are delivered by the public comment or supplemental comment deadlines or delivered in person to the Commission meeting.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will act on petitions received at today’s meeting at the next regularly scheduled Commission meeting (currently August 14-15, 2024), following staff evaluation, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

No new petitions for regulation change were received by the comment deadline.

(B) *Act on Previously-Received Regulation Change Petitions*

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

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

Today, two petitions are scheduled for action:

1. *Petition 2024-02*: Re-open the red abalone fishery at San Miguel Island, Santa Barbara County, for recreational take and for commercial take under specific conditions (former commercial abalone divers only, catch quota, data collection).
2. *Petition 2023-10*: Allow recreational anglers to donate fish to non-profit organizations under a sport-caught fish exchange permit.

Staff recommendations for these petitions, developed with input from Department staff, are provided in Exhibit B1. See individual petitions in exhibits B2 and B3.

Significant Public Comments

- B1. A resident near Big River supports Petition 2023-30MPA.
- B2. A southern California spearfisher opposes Petition 2023-33MPA, especially new state marine reserves, citing potential negative impacts on coastal communities.

Recommendation

Commission staff: Deny petition 2024-02 and grant petition 2023-10.

Department: Grant petition 2023-10 for consideration in a rulemaking under specific conditions, dated May 20, 2024 (see Exhibit B4 for rationale).

Exhibits

- B1. [Summary of petitions for regulation change scheduled for action](#)
- B2. [Petition 2024-02, received February 14, 2024](#)
- B3. [Petition 2023-10, received September 5, 2023](#)
- B4. [Department memo regarding Petition 2023-10, received May 20, 2024](#)
- B5. [Email from Sandra Kearney, received June 3, 2024](#)
- B6. [Email from Sean-Michael Oshiro, received April 20, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations to deny petition 2024-02 and grant petition 2023-10.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation for regulation change petitions, except: _____

_____.

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29. Non-Regulatory Requests from Previous Meetings**Today's Item**Information Action

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

Summary of Previous/Future Actions

- Commission received requests April 17-18, 2024
- **Today, potentially act on requests June 19-20, 2024**

Background

Requests for non-regulatory action are received from members of the public under general public comment. All non-regulatory requests follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests received in writing or public testimony during general public comment at the previous Commission meeting are scheduled for consideration at the next regular meeting. Referred non-regulatory requests are scheduled for action once the evaluation is completed and a recommendation made.

Two non-regulatory requests received in April are scheduled for action today. Exhibit 1 provides the staff recommendations and rationale, developed with input from the Department; see exhibits 2-3 for individual requests.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Adopt the staff recommendation for the non-regulatory requests as reflected in Exhibit 1.

Exhibits

1. [Summary of non-regulatory requests and staff recommendations for request scheduled for action, updated June 4, 2024](#)
2. [Email and attachments from Alicia Bonnette, former recording secretary for California Abalone Association, received March 11, 2024](#)
3. [Email from Don Striepeke, received April 1, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for action on the non-regulatory request as reflected in Exhibit 1.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for the non-regulatory requests as reflected in Exhibit 1, except for _____, for which the action is _____.

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30A. Tribal Committee (TC)**Today's Item**Information Action

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held Tuesday, August 13, 2024.

Summary of Previous/Future Actions

- Previous TC meeting December 12, 2023; TC
- Canceled TC meeting April 13, 2024; TC
- **Today consider approving TC meeting agenda topics** **June 19-20, 2024**
- Next TC meeting August 13, 2024: TC

Background

TC works under Commission direction to set and accomplish its work plan.

Committee Work Plan

Topics that have been referred by the Commission to TC are displayed in a work plan for scheduling and tracking (Exhibit 1). Proposed changes to the work plan are identified in blue underline or strikethrough text; changes include:

1. April 2024 TC meeting: Remove from the work plan as the meeting was cancelled.
2. Commission Tribal Consultation Policy: Remove the new tribal advisor and liaison parenthetical reference, as that person will be announced shortly.
3. Commission Coastal Fishing Communities Policy: Added "implementation" to the title since the policy has now been adopted by the Commission and the focus is on overall implementation.
4. December 2024 TC meeting: Added the meeting following the next meeting, and included proposed topics for the December meeting.

Next Committee Meeting

The next committee meeting is scheduled for August 13 in Fortuna, with webinar and teleconference options.

In addition to standing agenda items (annual tribal planning meeting, updates on species management plans, committee cross-pollination, staff and other agency updates, JEDI (justice, equity, diversity and inclusion) planning Commission rulemakings, and future agenda topics), four discussion topics are proposed:

1. *Co-management roundtable discussion*: Discuss co-management with tribal representatives who can share their co-management interests and experiences.
2. *Tribal subsistence definition and related management mechanisms*: Share and discuss outcomes from the December 2023 TC and Commission discussions about how the

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workgroup will advance its efforts in the near future with the onboarding of a new tribal advisor and liaison.

3. *Marine protected areas (MPAs) decadal management review*: Receive an update on MPA regulation change petitions received by the Commission in response to the first decadal management review and as part of the adaptive management process; in particular, discuss results of the petition binning process and any recommendations from the Commission Marine Resources Committee.
4. *Recreational take of barred sand bass*: Discuss Department evaluation and any Commission Marine Resources Committee recommendations regarding potential regulatory options to address management concerns.

Committee Co-Chairs

Commissioner Jacque Hostler-Carmesin has been the TC chair or co-chair for over ten years. When Commissioner Darius Anderson joined the Commission in February 2024, he was appointed to the TC as co-chair; in May, Commissioner Anderson, citing the need to focus on previous time commitments, stepped down as co-chair.

The previous co-chair for TC was President Pete Silva, until he left the Commission in February 2022; since then, rather than a formal TC co-chair, other commissioners have joined TC meetings as “visiting” commissioners, to both support the work of the committee and to better understand topics being discussed by TC with participating tribal and tribal community representatives and members.

Significant Public Comments (N/A)

Recommendation

Commission staff: Approve the TC work plan as reflected in Exhibit 1, including any changes identified during today’s meeting; approve the draft agenda topics for the August 13, 2024 TC meeting; and consider whether to appoint a new TC co-chair or have “visiting” commissioners for each meeting.

Exhibits

1. [TC work plan, updated June 7, 2024](#)
2. [Department blog post, *Seeking Your Feedback to Help Manage California’s Marine Protected Area Network*, posted May 31, 2024 \(for background purposes only\)](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the changes to the Tribal Committee work plan and approves the agenda topics for the August 13, 2024 Tribal Committee meeting, as discussed today.

Staff Summary for June 19-20, 2024

30B. Marine Resources Committee (MRC)**Today's Item**Information Action

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on July 17-18, 2024.

Summary of Previous/Future Actions

- | | |
|-------------------------------------------------|-------------------------|
| • Previous MRC meeting | March 19, 2024; MRC |
| • Today consider approving agenda topics | June 19-20, 2024 |
| • Next MRC Meeting | July 17-18, 2024; MRC |

Background

The MRC works under Commission direction to set and accomplish its work plan.

Committee Work Plan

Topics that have been referred by the Commission to MRC are displayed in a work plan for scheduling and tracking. The updated work plan is Exhibit 1, which includes updates to proposed timing of topics; potential new topics are summarized below.

New Topics

The Department proposes two new topics be referred to MRC:

- Electronic recreational fishing report cards rulemaking, for discussion and potential committee recommendation in July 2024
- Recreational take of barred sand bass, for discussion in July 2024 and potential committee recommendation in November 2024

Next Committee Meeting

The next committee meeting is scheduled for July 17-18 in the Santa Rosa area, with webinar and teleconference options. The two-day MRC meeting is designed to provide focused time on July 17 (afternoon only) to discuss the initial phase of evaluating marine protected area (MPA) regulation petitions, while remaining agenda topics are proposed for July 18.

Following discussion with the Department regarding readiness of topics for either discussion/potential recommendation or update on progress, staff recommends the discussion topics and updates described below (in addition to standing agenda items).

Proposed Agenda Topics: July 17

Discussion

- Marine protected area (MPA) regulation change petition evaluation process (Phase 1) following the 2022 decadal management review of the MPA network and management program

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- Receive and discuss [Department-proposed binning of MPA petitions](#) into one of two “bins” – Bin 1 (*petitions ready to be evaluated in the near-term*) or Bin 2 (*petitions that require additional policy guidance, information, and/or resources before evaluation*) – and potential committee recommendation (see Exhibit 2).

The Department posted the draft document on its website on May 31, to provide the public time to review prior to the committee meeting.

Proposed Agenda Topics: July 18

Discussion and Potential Recommendations

- California halibut bycatch evaluation for fishery management review – lessons learned from the set gill net evaluation
 - Discuss lessons learned to potentially apply in the trawl bycatch evaluation
- Market squid fishery management and fishery management plan review
 - Receive and discuss Department Squid Fishery Advisory Committee draft report and initial Department recommendations
- Commercial sea urchin fishing regulations, including consideration of petition 2023-04 for the fishery north of San Luis Obispo/Monterey county line
 - Receive and discuss draft regulatory options developed in collaboration with the California Sea Urchin Commission
- Recreational crab regulation options related to gear and entanglement concerns, and trap validation for commercial passenger fishing vessels
 - Receive and discuss Department overview of potential proposed regulation changes.
- Recreational take of barred sand bass
 - Receive and discuss Department evaluation and potential regulatory options to address management concerns
- Electronic recreational fishing report cards rulemaking
 - Receive and discuss Department overview of proposed rulemaking and potential committee recommendation

Proposed Updates from Staff and Other Agencies (generally in written format)

- Red abalone recovery plan (statewide)
- California halibut bycatch evaluation for fishery management review – trawl gear (tow times only)
- Kelp and algae commercial harvest – sea palm (*Postelsia*)
- Aquaculture state water bottom leases – applications for new leases
- Coastal Fishing Communities Project

Significant Public Comments (N/A)

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Recommendation

Commission staff: Approve the MRC work plan as reflected in Exhibit 1, including any changes identified during today's meeting, and approve the draft agenda topics for the July 17-18 MRC meeting.

Exhibits

1. [MRC work plan, updated June 7, 2024](#)
2. [Department blog post, *Seeking Your Feedback to Help Manage California's Marine Protected Area Network*, posted May 31, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the changes to the work plan and approves the topics for the July 17-18, 2024 Marine Resources Committee meeting, as discussed today.

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30C. Department Marine Region Report

Today's Item	Information <input checked="" type="checkbox"/>	Action <input type="checkbox"/>
I. Public discussion of action taken to close the recreational razor clam fishery in Humboldt County due to elevated levels of domoic acid (Pursuant to subdivision 5523(a)(2), California Fish and Game Code)		
II. Update on annual recreational ocean salmon regulations, and automatic conformance to federal regulations (Pursuant to Section 1.95)		

The Department will also highlight items of note since the last Commission meeting.

Summary of Previous/Future Actions (N/A)**Background**

- I. This meeting provides an opportunity for public discussion of action taken by the Department relative to the recreational razor clam fishery in Humboldt County (exhibits 1-3).
- II. The Marine Region will provide an update on the annual automatic conformance for recreational ocean salmon regulations (Exhibit 5).

Press releases related to these topics are provided as exhibits 4, 6 and 7.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [Memo to the Department from the Office of Environmental Health Hazard Assessment, California Environmental Protection Agency, dated May 2, 2024](#)
2. [Department's Director Declaration of Fisheries Closure Due to A Public Health Threat Caused by Elevated Levels of Domoic Acid in Razor Clams, dated May 2, 2024](#)
3. [Department memo to the Commission regarding razor clam fishery, received May 29, 2024](#)
4. [Department press release on razor clam fishery closure, dated May 2, 2024](#)
5. [Department memo to the Commission regarding recreational ocean salmon regulations conformance to federal regulations, received May 29, 2024](#)
6. [Department press release on Pacific Fishery Management Council's recommendation to close California's 2024 ocean salmon fisheries, dated April 10, 2024](#)
7. [Department press release on information for California anglers bound for Oregon's recreational ocean salmon fisheries, dated May 24, 2024](#)

Motion (N/A)

Staff Summary for June 19-20, 2024

31A. Administrative Items – Legislation**Today's Item**Information Action

Receive updates on legislative activity and consider providing direction to staff on potential actions.

Summary of Previous/Future Actions (N/A)**Background**

Staff has identified state legislation that may affect the Commission's resources and workload, or may be of interest to commissioners, and provides the status of those bills during this legislative session as of May 28, 2024. The Department has provided a report on active bills it is tracking during the legislative session (Exhibit 1).

At any meeting, the Commission may direct staff to provide information to, or share concerns with, bill authors. Today is an opportunity for the Commission to provide direction to staff concerning proposed legislation.

Legislative Calendar Highlights

May 24 was the last day for bills to be passed out of the houses of origin. Other calendar highlights include:

- June 15: Budget bill must be passed by *midnight*
- July 3: Last day for *policy committees* to meet and report bills to the floor; summer recess begins upon adjournment of session provided budget bill has passed
- August 5: Legislature reconvenes from *summer recess*
- August 16: Last day for *fiscal committees* to meet and report bills to the floor
- August 19-31: *Floor session only*. No committee, other than conference or rules, may meet for any purpose
- August 23: Last day to amend bills on the floor
- August 31: Last day for each house to pass bills; *final recess* begins at end of the day's session
- September 30: Last day for Governor to sign or veto bills passed by the Legislature before September 1 and in the Governor's possession on or after September 1

Bills introduced during the 2023-2024 Session

Staff has identified one senate bill (SB) and eight assembly bills (AB) that may affect the Commission's workload or are of potential interest to the Commission:

- SB 1402 (Min) – 30 x 30 goal: state agencies: adoption, revision, or establishment of plans, policies, and regulations
- AB 1272 (Wood) – State Water Resources Control Board: drought planning

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- AB 1284 (Ramos) – Tribal ancestral lands and waters: co-governance and co-management agreements
- AB 1797 (Wood) – State crustacean: This bill would make Dungeness crab the official state crustacean of California
- AB 2196 (Connolly) – Beaver restoration
- AB 2443 (Carillo, Juan) – Western Joshua Tree Conservation Act: agreements with counties or cities: industrial and commercial projects
- AB 2552 (Friedman) – Pesticides: anticoagulant rodenticides
- AB 3220 (Papan) – Marine resources: California Department of Fish and Wildlife: authority: mariculture
- AB 3162 (Bennett) – Octopus: aquaculture: sale: prohibition

The most current version of individual bills, their history and their status, may be found at www.leginfo.legislature.ca.gov.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [Department legislative report, dated June 9, 2024](#)

Motion (N/A)

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31B. Rulemaking Timetable Updates**Today's Item**Information Action

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

Summary of Previous/Future Actions

- Commission approved rulemaking timetable April 17-18, 2024
- **Today consider approving changes to the rulemaking timetable June 19-20, 2024**

Background

This is a standing agenda item for staff and the Department to request changes to the Commission's rulemaking timetable (Exhibit 2), confirm changes made by the Commission during this meeting, and highlight minor changes made by staff.

The Department recommends three changes to the rulemaking timetable for amendments to Title 14, California Code of Regulations:

- Add a "Federal Groundfish and Associated Species" rulemaking to amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, and 28.65. This rulemaking is necessary to incorporate Pacific Fishery Management Council recommendations for federally managed groundfish species into state regulations for the 2025-2026 management cycle. The proposed rulemaking schedule is notice-by-memo in June 2024, discussion in August 2024, and adoption in October 2024.
- Add an "Electronic Report Cards" rulemaking to amend sections 1.74, 5.79, 5.80, 5.81, 5.87, and 5.88. This rulemaking is necessary to expand the options available to report card holders by allowing them to display report cards electronically on a mobile device. The proposed rulemaking schedule is notice in October 2024, discussion in December 2024, and adoption in February 2025.
- Add an "Emergency Regulations for Mandatory Testing for Chronic Wasting Disease (CWD)" rulemaking to amend Section 708.5. This rulemaking is necessary to establish mandatory testing of cervids for chronic wasting disease, lessen the impacts of CWD to cervid populations, and to track the spread of the disease. Should the emergency regulations be adopted today under Item 12, they will be effective for 180 days following approval by the Office of Administrative Law and filing with the Secretary of State.

Commission staff requests minor changes to the timetable as indicated in blue ~~strikeout~~/underline.

Staff Summary for June 19-20, 2024

Significant Public Comments (N/A)

Recommendation

Commission staff: Approve the proposed changes to the rulemaking timetable as identified in this staff summary and Exhibit 2, and any other additional changes identified during this meeting.

Exhibits

1. [Department memo, received June 6, 2024](#)
2. [Perpetual Timetable for Regulatory Actions, dated June 7, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the proposed changes to the rulemaking timetable as discussed today.

Staff Summary for June 19-20, 2024

31C. Administrative Items – Receive and Discuss Proposed Meeting Dates and Locations for 2026**Today's Item**Information Action

Receive and discuss proposed meeting dates and locations of Commission and committee meetings for January 2026 through December 2026.

Summary of Previous/Future Actions

- | | |
|--------------------------------------------------------------------|-------------------------|
| • Discuss proposed 2026 meeting dates and locations | June 19-20, 2024 |
| • Discuss and potentially approve 2026 meeting dates and locations | August 14-15, 2024 |

Background

The Commission currently conducts its business at six 2-day meetings (February, April, June, August, October, and December) on a Wednesday and Thursday, plus a teleconference meeting in May and others as needed. Committees each generally hold three meetings per year (half-day to full-day and, occasionally, a day and a half).

In 2024, committee meetings have been held either between Commission business meetings (Wildlife Resources Committee (WRC) on Thursdays in January, May and September and Marine Resources Committee (MRC) on Thursdays in March, July and November), or the afternoon before the first day of a Commission meeting (Tribal Committee (TC) on Tuesdays). Staff seeks guidance on whether to retain the same months and days of week for Commission and committee meetings.

Adequate meeting facilities have become more difficult to secure, and advanced planning increases the likelihood of locating suitable and available venues. Thus, to ensure staff has adequate time to identify and secure venue options that meet the Commission's requirements related to cost, information technology and security conditions, as well as State-mandated bids, contracting conditions and timelines, it is important for meeting dates and locations to be identified many months in advance.

A list of proposed 2026 meeting dates and locations (Table 1) is presented for Commission consideration and discussion today, with potential approval in August. Staff developed the proposed meeting dates accounting for State holidays, other relevant meeting schedules, and regulatory deadlines. However, in light of the State's current and expected ongoing budget deficit, staff may return in August with modifications to the proposed locations to reduce the number of meetings held outside the Sacramento area. The budget deficit and locations of future meetings are discussed in more detail in agenda items 10A (Executive Directors' Report) and 31D (Administrative Items – Future Meetings).

For this year's Commission meetings, marine items are heard on the first day, and wildlife and inland fisheries items are heard the second day. For 2025, the subject matter will rotate such that wildlife and inland fisheries items are heard on the first day, and marine items on the second day, with a new rotation implemented in 2026.

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Table 1: Proposed 2026 Commission and Committee Meeting Dates and Locations

Proposed Dates	Meeting Type	Potential Location
January 15	WRC	Ontario/San Bernardino area
February 11-12	FGC	Sacramento
March 12	MRC	Santa Rosa or Monterey
April 14	TC	Fresno or Redding
April 15-16	FGC	Ventura, Santa Barbara, San Luis Obispo or Bakersfield
May 13	FGC	Teleconference: Sacramento, Trinidad, Santa Cruz, and San Diego
May 14	WRC	Sonoma area
June 17-18	FGC	San Jose area
July 16	MRC	San Clemente/San Diego area
August 11	TC	Fortuna
August 12-13	FGC	Fortuna
September 10	WRC	Sacramento
October 14-15	FGC	Monterey or San Jose
November 12	MRC	Sacramento
December 15	TC	San Diego area
December 16-17	FGC	San Diego area

Other Relevant 2025-2026 Meetings and Locations

- Association of Fish and Wildlife Agencies
 - Sep 2025 – Date and location unknown at this time
 - Sep 2026 – Date and location unknown at this time
- Pacific Fishery Management Council
 - Mar 5-11, 2025 – Vancouver, WA
 - Apr 9-15, 2025 – San Jose, CA
 - Jun 12-18, 2025 – Rohnert Park, CA
 - Sep 18-24, 2025 – Spokane, WA
 - Nov 13-19, 2025 – Costa Mesa, CA

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- Pacific Flyway Council
 - Dates and locations unknown at this time
- Western Association of Fish and Wildlife Agencies
 - Dates and locations unknown at this time
- Wildlife Conservation Board (all held in Sacramento, CA)
 - February 27, 2025
 - May 22, 2025
 - August 28, 2025
 - November 20, 2025

Recommendation**Commission staff:**

- (1) Confirm intent to schedule Commission meetings on a Wednesday/Thursday in February, April, June, August, October and December;
- (2) confirm intent to schedule MRC meetings on Thursdays, WRC meetings on Thursdays, and TC meetings on Tuesdays immediately prior to Commission meetings; and
- (3) provide direction on proposed 2026 dates and locations.

Exhibits (N/A)**Motion (N/A)**

Staff Summary for June 19-20, 2024

31D. Administrative Items – Future Meetings and New Business**Today's Item**Information Action

Review logistics and approve draft agenda items for the next Commission meeting (August 14-15, 2024), consider any changes to approved meeting dates or locations, or introduce new business for a future meeting agenda.

Summary of Previous/Future Actions (N/A)**Background*****Next Commission Meeting***

The next Commission meeting is scheduled for August 14-15, 2024 in Fortuna, with phone and webinar options for members of the public. Potential agenda items for the meeting are provided in Exhibit 1 for consideration and potential Commission approval.

The Commission meeting will be preceded by a Tribal Committee meeting on Tuesday, August 13. Staff will also pursue field trip options and welcomes ideas from commissioners and stakeholders.

Approved Meeting Dates and Locations

In August 2023, to provide staff ample time to secure meeting facilities (a task complicated by the pandemic), the Commission approved meeting dates and locations for both 2024 and 2025. However, this two-year planning approach did not anticipate the state's multi-year budget deficit or its impacts on state agencies.

Governor Newsom's May two-year budget proposal addresses this deficit with an 8% cut to state operations for every state agency, and eliminating 10,000 vacant positions. To achieve an 8% reduction, the Commission must significantly cut travel and other meeting-related costs or personnel costs. Since no vacancies are expected, which could provide salary savings, reduced travel is the only viable option.

California Fish and Game Code Section 110 mandates the Commission hold no fewer than eight, in-person meetings annually, but *only "if the commission has adequate funding for related travel, including funding for department travel."* Without adequate funding, travel expenses must be minimized. This can be achieved by holding more teleconferences and meetings in Sacramento; this approach reduces staff and Department travel costs, meeting venue expenses, and audio-visual service fees.

Currently, meeting facilities are contracted or secured through August of 2024; locations beyond that time have more flexibility to modify and achieve cost savings.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Approve agenda items for the August 14-15, 2024 meeting as presented in Exhibit 1 and as amended during this meeting, and modify the September 2024 through

Staff Summary for June 19-20, 2024

June of 2025 meeting schedule to move all Commission and committee meetings to Sacramento or via teleconference.

Exhibits

1. [Potential agenda items for the August 14-15, 2024 Commission meeting](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the draft agenda items for the August 14-15, 2024 Commission meeting, as amended during this meeting, and moves all September 2024 through June 2025 Commission and committee meetings to Sacramento or via teleconference as discussed today.

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32. General Public Comment for Items Not on the Agenda**Today's Item**Information Action

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Summary of Previous/Future Actions

- **Today's receipt of requests and comments** June 19-20, 2024
- Consider granting, denying, or referring August 14-15, 2024

Background

This item is to provide the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. 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, non-regulatory requests generally follow a two-meeting cycle (receipt and direction); the Commission will determine the outcome of the non-regulatory requests received in today's meeting at the next regularly scheduled Commission meeting, following staff evaluation (currently August 14-15, 2024).

Significant Public Comments (N/A)**Recommendation (N/A)**

Commission staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits

1. See exhibits for Agenda item 22

Motion (N/A)

Staff Summary for June 19-20, 2024

Executive Session**Today's Item**Information Action

Executive session will include four standing topics:

- (A) Pending litigation to which the Commission is a party
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items

Summary of Previous/Future Actions (N/A)**Background**

During the public portion of its meeting, the Commission will call a recess and reconvene in a closed session pursuant to the authority of California Government Code Section 11126, subdivisions (a), (c)(3) and (e)(1). The Commission will address four items in closed session:

(A) Pending Litigation to Which the Commission is a Party

See agenda for a complete list of pending civil litigation to which the Commission is a party, at the time the agenda was made public.

(B) Possible Litigation Involving the Commission**(C) Staffing**

For details about staffing, see the executive director's report under Agenda Item 10(A) for today's meeting.

(D) Deliberation and Action on License and Permit Items

- I. *Consider the Accusation in Agency Case No. 24ALJ04-FGC, regarding the suspension of John Boling's Dungeness crab vessel permit.*

On February 13, 2024, the Department served a copy of an administrative accusation on John Boling. On March 4, 2024, the Department filed the accusation with the Commission (Exhibit 1). The accusation requests that the Commission suspend Boling's Dungeness crab vessel permit for one year. Boling has not filed a notice of defense with the Commission.

On April 22, 2024 the Department submitted a letter to the Commission advocating that the Commission take action at today's meeting to suspend Boling's permit based on the fact that Boling waived a right to any hearing. The letter with three exhibits to the letter are included as Exhibit 2.

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Significant Public Comments (N/A)

Recommendation

Commission staff: suspend John Boling's Dungeness crab vessel permit for a period of one year.

Exhibits

1. [Accusation, filed March 4, 2024](#)
2. [Letter from the Department to the Commission, received April 22, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission suspends John Boling's Dungeness crab vessel permit for a period of one year in Agency Case No. 24ALJ04-FGC.

The Historical Legacy of Juneteenth

Note: Information extracted June 12, 2024 from the National Museum of African American History and Culture webpage located at <https://nmaahc.si.edu/explore/stories/historical-legacy-juneteenth>



Emancipation Day celebration, June 19, 1900 held in "East Woods" on East 24th Street in Austin. Credit: Austin History Center.

On "Freedom's Eve," or the eve of January 1, 1863, the first Watch Night services took place. On that night, enslaved and free African Americans gathered in churches and private homes all across the country awaiting news that the Emancipation Proclamation had taken effect. At the stroke of midnight, prayers were answered as all enslaved people in Confederate States were declared legally free. Union soldiers, many of whom were black, marched onto plantations and across cities in the south reading small copies of the Emancipation Proclamation spreading the news of freedom in Confederate States. Only through the [Thirteenth Amendment](#) did emancipation end slavery throughout the United States.

But not everyone in Confederate territory would immediately be free. Even though the Emancipation Proclamation was made effective in 1863, it could not be implemented in places still under Confederate control. As a result, in the westernmost Confederate state of Texas, enslaved people would not be free until much later. Freedom finally came on

The post-emancipation period known as Reconstruction (1865-1877) marked an era of great hope, uncertainty, and struggle for the nation as a whole. Formerly enslaved people immediately sought to reunify families, establish schools, run for political office, push radical legislation and even sue slaveholders for compensation. Given the 200+ years of enslavement, such changes were nothing short of amazing. Not even a generation out of slavery, African Americans were inspired and empowered to transform their lives and their country.

Juneteenth marks our country's second independence day. Although it has long celebrated in the African American community, this monumental event remains largely unknown to most Americans.

The historical legacy of Juneteenth shows the value of never giving up hope in uncertain times. The National Museum of African American History and Culture is a community space where this spirit of hope lives on. A place where historical events like Juneteenth are shared and new stories with equal urgency are told.

African Americans and the Beach in Santa Monica at the Bay Street Site Controversially Known as the “Inkwell”

Note: Information extracted June 12, 2024 from Santa Monica Conservancy webpage PDF document located at <https://www.smconservancy.org/wp-content/uploads/2015/06/AfAm-Beach-Description-REVMay2017-FinalFinal.pdf>

“A Place of Celebration and Pain.” These words top the plaque that commemorates the oceanfront site controversially known as the “Inkwell,” an important gathering place for African Americans long after attempts at racial restrictions at public beaches were abandoned in 1927. This seaside refuge was located down the hill from nearby Phillips Chapel Christian Methodist Episcopal (CME) Church, the first African American church established in Santa Monica in 1905, and the earliest African American community settlement in the 4th and Bay Streets vicinity.

For leisure activities from the 1920s to the early 1960s, African Americans were able to locate some places where they were relatively free from bigotry to enjoy themselves and take pleasure in the picturesque outdoor offerings of the state. At this time, discrimination and restrictive real estate covenants prevented them from buying property in certain areas and from using various public or private facilities.

The African American beach site was originally situated near Pico Boulevard where Shutters Hotel and the Casa del Mar are today, south to Bicknell Street. It emerged as a popular gathering place for African American beachgoers in the County of Los Angeles in the four decades after the mid-20s. African Americans from the Santa Monica and the Los Angeles County environs met for parties and to socialize at this beach. Here they enjoyed the ocean breeze, swam and played games with less racially motivated harassment than at other Southland beaches.

History suggests white Americans probably first used the term “Inkwell” to describe more than one leisure site around the United States associated with African Americans during the Jim Crow era. This term was a derogatory term referencing the “blackness” of the beach-goers’ skin color. Agency was taken by some African Americans to repurpose the offensive term to describe these places they frequented and enjoyed, transforming the hateful moniker into a badge of pride or belonging. The name Inkwell has not been used or recognized universally within any community as the name of these leisure locations, with some refusing to use the name at all.

Although this site was enjoyed by African Americans, there were white American homeowners and business people of the Bay cities who tried unsuccessfully to “purge” them from their enjoyment of this stretch of the beach. In 1922, the Santa Monica Bay Protective League blocked the development effort of a black investment group, the Ocean Frontage Syndicate led by Norman O. Houston and Charles S. Darden, Esq.,

with plans to build a “first-class resort with beach access” where Shuttters Hotel is located today near Pico Boulevard.

There were some unfortunate personal assaults on individual African Americans to inhibit their freedom to use the public beaches to the north and south of the City of Santa Monica. By 1927, as a result of legal challenges to these discriminatory practices by the National Association of Colored People, the beach became free for all the public’s enjoyment, and racial restriction attempts at public beaches began to fade away. In spite of these unpleasant events, which persisted in various forms even into the 1950s, many African American Angelenos continued to visit this wonderful site for enjoyment of the sun and surf.

On February 7, 2008, the City of Santa Monica officially recognized this important gathering place controversially known as the “Inkwell,” as well as Nick Gabaldón, the first California documented surfer of African and Mexican American descent, with a landmark monument at Bay Street and Oceanfront Walk. In the celebration of our American, California and Santa Monica heritage, we are encouraged to take a harder look at the complex layers of our history. Although some may not recognize it, these stories of the Inkwell and Nick Gabaldón are part of American history. All of us, no matter how recently arrived, share in these stories.

With this landmark monument, the African American Bay Street beach site controversially known as the “Inkwell,” touches many people’s lives as they come to enjoy the beach in this Santa Monica location. Stories told by the text on the plaque are being infused into the collective memory of local, regional and national public culture. So let us embrace our layered national, regional and local heritage, and renew our sense of civic pride and identity.



Verna Decker and Arthur Lewis at the beach site (sometimes known as the "Inkwell") in Santa Monica, CA 1924. *Los Angeles Public Library Online Collection*

Text written by: historian Alison Rose Jefferson, Ph.D.

Contact: alisonrosejefferson@gmail.com www.alisonrosejefferson.com

To learn more about the history of Santa Monica, Los Angeles and African Americans in the region, see:

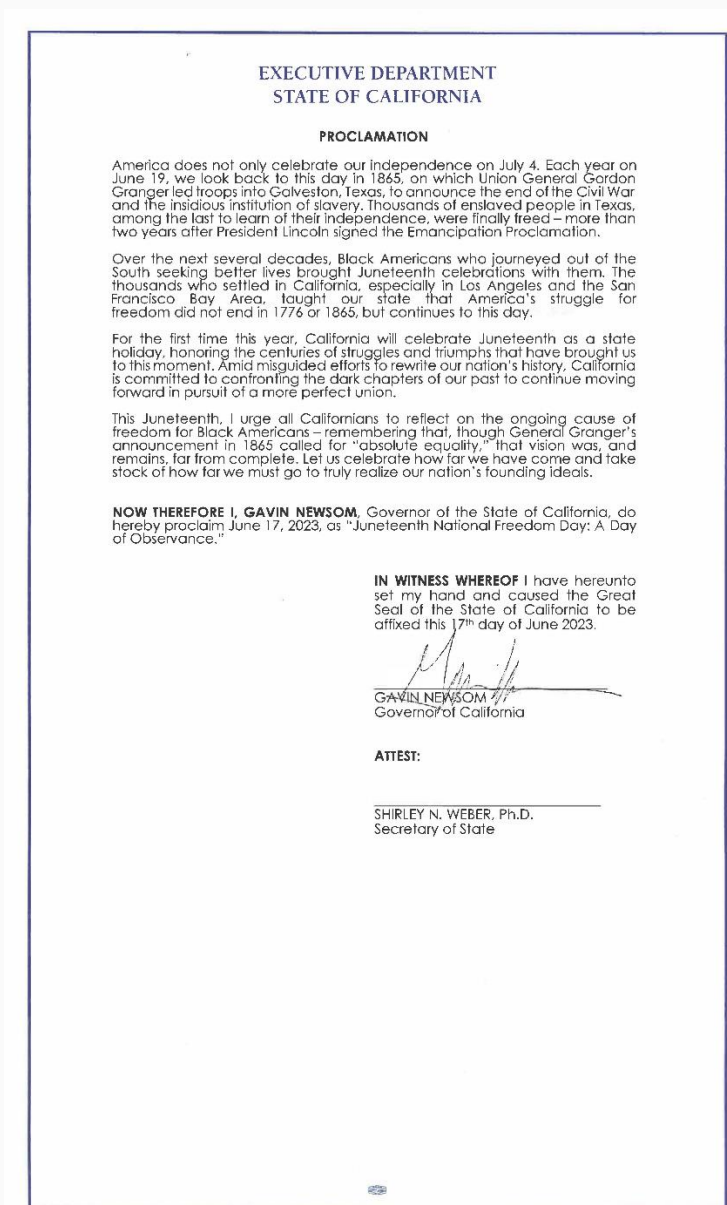
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- Flamming, Douglas. *Bound For Freedom: Black Los Angeles in Jim Crow America*. Berkeley, CA: University of California Press, 2005.
- Scott, Paula. *Santa Monica: A History on the Edge*. Charleston, South Carolina: Arcadia Publishing, 2004

Governor Newsom Proclaims Juneteenth Day of Observance

SACRAMENTO – Governor Gavin Newsom today issued a proclamation declaring "[Juneteenth National Freedom Day: A Day of Observance](#)" in the State of California.

California will celebrate Juneteenth as a state holiday for the first time this June under legislation [enacted](#) into law this year.

The text of the proclamation and a copy can be found below:



PROCLAMATION

America does not only celebrate our independence on July 4. Each year on June 19, we look back to this day in 1865, on which Union General Gordon Granger led troops into Galveston, Texas, to announce the end of the Civil War and the insidious institution of slavery. Thousands of enslaved people in Texas, among the last to learn of their independence, were finally freed – more than two years after President Lincoln signed the Emancipation Proclamation.

Over the next several decades, Black Americans who journeyed out of the South seeking better lives brought Juneteenth celebrations with them. The thousands who settled in California, especially in Los Angeles and the San Francisco Bay Area, taught our state that America’s struggle for freedom did not end in 1776 or 1865, but continues to this day.

For the first time this year, California will celebrate Juneteenth as a state holiday, honoring the centuries of struggles and triumphs that have brought us to this moment. Amid misguided efforts to rewrite our nation’s history, California is committed to confronting the dark chapters of our past to continue moving forward in pursuit of a more perfect union.

This Juneteenth, I urge all Californians to reflect on the ongoing cause of freedom for Black Americans – remembering that, though General Granger’s announcement in 1865 called for “absolute equality,” that vision was, and remains, far from complete. Let us celebrate how far we have come and take stock of how far we must go to truly realize our nation’s founding ideals.

NOW THEREFORE I, GAVIN NEWSOM, Governor of the State of California, do hereby proclaim June 17, 2023, as “Juneteenth National Freedom Day: A Day of Observance.”

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of June 2023.

GAVIN NEWSOM
Governor of California

ATTEST:
SHIRLEY N. WEBER, Ph.D.
Secretary of State

###

California Fish and Game Commission
Draft Resolution Recognizing Juneteenth

June 12, 2024 Draft

WHEREAS, the California Fish and Game Commission (Commission) recognizes the importance of justice, equity, diversity, and inclusion in fulfilling its mission to conserve, restore, and manage California’s fish and wildlife for the sustainable use and enjoyment by all people; and

WHEREAS, the Commission is committed to serving all people of California, acknowledging that people with a multitude of backgrounds, cultures, and lived experiences hold essential perspectives that strengthen our collective decision-making; and

WHEREAS, the Commission recognizes environmental justice as essential to addressing historic and current inequities, and to creating equitable access to environmental benefits; and

WHEREAS, Juneteenth, celebrated annually on June 19, commemorates the emancipation of enslaved Black Americans in the United States almost 160 years ago; and

WHEREAS, the Commission acknowledges that on July 2, 1964, almost 60 years ago, the 1964 Civil Rights act was established, affirming that Black communities should be allowed to enjoy California’s outdoor spaces, such as national and state parks; and

WHEREAS, by acknowledging Juneteenth, the Commission honors the struggles and celebrates the achievements of Black Americans who have helped shape the nation’s conservation movement.

NOW, THEREFORE, BE IT RESOLVED, that the Commission is committed to promoting equity through more inclusive decision-making that considers and corrects for disproportionate burdens on historically marginalized communities; and

FINALLY, BE IT RESOLVED, that the Commission seeks opportunities to collaborate with organizations led by and serving Black communities to ensure inclusive participation in the stewardship of California’s fish and wildlife.

Proposed for adoption on June 19, 2024

Memorandum

Date: May 31, 2024

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the June 19-20, 2024 Fish and Game Commission Meeting
Private Lands Wildlife Habitat Enhancement and Management (PLM) Area
Licenses**

Private lands are a key component of wildlife habitats throughout California that support key populations of game and non-game species alike. Pursuant to Fish and Game Code Section 3400, it is state policy to actively ensure improvement of wildlife habitats on private land in cooperation with landowners. Through the Private Lands Wildlife Habitat Enhancement and Management (PLM) Program, the California Department of Fish and Wildlife (Department) advances this policy by collaborating with private landowners to develop management plans that improve wildlife habitat on their properties. As part of this program, tags are issued annually to PLM participants' allowing limited hunting on these properties.

California Fish and Game Code Section 3406(c) requires that the activities conducted pursuant to each PLM Management Plan shall be reviewed annually by the Department and by the Fish and Game Commission (Commission) at a public hearing. Licenses for such areas may be granted by the Commission for a period of five (5) years following department review and approval of the management plan (Title 14, California Code of Regulations Section 601(a)).

The Department has reviewed the initial management plans for 3 new properties in 3 counties consisting of approximately 21,893 acres. These new properties cover a variety of habitats including chaparral and riparian areas which benefit both game and non-game species. Proposed habitat improvements include promoting early successional growth, installing numerous water catchments in an arid area, and improving the quality of riparian areas by removing non-native species.

The Department has also reviewed 5-year renewals for 10 properties in 7 counties consisting of approximately 355,360 acres and annual reports for 40 properties in 9 counties consisting of approximately 254,885 acres. PLM properties are doing a variety of habitat work.

Work ranges from but is not limited to wildlife brush piles, cover crop and food plot plantings, mastication of decadent brush, non-native vegetation removal, installing/repairing water features (such as guzzlers and springs), wildlife friendly fencing, and wildlife nesting boxes and platforms.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 31, 2024
Page 2

The Department recommends that the Commission approves the wildlife management plans, applications, and each 2024/25 harvest program under conditions specified in the attached tables. Habitat improvements accomplished under these plans will enhance and maintain wildlife resources on and around the PLM areas. The goals and objectives stated in the management plans are compatible with Department management plans for appropriate species in these areas.

The attached tables represent the second, and final, list of PLM properties recommended for approval by the Commission in 2024. We previously recommended a first list of PLM properties for approval at the April 18, 2024, Commission meeting.

If you have any questions, please contact Ms. Victoria Barr at (916) 203-0567 or by email at Victoria.barr@wildlife.ca.gov.

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**PLM AREA LICENSE
INITIAL MANAGEMENT PLANS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

NORTHERN REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Fort Bidwell Ranch</p> <p>Deer Zone X-3B Modoc</p> <p>11,000 Acres</p>	<p>Authorized Harvest: 3 forked-horn or better buck deer</p> <p>Issue 3 buck deer tags for the period of October 5, 2024, through October 20, 2024.</p>	<p>Mechanically treat at least 100 acres of junipers (20 acres annually). Removal will promote native beneficial forages, these junipers will be cut and piled for nesting, then burned later.</p> <p>Install Beaver Dam Analogs (BDA's) into 3 areas (at least 3 BDA's annually) to reduce the dewatering of the surrounding habitats, reduce the channel cutting and restore hydrologic function.</p> <p>Conduct riparian restoration on at least 1 mile of riparian habitat to retain and promote desired riparian buffer vegetation. Treatments will include cutting and removing non riparian species.</p> <p>Restoration activities on the first meadow which include removing encroaching upland vegetation and junipers installing BDA's to reduce stream channel incision and head cutting to aid in the rehydration of meadows.</p> <p>Aspen stand restoration on one aspen stand through removal of junipers, encroaching conifers and downed woody debris.</p> <p>Fence off at least 3 aspen stands over the next 5 years with wildlife-friendly fencing.</p> <p>Type shift at least 250 acres (50 acres replanted annually) of agricultural fields to meadow grasses that promote bedding and areas of foraging for a variety of wildlife and utilize standing buffers of grasses along roads.</p>

**PLM AREA LICENSE
INITIAL MANAGEMENT PLANS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

NORTH CENTRAL REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>360 Ranch Deer Zone A Yolo 9,493 Acres</p>	<p>Authorized Harvest: 8 forked-horn or better buck deer</p> <p>Issue 10 buck deer tags for the archery period of July 13, 2024 through August 4, 2024 and the general rifle period of August 10, 2024 through September 22, 2024.</p>	<p>Mechanically remove with a tractor or brush ripping 8 acres of decadent brush.</p> <p>Plant 8 acres of deer & wildlife mix to improve habitat for deer.</p> <p>Cattle grazing restricted to November 15 – May 15.</p> <p>Install one wood duck box #1 on the Quail Pond.</p> <p>Create 2 water collection rain guzzlers (Long Range Guzzler & Petroleum Creek #1 Guzzler) which will be between 300 – 500 gallons for wildlife, fencing them from cattle.</p> <p>Create 4 wildlife brush piles measuring at least 15 feet in diameter and 7 feet tall.</p> <p>Remove 200 feet of old barb wire fencing and replace with wildlife-friendly wire on the quail pond.</p> <p>Maintain and provide maintenance on the one well that provides water year-round to the Quail Pond. This will include repair or replacement of pumps as needed and maintenance of water lines so there is water in the pond year-round.</p> <p>Ten game cameras will be deployed across the ranch to inventory wildlife.</p>

**PLM AREA LICENSE
 INITIAL MANAGEMENT PLANS, 2024-2028
 PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Magers Ranch Deer Zone C4 Butte 1,400 Acres</p>	<p>Authorized Harvest: 2 forked horn or better buck deer</p> <p>Issue 2 buck deer tags for the archery period of August 17, 2024 through September 1, 2024 and the general rifle period of September 21, 2024 through October 6, 2024.</p>	<p>Install 3 wood duck boxes next to Butte Creek and Butte Slough.</p> <p>Install 1 owl box along high line irrigation ditch.</p> <p>Install 2 turtle structures in Butte Slough and Durham Slough.</p> <p>Leave growth (grass and weeds) on every other check of all rice fields – 637 acres.</p> <p>Spray and masticate 1 acre of blackberry vines in the north meadow.</p> <p>Plant 25 one gallon coyote brush plants in the north meadow.</p>

Memorandum

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To: Melissa Miller- Henson
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Fish and Game Commission

From: Charlton H. Bonham
Director

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Licenses**

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The Department has reviewed the initial management plans for 3 new properties in 3 counties consisting of approximately 21,893 acres. These new properties cover a variety of habitats including chaparral and riparian areas which benefit both game and non-game species. Proposed habitat improvements include promoting early successional growth, installing numerous water catchments in an arid area, and improving the quality of riparian areas by removing non-native species.

The Department has also reviewed 5-year renewals for 10 properties in 7 counties consisting of approximately 355,360 acres and annual reports for 40 properties in 9 counties consisting of approximately 254,885 acres. PLM properties are doing a variety of habitat work.

Work ranges from but is not limited to wildlife brush piles, cover crop and food plot plantings, mastication of decadent brush, non-native vegetation removal, installing/repairing water features (such as guzzlers and springs), wildlife friendly fencing, and wildlife nesting boxes and platforms.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 31, 2024
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**PLM AREA LICENSE
5-YEAR RENEWALS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

NORTHERN REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Clarks Valley RanchDeer</p> <p>Zone X3B</p> <p>Lassen</p> <p>2,793 Acres</p>	<p>Authorized Harvest: 3 forked horn or better buck deer</p> <p>Issue 3 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p>	<p>Remove at least 0.25 miles of field fencing to reduce wildlife entanglements.</p> <p>Install at least 0.25 miles of wildlife-friendly fencing.</p> <p>Install at least 500 ft of temporary fencing at Clarks Creek to protect the riparian restoration project.</p> <p>Install at least 1 beaver dam analog in Clarks Creek to assist in better hydrologic function and riparian habitat restoration.</p>
<p>Duncan Creek Ranch</p> <p>Deer Zone B5</p> <p>Shasta</p> <p>1,366 Acres</p>	<p>Authorized Harvest: 6 forked horn or better buck deer</p> <p>Issue 8 buck deer tags for the period September 1, 2024, through November 30, 2024.</p> <p>In no case shall the number of tags issued be used to exceed the authorized harvest.</p> <p>The number of tag holders actively hunting shall not exceed the number of deer available to harvest.</p>	<p>Burn at least 10 acres annually of decadent chamise to improve forage quality and travel corridors.</p> <p>Maintain at least 3 miles of established travel corridors throughout the property.</p> <p>Overseed areas that have been burned annually.</p>
<p>Five Dot Ranch - Avila</p> <p>Deer Zone X3A</p> <p>Lassen</p> <p>11,000 Acres</p>	<p>Authorized Harvest: 6 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 12 buck deer tags for the period of September 12, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p>	<p>Continue reduced livestock use at 300 head (previously 450 head).</p> <p>Cut at least 300 juniper trees.</p> <p>Continue to exclude livestock from 7 aspen and wetland habitat enclosures by inspecting fencing and making any necessary repairs. These areas provide important deer fawning habitat.</p>

**PLM AREA LICENSE
5-YEAR RENEWALS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Five Dot Ranch – Avila Cont.	<p>In no case shall the number of tags issued be used to exceed the authorized harvest.</p> <p>The number of tag holders actively hunting shall not exceed the number of deer available to harvest.</p> <p>Issue 1 buck pronghorn antelope tags for the period of August 12, 2024, through September 24, 2024.</p>	<p>Maintain 6 nesting platforms for Canada geese at four reservoirs by checking use and replacing nesting material as necessary.</p> <p>Cut and disperse 100 mountain mahogany branches with ripe seeds in order to recruit young plants.</p> <p>Maintain 6 existing springs by checking for broken pipes and repairing as necessary.</p> <p>Maintain 4 existing reservoirs by inspecting spillways and dams for damage and making any necessary repairs.</p>
Red Rock Ranch Deer Zone X3B Lassen 6,887 Acres	<p>Authorized Harvest: 7 forked horn or better buck deer, 2 buck pronghorn antelope and 1 bull elk</p> <p>Issue 7 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 2 buck pronghorn antelope tags for the period of August 1, 2024, through November 30, 2024.</p> <p>Issue 1 bull elk tag for the period of August 1, 2024, through November 30, 2024.</p>	<p>Remove at least 0.25 miles of field fencing to reduce wildlife entanglements.</p> <p>Install at least 0.25 miles of wildlife-friendly fencing.</p> <p>Cut at least 50 acres of junipers to promote native beneficial forage and vegetation types.</p> <p>Maintain previously restored springs.</p> <p>Maintain Little Boot Lake and springs including yearly maintenance of the dam, spillway and spring.</p>

**PLM AREA LICENSE
5-YEAR RENEWALS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS
NORTH CENTRAL REGION**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Anderson Ranch Deer Zone C4 Glenn 400 Acres</p>	<p>Authorized Harvest: 4 forked horn or better buck deer and 4 antlerless deer</p> <p>Issue 4 deer tags for the period of August 17, 2024 through November 30, 2024.</p> <p>Issue 4 tags to take antlerless deer for the period of August 17, 2024 through November 30, 2024.</p>	<p>Establish 2 brush piles (10 feet x10 feet x 6 feet) at the edges of the walnut orchard.</p> <p>Plant 25 acres of cover crop.</p> <p>Plant 1 acre of grain (wheat, safflower, sunflower, or corn).</p> <p>Maintain 5 blue bird nesting boxes, two turtle basking logs, 20 oak tree plantings and 15 coyote brush plantings.</p>
<p>Bird Haven Ranch Deer Zone D3 Glenn 2,500 Acres</p>	<p>Authorized Harvest: 6 forked horn or better buck deer and 2 either-sex deer</p> <p>Issue 6 buck deer tags with 1-2 of these tags donated to a non-profit or sold to generate revenue for any such non-profit. The harvest period will be from August 17, 2024 through November 30, 2024.</p> <p>Issue 2 either-sex deer tags for junior hunters. The harvest period will be from August 17, 2024 through November 30, 2024.</p>	<p>Maintain current conditions by irrigating approximately 1,320 acres of wetland habitat. This includes mowing, burning, grinding, and contouring units to promote early successional pants, improve water flow and reduce unwanted decadent vegetation.</p> <p>Maintain and monitor a minimum of 100 wildlife nesting boxes.</p> <p>Spray, cut/remove 1-2 acres of Himalayan Blackberry & other invasive species within Riparian & Meadow Habitats.</p> <p>Plant at least 10 separate (≥ 25 acres) foraging/nesting habitat food plots (corn, safflower, oats, milo etc.)</p> <p>Spot Spray, mow/disc 150 acres of noxious weeds to promote early succession forage plants.</p> <p>Conduct 2 deer surveys.</p>

**PLM AREA LICENSE
5-YEAR RENEWALS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Ordway Ranch Deer Zone D5 Calaveras 850 Acres	Authorized Harvest: 6 forked horn or better buck deer Issue 6 buck deer tags for the period of September 28, 2024 through November 30, 2024.	Maintain 3 water sources for wildlife (including 3 solar-powered wells). Maintain 850 acres of fencing. Maintain 4 brush piles 10 feet wide x 6 feet tall. No cattle grazing in Pasture A. Maintain 53 acres of cattle exclusion fencing along riparian areas. Control invasive weeds through physical removal or spraying on 5-10 acres Masticate 3 acres of decadent brush. Conduct 1 deer survey. Annual inspection and repair of 47,250 feet of perimeter fencing.

CENTRAL REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Tejon Ranch Deer Zone D10 Kern & Los Angeles 270,000 Acres	Authorized Harvest: 40 forked horn or better buck deer, 5 antlerless deer, 12 bull elk, 3 cow elk, and 15 bearded turkeys Issue 20 buck deer tags for the period of September 20, 2024 through November 3, 2024 (early season). Issue 20 buck deer tags for the period of November 4, 2024 through December 31, 2024 (late season).	Treat roadside invasive weeds in Comanche, Alamo, Haul Road, and Antelope Valley. Treat invasive weeds at pond sites. Maintain 200+ wildlife water systems and wildlife escape ramps. Repair and maintain guzzler system, including water truck servicing. Complete 200 Residual Dry Matter (RDM) surveys to inform cattle grazing and compatibility with wildlife management.

**PLM AREA LICENSE
5-YEAR RENEWALS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Tejon Ranch Cont.	<p>Issue 5 antlerless deer tags for the period of December 1, 2024 through December 31, 2024.</p> <p>Issue 12 bull elk tags and 3 antlerless elk tags for the period of September 1, 2024 through December 31, 2024.</p> <p>No persons shall take more than 1 buck deer, 1 bull elk, and 1 antlerless elk.</p> <p>Issue 15 bearded turkey tags for the period of March 14, 2025 through May 21, 2025.</p>	<p>Maintain netting covering open water tanks and large spring containments to prevent accidental wildlife drowning, particularly of California condors.</p> <p>Maintain fencing to exclude cattle from riparian zones and guzzlers; maintain smooth wire pasture fences modified for pronghorn movement.</p> <p>Construct six 400-gallon water troughs with wildlife escape ramps, two 10,000-gallon water tanks, and appx. 6.5 miles of wildlife friendly cattle fencing to keep cattle out of riparian areas during the dry season (Lookout Pasture Project).</p>
<p>Work Ranch Deer Zone A Monterey 12,242 Acres</p>	<p>Authorized Harvest: 1 bull elk, 2 antlerless elk, 6 forked horn or better buck and 2 antlerless deer</p> <p>Issue 1 bull elk tag for the period of July 1, 2024, through December 31, 2024.</p> <p>Issue 6 buck deer tags and 2 either-sex deer tags to take no more than 6 buck and 2 antlerless deer for the period of July 2, 2024, to November 30, 2024.</p> <p>The Work Ranch is not requesting their antlerless elk tags for the 2024 season.</p>	<p>Maintain and improve existing water points wherever possible.</p> <ul style="list-style-type: none"> · New tank at Walker spring. · Solar panels and pump at Leach. · Two replacement wells · Finish water project in Archer Canyon. · Add 1 new ground level trough to Carr Hill Field · Add 2 wildlife water ramps annually (until all installed). <p>Treat noxious weeds annually to enhance and maintain habitats for wildlife.</p> <p>Plant or volunteer grain for wildlife.</p> <p>Opportunistically construct brush piles at wood cutting sites.</p> <p>Implement 2x bat roosts, raptor perches or owl boxes annually</p>

**PLM AREA LICENSE
5-YEAR RENEWALS, 2024-2028
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS
SOUTH COAST REGION**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Santa Catalina Island</p> <p>Deer Zone D-15</p> <p>Los Angeles</p> <p>42,100 Acres</p>	<p>Authorized Harvest: 1,000 deer</p> <p>Issue 500 either sex deer tags for the period of July 12, 2024 to December 26, 2024.</p> <p>Upon written request of the licensee on or before October 1, 2024, issue up to an additional 250 either-sex deer tags to accomplish the authorized harvest. Any tags not requested during this request-period can be rolled over into and allocated during the next request period.</p> <p>Upon written request of the licensee on or before December 1, 2024, issue an additional 250 either-sex deer tags to accomplish the authorized harvest.</p>	<p>Continue annual Catalina Island fox recovery activities including: census, vaccination of 300 individuals against CDV/rabies, and monitoring 50 radio collared individuals.</p> <p>Continued monitoring of island for non-native mammals (e.g., raccoons).</p> <p>Continued bison herd management through contraception (maintain <150).</p> <p>Continue animal and plant baseline monitoring activities</p> <p>Continue to optimize weather data collection and analysis.</p> <p>Continue invasive plant removal through contracts with the California Institute of Environmental Studies.</p> <p>Continue monitoring and maintenance of deer exclosures erected post-fire and for rare species.</p> <p>Continue and expand education and outreach through Naturalist Training, Kids in Nature, Island Scholars, Families in Nature, and Nature Works programs.</p>

Memorandum

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**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

NORTHERN REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Ash Valley Ranch Deer Zone X3A</p> <p>Lassen 8,736 Acres</p>	<p>Authorized Harvest: 4 forked horn or better buck deer and 1 pronghorn antelope</p> <p>Issue 6 buck deer tags to take 4 forked horn or better buck deer for the period August 17, 2024, through November 30, 2024.</p> <p>No person shall take more than one buck deer annually in the X zones.</p> <p>In no case shall the number of tags issued be used to exceed the authorized harvest.</p> <p>The number of tag holders actively hunting shall not exceed the number of deer available to harvest.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 3, 2024, through September 30, 2024.</p>	<p>Remove noxious weeds from at least 20 acres by grubbing and/or chemical application.</p> <p>Through rotational grazing prescriptions, maintain previously completed habitat restoration work.</p> <p>Maintenance on at least 40 acres of previously treated juniper removal projects.</p>
<p>Basin View Ranch Deer Zone X2</p> <p>Modoc 8,500 Acres</p>	<p>Authorized Harvest: 7 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 7 buck deer tags for the period of October 1, 2024, through November 30, 2024.</p> <p>No person shall take more than one buck deer annually in the X zones.</p> <p>Issue one buck pronghorn antelope tag for the period of August 1, 2024, through August 30, 2024.</p>	<p>Maintain at least 100 acres of previous juniper clearing projects to encourage shrub and forb recruitment by cutting juniper saplings.</p> <p>Leave at least 35% of crop lands left fallowed on a three-year rotation.</p> <p>Install flushing bar on mowing machines to decrease animals being struck during harvesting.</p> <p>Inspect and, as necessary, repair at least 10 miles of exclusionary fencing that controls livestock movement and grazing around ponds and springs.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Basin View Ranch Cont.		Exclude livestock grazing from 1 of the rotation management units (775 acres) year-round.
Big Bluff Ranch Deer Zone B5 Tehama 3,736 Acres	<p>Authorized Harvest: 9 deer of which no more than 6 may be forked horn or better buck deer and 3 may be antlerless deer</p> <p>Issue 9 either-sex deer tags for the period of August 3, 2024, through November 30, 2024.</p> <p>No antlerless deer shall be harvested before September 15, 2024.</p>	<p>Maintain and improve the Red Bank Restoration Project improvements (native vegetation restoration of 30 acres along 3 miles of creek) by repairing any damage to the livestock control fencing and irrigating until plants are fully established.</p> <p>Install 2 water troughs that allow for wildlife use.</p> <p>Maintain the water development at Miller Place as needed to provide water for wildlife by repairing any damage to the system.</p> <p>Maintain the wildlife-friendly fence below Sunflower Dam to exclude livestock and allow wildlife access to wetlands.</p> <p>Participate in the Sunflower Coordinated Resource Management Program, which is working, in part, to improve wildlife habitat on the surrounding 40,000 acres.</p> <p>Continue to participate in the CAL FIRE Vegetation Management Program to manage mixed chaparral fuels, enhance wildlife habitat, and reduce exotic weeds.</p>
Black Ranch Shasta Deer Zone C3 1,000 Acres	<p>Authorized Harvest: 2 forked horn or better buck deer, 2 antlerless deer, 1 bull elk, and 1 antlerless elk</p> <p>Issue 2 buck deer tags and 2 antlerless deer tags for the period of September 1, 2024, through November 30, 2024.</p>	<p>Maintain the 145-acre wetlands project that was constructed last year to re-establish the native hydrology of the floodplain to Burney Creek.</p> <p>Establish a forest health and fire reduction project on at least 335 acres.</p> <p>Maintain 4 owl boxes and 6 goose nesting platforms by checking use and replacing nesting material as necessary.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Black Ranch Cont.	<p>Issue 1 bull elk tag and 1 antlerless elk tag for the period of September 1, 2024, through November 30, 2024.</p> <p>No antlerless deer or elk may be harvested before September 15, 2024.</p>	<p>Maintain 12 bat boxes.</p> <p>Rebuild 12 wood duck boxes and maintain 18 wood duck boxes along the creek.</p> <p>Conduct rotational regenerative grazing on the property.</p> <p>Replace at least 3 miles of boundary fencing with wildlife-friendly fencing.</p> <p>Establish a conservation easement on the majority of the farmland property.</p>
Cow Creek Ranch Deer Zone C3 Shasta 4,714 Acres	<p>Authorized Harvest: 10 forked horn or better buck deer</p> <p>Issue 10 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No more than 6 buck deer may be taken after October 27, 2024.</p>	<p>Treat 20 acres of decadent brush annually with a bulldozer by clearing and piling brush.</p> <p>Create at least 5 brush piles that are at least 5 feet tall and 20 feet wide.</p> <p>Retain oaks, standing snags and large woody debris that is not a safety hazard.</p> <p>Establish and maintain at least one spring on the property.</p>
Dixie Valley Ranch Deer Zone X3A Lassen 12,500 Acres	<p>Authorized Harvest: 4 forked horn or better buck deer, 2 buck pronghorn antelope, and 1 bull elk</p> <p>Issue 4 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No more than 3 buck deer may be harvested after October 20, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p>	<p>Manage timed cattle grazing on 250 acres of natural pasture containing a large pond, a creek, and several springs in the southeast corner of the ranch during May and September/October to provide forage and water for wildlife.</p> <p>Continue revitalization of at least 90 feet of aspen grove.</p> <p>Juniper removal project tree removal has been completed and the remaining slash piles will be burned.</p> <p>Leave the final cutting of hay standing in the 800-acre irrigated pasture to provide forage for wildlife.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Dixie Valley Ranch Cont.	Issue 2 buck pronghorn antelope tag for the period of August 1, 2024, through September 30, 2024.	<p>Any old fencing will be replaced with wildlife-friendly fencing.</p> <p>Maintain 25 Canada goose nesting platforms at Saw Mill pond, Jacks Hole and in the large marsh area.</p> <p>Maintain at least 21 ponds and 25 miles of canals and waterways.</p>
<p>El Rancho Rio Frio</p> <p>Deer Zone B5</p> <p>Tehama</p> <p>12,682 Acres</p>	<p>Authorized Harvest: 24 forked horn or better buck deer</p> <p>Issue 24 buck deer tags for the period of August 15, 2024, through November 30, 2024.</p> <p>No more than 12 deer may be harvested after October 27, 2024.</p>	<p>Install at least 3 new guzzlers and inspect current guzzlers for damage and repair as necessary.</p> <p>Maintain all roads to ensure erosion control measures are in place to lessen the impacts to any waterways.</p> <p>Check the creek and riparian areas for erosion issues and establish preventative measures.</p> <p>Create at least 3 small wildlife brush piles measuring at least 15 feet in diameter and 6 feet tall.</p> <p>Plant at least 2 acres of previously disturbed areas with perennial grasses and clovers.</p> <p>Maintain at least 10 wood duck boxes along Cold Fork Creek.</p> <p>Control invasive weed species through physical removal, spraying with herbicide, or mowing/weed eating.</p>
<p>Five Dot Ranch - Horse Lake</p> <p>Deer Zone X5A</p> <p>Lassen</p> <p>8,025 Acres</p>	<p>Authorized Harvest: 1 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 1 buck deer tag for the period of September 12, 2024, through November 30, 2024.</p>	<p>Maintenance of rehabilitation project to Coon Camp Springs the spring and associated riparian vegetation on 20 acres by excluding cattle (allow grazing for 4-5 days only), a water storage tank, solar panel, and troughs. Continued clearance of juniper trees in an 80-acre area to enhance the riparian and wildlife habitat.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Five Dot Ranch - Horse Lake Cont.	<p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 12, 2024, through September 24, 2024.</p>	<p>Defer livestock grazing of the 300-acre Packard Field until after July 1 to improve duck and goose brood survival. Grazing will occur between July 1, 2024, and October 15, 2024.</p> <p>Maintain 5 goose nesting platforms at Packard Reservoir and Coon Camp Reservoir as needed.</p> <p>Knock seed off bitterbrush plants so cattle can stomp into the ground for regeneration. Bitterbrush regeneration will be monitored annually through photo monitoring will be conducted to track growth and success of the practice.</p>
<p>Five Dot Ranch – School Section</p> <p>Deer Zone X5A</p> <p>Lassen</p> <p>640 Acres</p>	<p>Authorized Harvest: 1 forked horn or better buck deer</p> <p>Issue one buck deer tag for the period of September 12, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p>	<p>Maintain livestock exclusion fence around 2 aspen patches by inspecting it regularly and making any necessary repairs.</p> <p>Cut and disperse 50 mountain mahogany branches with ripe seeds to recruit young plants. Photo monitoring will be conducted to track growth and success of the practice.</p> <p>Cattle grazing will not be utilized during this year.</p>
<p>Five Dot Ranch - Tunnel Springs</p> <p>Deer Zone X5A</p> <p>Lassen</p> <p>2,600 Acres</p>	<p>Authorized Harvest: 1 forked horn or better buck deer and 2 buck pronghorn antelope</p> <p>Issue 1 buck deer tag for the period of September 12, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 2 buck pronghorn antelope tags for the period of August 12, 2024, through September 24, 2024.</p>	<p>Repair damaged livestock-exclusion fencing with wildlife-friendly fencing at Tunnel Springs.</p> <p>Retain water in 2 reservoirs at 50% of the current year's water capacity for wildlife.</p> <p>Remove 100 junipers from around Tunnel Springs and the reservoirs.</p> <p>Knock seeds off bitterbrush plants in the fall so cattle can stomp into the ground for regeneration. Bitterbrush regeneration will be monitored annually photo monitoring will be conducted to track growth and success of the practice.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Five Dot Ranch - Tunnel Springs Cont.		<p>Maintain the solar panel water pump system that keeps 12 water troughs full to provide water for wildlife.</p> <p>Coordinate with BLM to facilitate the gathering of wild horses on the property as soon as possible.</p>
<p>Five Dot Ranch - Willow Creek</p> <p>Deer Zone X4</p> <p>Lassen</p> <p>7,200 Acres</p>	<p>Authorized Harvest: 7 forked horn or better buck deer and 2 buck pronghorn antelope</p> <p>Issue 8 buck deer tags to take 7 buck deer for the period of September 12, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>In no case shall the number of tags issued be used to exceed the authorized harvest</p> <p>The number of tag holders actively hunting shall not exceed the number of deer available to harvest.</p> <p>Issue 2 buck pronghorn antelope tags for the period of August 12, 2024, through September 24, 2024.</p>	<p>Repair any damaged livestock-exclusion fencing around 4 aspen and willow stands totaling 30 acres that provide deer fawning habitat.</p> <p>Crush at least 20 acres of snowbrush to provide new palatable forage at different sites in Sections 21, 22, 27, or 28. Photo monitoring will be conducted to track growth and success of the practice.</p> <p>Retain water in reservoirs and ponds at 50% of the current year's water capacity for wildlife by filling them as needed.</p> <p>Leave the third cutting of alfalfa on 100 acres west of Hwy 139 for deer and pronghorn antelope use.</p> <p>Maintain a 50-acre field of alfalfa and grass, providing forage for deer.</p> <p>Leave a minimum of 100 acres of third cutting alfalfa for wildlife.</p> <p>Maintain 4 goose nesting platforms at Round Valley Reservoir.</p> <p>Continue to maintain the 150-foot radius Bald eagle protection area in section 30.</p> <p>Leave 100 acres of bitterbrush in the Windmill Field for wildlife.</p> <p>Leave 50 acres of native vegetation in the triangle field between SR 139 and Horse Lake Road for wildlife use.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Grasshopper Valley Ranch</p> <p>Deer Zone X5A</p> <p>Lassen</p> <p>12,063 Acres</p>	<p>Authorized Harvest: 3 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 3 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 1, 2024, through September 3, 2024.</p>	<p>Exclude cattle from the northern 1/2 of the Grasshopper Valley during greater sage grouse breeding season from December 1 through May 31 annually.</p> <p>Replace at least 2 miles of old fencing with wildlife-friendly fencing.</p> <p>Install 3 float regulated water troughs with wildlife escape ramps</p> <p>Ditch repairs and laser level fields to better utilize irrigation water and create more forage availability.</p> <p>Juniper removals as needed and outlined from CDFW staff.</p>
<p>Hathaway Oak Run Ranch</p> <p>Deer Zone C3</p> <p>Shasta</p> <p>6,640 Acres</p>	<p>Authorized Harvest: 12 forked horn or better buck deer</p> <p>Issue 12 buck deer tags for the period of September 21, 2024, through November 30, 2024.</p> <p>No more than 8 buck deer may be harvested after October 27, 2024.</p>	<p>Develop 2 spring sites to provide year-round water sources for wildlife, one in the SE corner of section 3 and one in the Swede Creek basin of section 4.</p> <p>Maintain the 6-acre riparian livestock exclusion on Swede Creek by inspecting fencing and making any necessary repairs.</p> <p>Maintain existing spring developments that provide year-round water for wildlife by checking for broken pipes and repairing as necessary and clearing sediment and vegetation from the sources.</p> <p>Maintain 10 wood duck boxes.</p> <p>Maintain existing deer forage areas by diverting spring water over the maximum area possible and along the contour through a shallow ditch system.</p> <p>Promote vernal pool flora and fauna by using cattle grazing to protect and maintain 2 vernal pools in Section 9 and 18.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Hathaway Oak Run Ranch Cont.		<p>Maintain or create 4 brush piles at least 6 feet high and 10 feet wide.</p> <p>Maintain previously installed owl boxes along Oak Run Creek by checking use and replacing material as necessary.</p>
<p>Jerusalem Creek Ranch</p> <p>Deer Zone B5</p> <p>Shasta</p> <p>726 Acres</p>	<p>Authorized Harvest: 4 forked horn or better buck deer</p> <p>Issue 4 buck tag for the period of August 20, 2024, through November 30, 2024.</p>	<p>Maintain previous water sources that provide water for wildlife by checking for broken pipes and repairing as necessary.</p> <p>Mechanically treat a minimum of 10 acres decadent Ceanothus or white leaf manzanita.</p> <p>Enhance and maintain 2 spring sources by removing invasive plants and maintaining exclusionary fencing.</p> <p>Create wildlife migratory travel routes through clearing ridges, trails, and road systems on 5 acres over the next 5 years.</p>
<p>JS Ranch</p> <p>Deer Zone C3</p> <p>Shasta</p> <p>7,134 Acres</p>	<p>Authorized Harvest: 12 forked horn or better buck deer and 1 bull elk</p> <p>Issue 12 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No more than 6 buck deer may be harvested after October 27, 2024.</p> <p>Issue 1 bull elk tag for the period of August 1, 2024, through November 30, 2024.</p>	<p>Retain vegetation for wildlife cover along irrigation canal banks to the extent it does not interfere with ditch maintenance.</p> <p>Grazing management will be used to prevent erosion and leave browse and grass for wildlife use.</p> <p>Maintain water in irrigation canals year-round to provide water for wildlife.</p> <p>Continue to maintain at least 750 acres of irrigated pastures for wildlife use.</p> <p>Maintain at least a 50-acre irrigated pasture for elk foraging in the northeast corner of the ranch and the Rock Garden Flats.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
JS Ranch Cont.		<p>Mechanically control the spread of extensive blackberry thickets within a 650-acre area. Bramble margins and some interior areas will be cut or crushed to reduce blackberry water consumption and increase forage.</p> <p>Install water bars on dirt roads adjacent to Cow Creek to prevent sediment erosion flowing into the creek.</p> <p>Maintain the exclusion of livestock from 0.5 miles of riparian area by inspecting exclusion fencing and repairing any damage.</p> <p>Maintain at least 4 food plots for wildlife forage.</p> <p>Maintain cattle exclusion fencing and replant 50 acres within 4 wildlife food plots.</p> <p>Maintain the livestock exclusion area of 1,000 acres to provide forage for wildlife during late summer and early fall. Livestock are excluded from June 1, 2024 through October 31, 2024.</p> <p>Enhance and maintain ponds by enlarging and repairing spillways and dams and making any other necessary repairs.</p> <p>Maintain a 200-acre fenced area with no human disturbance or cattle grazing for wildlife use year-round.</p> <p>No commercial wood or rock harvesting on the entirety of the ranch</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Kampmann Ranch</p> <p>Deer Zone C3</p> <p>Shasta</p> <p>557 Acres</p>	<p>Authorized Harvest: 3 forked horn or better buck deer</p> <p>Issue 3 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p>	<p>Maintain a livestock exclusion area encompassing at least 200 acres.</p> <p>Rotationally graze no more than 40 pair of cattle from April 1 through June 15</p> <p>Remove 1000 feet of woven wire fencing and replace it with wildlife-friendly fencing.</p> <p>Create a riparian protection area in Unit 2.</p> <p>Treatment of Himalayan blackberry thickets in Area 2.</p> <p>Rangeland seeding in at least 1 acre.</p> <p>Install at least 2 erosion control structures.</p> <p>Mechanically treat at least 0.50 acre of decadent brush to create more palatable feed for wildlife.</p> <p>Install at least 1 wood duck nesting box</p>
<p>Kramer Ranch PLM</p> <p>Deer Zone X1</p> <p>Lassen</p> <p>4,070 Acres</p>	<p>Authorized Harvest: 5 forked horn or better buck deer</p> <p>Issue 5 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p>	<p>Plant at least 2 acres of quaking aspen and fence with wildlife-friendly fencing.</p> <p>Remove conifers and junipers from the 2-acre aspen plantation.</p> <p>Maintain all existing wildlife-friendly fences.</p> <p>Remove conifer and junipers from springs.</p> <p>Maintain aspen exclusion fencing from previous projects.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Little Dry Creek Ranch</p> <p>Deer Zone C4</p> <p>Tehama</p> <p>2,000 Acres</p>	<p>Authorized Harvest: 2 forked horn or better buck deer</p> <p>Issue 2 buck deer tags for the period of October 20, 2024, through November 30, 2024.</p>	<p>Continue to exclude livestock grazing from the entire ranch to benefit wildlife.</p> <p>Maintain 3 springs and associated planted perennial grass areas by checking for broken pipes and repairing as necessary.</p> <p>Treat at least 2 acres of yellow star thistle with herbicides.</p> <p>Keep trespass livestock off the ranch by annually inspecting the perimeter fence and repairing any damage</p>
<p>Long Prairie Farms</p> <p>Deer Zone X1</p> <p>Siskiyou</p> <p>1,814 Acres</p>	<p>Authorized Harvest: 2 either-sex deer and 1 bull elk</p> <p>Issue 2 either-sex deer tags for the period of September 8, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>No antlerless harvest may occur before September 15, 2024.</p> <p>Only 1 buck deer shall be harvested after October 20, 2024.</p> <p>Issue 1 bull elk tag for the period of September 8, 2024, through December 31, 2024.</p>	<p>Remove western juniper from at least 5 acres to improve shrub recruitment.</p> <p>Increase forage quality for wildlife by pruning bitterbrush and mechanically disturbing the soil within a 5-acre area.</p> <p>Maintain 9 miles of exclusion fencing on the ranch to prohibit grazing from trespass cattle.</p> <p>Use ground water pumps to create and maintain a 1-acre wetland to provide year- round water for wildlife.</p> <p>Retain at least 200 acres of alfalfa and timothy grass in the crop pivot corners to provide fall forage for wildlife.</p> <p>Identify and retain at least 3 pine and/or juniper trees currently providing nesting opportunities for raptors on the ranch.</p> <p>Install 1 wildlife-friendly fence crossing.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Lookout Ranch Deer Zone X1 Modoc 6,880 Acres</p>	<p>Authorized Harvest: 6 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 6 buck deer tags for the period of August 15, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 15, 2024, through November 30, 2024</p>	<p>Remove western junipers from 3 acres at Moon Pasture.</p> <p>Water development project in the South meadow.</p> <p>Plant 100 willows in the middle check of the F3 wetland brood pond.</p> <p>Plant at least 12 acres of wild smart weed and water grass in Buck Pasture Ridge and 10 acres for upland gamebirds and deer/antelope to be left unharvested and ungrazed.</p> <p>Rotate 200 head of cattle through all of deeded ground. During summer, graze 75% of cattle on private lease ground, then bring cattle back to the ranch in fall to manage crop residue that restricts plant growth and development. Gather cattle and ship to winter pasture.</p> <p>Build at least 5 brush piles measuring at least 12 feet in diameter by 8 feet tall in the Moon Pasture to provide escape cover for wildlife.</p>
<p>Mendiboure Cold Springs Ranch Deer Zone X5B Lassen 1,880 Acres</p>	<p>Authorized Harvest: 1 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 1 buck deer tag for the period of September 28, 2024, through November 17, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 24, 2024, through September 8, 2024</p>	<p>Maintain 2-acre young aspen exclosure above Hall Cabin.</p> <p>Maintain and repair all exterior fencing that received damage from the W-5 Cold Springs Fire.</p> <p>Cut at least 50 mountain mahogany branches with ripe seeds and disperse on the ground in order to recruit young plants.</p> <p>Mechanically remove at least 20 western junipers from near East Spring.</p> <p>Maintain East Meadow spring by checking and repairing any damaged parts.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Mendiboure Cold Springs Ranch Cont.		Continue rotational cattle grazing between 2 pastures so that the residual dry matter does not fall below 40% using the Double-Weight sampling technique.
Mendiboure Ranch Deer Zone X5B Lassen 8,840 Acres	<p>Authorized Harvest: 3 forked horn or better buck deer and 1 buck pronghorn antelope</p> <p>Issue 6 buck deer tags to take 3 buck deer for the period of September 28, 2024, through November 17, 2024.</p> <p>No person may take more than 1 buck deer annually in the X zones.</p> <p>In no case shall the number of tags issued be used to exceed the authorized harvest.</p> <p>The number of tag holders actively hunting shall not exceed the number of deer available to harvest.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 24, 2024, through September 8, 2024.</p>	<p>Maintain aspen and willow livestock exclosure fencing at Etchecopar Spring, Van Loan Creek, and Big Springs by checking and repairing fencing if needed.</p> <p>Removal of at least 25 junipers from the Mendiboure reservoir. Create brush piles from these removed trees.</p> <p>Maintain at least 7 acres of dryland alfalfa and reseed as necessary for wildlife. Construct a wildlife-friendly fence to exclude cattle from the plot.</p> <p>Maintain springs and water sources.</p> <p>Cut at least 150 mountain mahogany branches with ripe seeds and disperse on the ground in order to recruit young plants.</p> <p>Maintain perimeter fences.</p> <p>Continue rotational cattle grazing so that the residual dry matter does not fall below 40% using the Double-Weight sampling technique.</p> <p>Invasive weed control through chemical applications.</p>
Mill Creek Ranch Deer Zone C4 Tehama 21,094 Acres	<p>Authorized Harvest: 26 forked horn or better buck deer</p> <p>Issue 26 buck deer tags for the period of September 16, 2024, through November 30, 2024.</p>	<p>Begin a large-scale feral cattle removal project from the property in which at least 170 cattle will be removed this year.</p> <p>Protect and enhance at least 1 spring site by installing wildlife-friendly fencing allowing for riparian vegetation to regrow.</p> <p>Remove at least 0.50 mile of internal wildlife-unfriendly fencing.</p>

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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Mill Creek Ranch Cont.		Mastication or burn at least 10 acres of decadent chaparral.
Observation Peak Ranch Deer Zone X5B Lassen 640 Acres	Authorized Harvest: 1 forked horn or better buck deer Issue 1 buck tag for the period of September 25, 2024, through November 30, 2024. No person shall take more than one buck deer annually in the X zones.	Seed 1 acre of mountain mahogany at a rate of 0.20 lbs./acre. Maintain wildlife-friendly fencing on the property. Prune junipers and create wildlife brush piles.
Pondosa Deer Zone X1 Siskiyou 27,734 Acres	Authorized Harvest: 3 either-sex deer, 2 bull elk, and 2 antlerless elk Issue 3 either-sex deer tags of which no more than 2 bucks may be harvested for the period of September 15, 2024, through November 15, 2024. No antlerless deer or elk shall be harvested before September 15, 2024. Issue 2 bull elk tags and 2 antlerless elk tags for the period of September 1, 2024, through November 25, 2024.	Restore at least 50 acres of aspen and meadow areas by removing encroaching conifer seedlings and saplings through the Black Cub THP. Maintenance on Tom Young meadow by removing new conifer growth. Continue ongoing study that utilizes trail cameras to estimate cow:calf ratios on the property. Aspen stem count and photo point surveys.
Red Rock Valley Farms Deer Zone X1 Siskiyou 5,562 Acres	Authorized Harvest: 3 either-sex deer, and 1 bull elk Issue 3 either-sex deer tags for the period of September 8, 2024, through November 30, 2024. No antlerless deer shall be harvested before September 15, 2024.	Selectively remove western juniper from at least 5 acres to improve shrub recruitment. Increase forage quality for wildlife by pruning bitterbrush and mechanically disturbing the soil within a 5-acre area. Maintain 12 miles of exclusion fencing on the ranch to prohibit grazing from trespass cattle.

**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Red Rock Valley Farms Cont	<p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Only 1 buck deer shall be harvested after October 20, 2024.</p> <p>Issue 1 bull elk tag for the period of September 8, 2024, through December 31, 2024.</p>	<p>Install 1 wildlife-friendly fence crossing.</p> <p>Retain 400 acres of alfalfa and timothy grass in the crop pivot corners to provide fall forage for wildlife.</p> <p>Restore and maintain 10-acre wetland by pumping water into it to provide year-round water for wildlife.</p> <p>Protect known pine and juniper trees that provide nesting and perching opportunities for raptors.</p> <p>Maintain Tecnor Spring by removing western juniper trees and silt as necessary.</p>
Rickert Ranch Deer Zone C3 Shasta 4,441 Acres	<p>Authorized Harvest: 10 forked horn or better buck deer and 1 bull elk</p> <p>Issue 10 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>Only 5 buck deer shall be harvested after October 27, 2024.</p> <p>In no case shall the number of tags issued be used to exceed the authorized harvest.</p> <p>The number of tag holders actively hunting shall not exceed the number of deer available to harvest.</p> <p>Issue 1 bull elk tag for the period of August 1, 2024, through November 30, 2024.</p>	<p>Oak recruitment habitat improvement in French Creek. Fertilizing and oak spiking to increase acorn production in a 1-acre plot. (ORHI-3A)</p> <p>Existing pond improvement to 3 Ponds to repair the dam overflow on Pond 3 by inserting a culvert and rebuilding the spillway. (EPI-3A)</p> <p>Owl box development - create and place 6 owl boxes along Swede Creek to increase owl nesting opportunities. (OBD-3A)</p> <p>Brush manipulation for habitat improvement in the 3 Ponds area to enhance regeneration and regrowth of nutritional deer forage. (BDHI-3A)</p>

**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Roberts Ranch Deer Zone X1 Modoc 2,313 Acres	<p>Authorized Harvest: 2 forked horn or better buck deer</p> <p>Issue 2 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p>	<p>Remove/thin at least 5 acres of juniper trees in area 2.</p> <p>Create at least 15 brush piles that are at least 8 feet in diameter and 5 feet tall, located near springs and water sources.</p> <p>Meet with state and federal agencies to establish permanent wetlands.</p> <p>Limit cattle grazing to no more than 50 cow/calf pairs for the entire ranch and will be removed by September 15, 2024.</p>
Salt Creek Ranch Deer Zone B5 Tehama 640 Acres	<p>Authorized Harvest: 3 forked horn or better buck deer</p> <p>Issue 3 buck deer tags for the period of September 1, 2024, through November 30, 2024.</p>	<p>Continue to improve water retention ponds by repairing and plugging any leaks in the dams.</p> <p>Continue planting and maintaining at least 25 acres of fields.</p> <p>Clear snags and implement erosion control measures for at least 5 acres due to the August Complex Fire.</p>

***PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>SL Ranch Deer Zone X3A</p> <p>Modoc 7,500 Acres</p>	<p>Authorized Harvest: 4 forked horn or better buck deer, and 1 buck pronghorn antelope</p> <p>Issue 4 buck deer tags for the period of August 1, 2024, through November 30, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 1, 2024, through September 30, 2024.</p>	<p>Use a combination of chainsaws and herbicides to remove western juniper from at least 5 acres.</p> <p>Flood 455 acres of harvested wild rice fields for waterfowl use.</p> <p>Maintain the livestock exclusion fence around the spring below Likely Mill to exclude cattle.</p> <p>Maintain 2 springs on Rocky Prairie and 1 pond by ensuring that fencing excludes cattle. Any damaged fences and structures will be repaired as necessary.</p> <p>Maintain the livestock exclusion fencing along the West Side Canal where willows are present.</p> <p>Plant 200 willow shoots along the river in Area C.</p>

**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Walton Homestead Family, LLC</p> <p>Deer Zone X3A</p> <p>Lassen</p> <p>5,980 Acres</p>	<p>Authorized Harvest: 5 either-sex deer, and 1 buck pronghorn antelope</p> <p>Issue 5 either-sex deer tags for the period of September 1, 2024, through November 30, 2024.</p> <p>No antlerless deer shall be harvested before September 15, 2024.</p> <p>No person shall take more than 1 buck deer annually in the X zones.</p> <p>Issue 1 buck pronghorn antelope tag for the period of August 1, 2024, through September 30, 2024.</p>	<p>Remove at least 80 acres of junipers yearly. The slash will be used to create wildlife brush piles measuring at least 12 feet in diameter and 6 feet in height.</p> <p>Complete the Horse Meadow and Hanna Springs spring development including wildlife/livestock watering system.</p> <p>Cattle grazing will be restricted every third year by only grazing March through June.</p> <p>Finalize water well, and a solar pump and storage tank will be installed along with piping and troughs to facilitate cattle watering out of the meadows.</p> <p>Maintain wildlife-friendly livestock enclosure fencing around springs and basins and use solar pumping or gravity flow to give cattle and wildlife water access outside the fence.</p> <p>Maintain aspen enclosure fencing and continue to remove junipers and pine trees within the enclosures.</p>
<p>Willow Creek Ranch</p> <p>Deer Zone C2</p> <p>Shasta and Siskiyou</p> <p>4,016 Acres</p>	<p>Authorized Harvest: 5 forked horn or better buck deer</p> <p>Issue 5 buck deer tags for the period of August 17, 2024, through November 30, 2024.</p>	<p>Treat at least 1 acre of oak woodlands to remove encroaching conifers.</p> <p>Meadow encroachment will be treated on 15 acres of seedlings using a weed eater with a blade. A minimum of 5 acres of large conifers will be removed from encroaching the meadow area.</p> <p>Beaver habitat improvement will be conducted in the meadow, a beaver deceiver device has been installed to allow beavers to populate the meadow.</p> <p>Install at least 4 wood duck boxes in the meadow.</p>

**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Willow Creek Ranch		Manage at least 75 acres of mixed conifer forest to enhance openings and create wildlife habitat.

NORTH CENTRAL REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Angel Slough Deer Zone C4 Butte 855 Acres	Authorized Harvest: 5 forked horn or better buck deer, and 6 antlerless deer Issue 5 buck deer tags for the period of August 17, 2024 through November 30, 2024. Issue 6 antlerless deer tags for the period of August 17, 2024 through November 30, 2024. 1 tag to be filled by a junior hunter.	Place 5 wood duck boxes along eastern boundary. Keep water in east boundary pond. Plant 25 acres of cover crops. If accessible spray 1 acre of noxious weeds in Oxbow meadow. Maintain 10 wood duck boxes. Maintain 10 owl features (boxes and perches). Re-plant any previous plantings that did not survive (200). Complete 2 deer surveys.
Deseret Farms Deer Zone C4 Butte 11,114 Acres	Authorized Harvest: 10 forked horn or better buck deer, and 25 antlerless deer Issue 10 buck deer tags for the period of November 1, 2024 through December 31, 2024. Issue 25 antlerless deer tags for the period of November 1, 2024 through December 31, 2024.	Burn/disc pond 3 and soto lake (20 acres). Improve 3 basking mounds by removing cocklebur and seeding with native seed. Remove wild pig. Maintain 3 previously improved basking mounds. Control star thistle (5 acres). Maintain 3 brush piles 10 feet x 10 feet x 5 feet minimum.

**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Deseret Farms Cont		<p>Maintain 10 wood duck boxes.</p> <p>Maintain 10 owl features (boxes and perches).</p>
<p>Llano Seco Ranch</p> <p>Deer Zone D4</p> <p>Butte</p> <p>14,500 Acres</p>	<p>Authorized Harvest: 25 forked-horn or better buck deer, and 5 antlerless deer</p> <p>Issue 25 buck deer tags for the period of September 1, 2024 through November 30, 2024.</p> <p>Issue 5 antlerless deer tags for the period of September 1, 2024 through November 30, 2024.</p>	<p>Treat/mow 400 acres of star and bull thistle on the west side of the ranch.</p> <p>Grow 520 acres of dry land grains.</p> <p>Grow 400-500 acres of Sunflower.</p> <p>Maintain or replace existing 50 owl and wood duck boxes.</p> <p>Maintain or replace 6 pond turtle basking structures.</p> <p>Partner with TNC to restore 480 acres of native grass in previously farmed fields.</p>
<p>M&T Chico Ranch</p> <p>Deer Zone C4</p> <p>Butte</p> <p>5,332 Acres</p>	<p>Authorized Harvest: 5 forked-horn or better buck deer and 10 antlerless deer</p> <p>Issue 5 buck deer tags for the period of August 17, 2024 through December 31, 2024.</p> <p>Issue 10 antlerless deer tags for the period of August 17, 2024 through December 31, 2024.</p> <p>Due to human safety concerns, deer will not be actively hunted during the rut and fruit harvest season on the ranch, that runs from September 1, 2024 through November 1, 2024.</p>	<p>Implement fencing or other options to manage cattle grazing in riparian areas.</p> <p>Improve foraging and nesting habitat for herons and egrets in rookery and for Swainson's hawk and peregrine falcon.</p> <p>Maintain cattle grazing levels at approximately 100 head or less.</p> <p>Treat 20 acres of yellow star thistle, cape ivy, or tree-of-heaven with herbicide.</p> <p>Maintain or replace 10 barn owl and 30 wood duck nest boxes.</p> <p>Perform annual fall deer count to include in the annual Sacramento River Herd Survey Data.</p> <p>Release 200 pheasants to establish population.</p>

**PLM AREA LICENSE
ANNUAL RENEWALS, 2024-2025
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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Rock Creek Deer Zone C4 Butte/Tehama 9,945 Acres</p>	<p>Authorized Harvest: 30 forked horn or better buck deer</p> <p>Issue 33 buck deer tags for the period of August 17, 2024 through November 30, 2024.</p>	<p>Maintain 2 spring sites and 2 well sites which includes repair or replacement of pumps, troughs, and fencing.</p> <p>Maintain 3 brush piles to a minimum of 10 feet x 10 feet x 6 feet.</p> <p>Maintain restrictions on grazing to under 250 AUMs on the Garner Ranch, 210 AUMs on the Rose Ranch and 30 AUMs on the Watson Ranch per suggested usage by N.R.C.S.</p> <p>Set aside 1,300 acres per year with no cattle grazing on the Rose Ranch for years 2022 through 2025.</p> <p>Remove 0.50 mile of old fencing and t-posts to reduce wildlife entanglement and movement hindrance (approximately 2 miles over 4 years) on the Rose Ranch.</p> <p>Install 4- 6 trail cameras on the Watson Ranch Property or perform 2 annual deer surveys to document and report wildlife use.</p>
<p>Smith Flat Ranch Deer Zone A Yolo 1,024 Acres</p>	<p>Authorized Harvest: 5 forked horn or better buck deer</p> <p>Issue 10 buck deer tags for the period of July 13, 2024 through November 30, 2024.</p> <p>1 tag must be filled by a junior hunter.</p>	<p>Maintain the following water systems:</p> <ul style="list-style-type: none"> *Smith Flat - fill two, 2,500-gallon tanks, repair and maintain system. *Shooting Flat – fill 2,500-gallon tank, repair and maintain system. *Desperation Tank – fill 2,500-gallon tank, repair and maintain system. *Spring Box – repair and maintain system *Reservoir Guzzler and 500 Gallon Tank

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ANNUAL RENEWALS, 2024-2025
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PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Smith Flat Ranch Cont.		<p>Maintain quail brush piles (4) to a minimum size of 15 feet wide by 6 feet high.</p> <p>Clean out and repair east side spring box.</p> <p>Plant 0.50 acre of sunflowers and 0.50 acre of safflower in shooting flat.</p> <p>Disc and plant 3 acres of native grass seed on smith flat. 2,000 sq. feet will be a trial plot of winter brassicas and winter wheat. No cattle grazing in this area.</p> <p>Install 1 wildlife guzzler at winters flat.</p> <p>Create 1 quail brush pile in shooting flat and 1 at in winters flat (15 feet wide by 6 feet high)</p> <p>Limit cattle grazing to 60 head in the smith flat area (500 acres) for 8 weeks.</p>
Sugarloaf-Bangor Ranch Deer Zone D3 Yuba 2,626 Acres	<p>Authorized Harvest: 12 forked horn or better buck deer, 50 turkey, 200 quail, and 2 black bears</p> <p>Issue 12 buck deer tags for the period of September 21, 2024 through November 30, 2024.</p> <p>Issue 50 turkey tags for the periods of October 1, 2024 through January 15, 2025 (fall season, either-sex harvest) and March 1, 2025 through May 15, 2025 (spring season, bearded turkey only harvest).</p>	<p>Maintain cattle stocking rate at or below 200 cow/calf pairs.</p> <p>Restrict cattle grazing from December 1 to May 15.</p> <p>Maintain hot line around Round Lake to keep livestock from riparian plantings (willows and cottonwoods).</p> <p>Maintain solar-operated well to provide a consistent water source for Round Lake.</p> <p>Obtain solar and solar pump for BVID water supply basin if needed.</p> <p>Create 5 brush piles (10 feet x10 feet x 6 feet) in areas near water sources.</p> <p>Install 6 blue bird boxes.</p>

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PROPOSED SEASONS, HARVESTS, AND HABITAT IMPROVEMENTS**

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
Sugarloaf-Bangor Ranch Cont.	<p>Issue 200 quail tags for the period of September 1, 2024 through February 28, 2025. Additional orders are approved in 100 seal increments up to the authorized harvest.</p> <p>Issue 2 bear tags to take 2 bear for the period of September 21, 2024 to December 31, 2024 or when the state wide bear quota has been fulfilled.</p>	Install 2 wood duck boxes at round lake

INLAND DESERTS REGION

PLM Area	2024 Proposed Season and Harvest	Habitat Improvement Program
<p>Big Morongo Springs Ranch</p> <p>Deer Zone D14</p> <p>San Bernardino</p> <p>6,632 Acres</p>	<p>Authorized Harvest: 10 forked horn or better buck deer, 1 antlerless deer, and 2 black bear</p> <p>Issue 10 buck deer tags and 1 antlerless deer tag for the period of September 14, 2024 through December 8, 2024.</p> <p>Issue 2 bear tags for the period of September 14, 2024 through December 8, 2024 or when the statewide quota of 1,700 is met.</p>	<p>Continue non-use by livestock.</p> <p>Improve spring and water developments.</p> <p>Implement habitat restoration for non-game species.</p> <p>Repair fire-damaged roads within PLM.</p> <p>Continue monitoring of water sources with trail cameras.</p>

STAFF SUMMARY FOR OCTOBER 11-12, 2023

*(For Background Purposes Only)***9. WHITE STURGEON EMERGENCY REGULATION****Today's Item**Information Action

Discuss and consider adopting emergency regulations concerning recreational take of white sturgeon to support recovery of sturgeon populations and to track fishing pressure and success.

Summary of Previous/Future Actions

- Wildlife Resources Committee (WRC) discussion and recommendation September 19, 2023; WRC
- **Today's adoption hearing** **October 11-12, 2023**

Background

White sturgeon is an anadromous fish species that resides primarily in the San Francisco Bay-Delta and migrates as adults into the major rivers of the Central Valley to spawn. White sturgeon are long lived, potentially in excess of 100 years, with most individuals reaching maturity by approximately 14 to 15 years. Mature white sturgeon spawn every 2 to 5 years. Successful recruitment to the adult population is uncommon, occurring approximately every 6 to 7 years, and is highly correlated with above normal water years as measured by high mean daily Sacramento–San Joaquin River Delta outflow. The abundance of legal-sized white sturgeon in California has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish. In 2015, the Department estimated abundance in California at about 48,000 fish, and the Department's 2023 estimate was about 33,000 fish.

At present, recreational anglers can keep one white sturgeon per day, with a combined total of three per year, between 40 and 60 inches (fork length). The season is open year-round, with some limited regional and/or seasonal closures. Fishing pressure for white sturgeon, as measured by the number of fish harvested by anglers, has remained relatively stable; however, the number of fish caught and released has declined precipitously, indicating that fewer fish overall are being caught. The exploitation rate (i.e., the age-specific proportion of the population or biomass that is removed each year) of white sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015. It has been suggested that the highest exploitation rate that a white sturgeon population can sustain is approximately 5 to 10%.

During July and August 2022, the San Francisco Bay region experienced a major harmful algal bloom (HAB) of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including sturgeon. The resulting mortality has exacerbated what the Department believes to be an already unsustainable level of fishery exploitation of white sturgeon into a crisis situation.

Synopsis of Events

The Commission was first informed about the existence of an emergency through WRC. At the January 2023 WRC meeting at the request of the chair, the Department responded to an op-ed written by various sturgeon researchers in the academic field, calling on the Department to close the recreational white sturgeon fishery. The Department's response included a brief

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discussion of white sturgeon population declines, and the status of white sturgeon data being processed from various sources, including ongoing evaluation of impacts caused to the species by the summer of 2022 HAB, the possibility of future regulatory actions, data collection and modelling, and future stakeholder input. At the January meeting, the Department indicated that, based on the information available at the time, emergency action was not warranted, but that data was still being analyzed.

During the May 2023 WRC meeting, the Department outlined its previous and future plans for stakeholder engagement on the subject of potential white sturgeon regulation changes, stating its intent to develop a proposed regular rulemaking for Commission consideration that would change white sturgeon regulations for the 2025 calendar year, and that the Department was continuing to analyze data to determine the status of white sturgeon and appropriate management measures, including options for changes to sport fishing.

At the September 2023 WRC meeting, the Department presented new evidence on the white sturgeon population, the effects of the HAB, current and historical rates of sturgeon exploitation, and other information, all of which led the Department to conclude that an emergency situation exists. To protect the surviving population of white sturgeon and maintain a recreational fishery into the future, the Department stated that immediate steps are necessary to (1) stop angler-associated harvest of adult white sturgeon and (2) minimize harassment and handling on the spawning grounds so that adults can successfully spawn, and new individuals can recruit to the population.

Given this new information, WRC decided to recommend to the full Commission that it consider an emergency regulation at its next scheduled meeting, in October 2023. As a result of that WRC decision, Commission staff requested the Commission president add an agenda item to the October meeting to allow the Commission to consider emergency action.

Proposed Emergency Regulations

This proposed regulatory action amends sections 5.79, 5.80, 27.90 and 29.72, which describe report card and tagging requirements, seasons, and associated bag limits for white sturgeon recreational fishing in inland waters.

- Section 5.79: Removes language regarding white sturgeon harvest tags, as no harvest would be allowed under the proposed emergency regulations. Adds a requirement for anglers to report the length of any fish caught, to provide the Department with additional data for future management options. Adds language to instruct anglers to report additional sturgeon caught and released to provide data on fishing pressure and success.
- Section 5.80: Specifies white sturgeon fishing seasons from the west Carquinez Bridge east to the Highway 50 bridge on the Sacramento River, and above the Highway 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River; changes the fishing to catch-and-release only; and changes the daily bag limit to 0.
- Section 27.90: Specifies white sturgeon fishing seasons for the Carquinez Bridge area, which falls under the jurisdiction of marine fisheries; changes the fishing to catch-and-release only; and changes the daily bag limit to 0.

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- Section 27.92: Updates language to a bag limit of 0 and specifies that white sturgeon is catch-and-release only in ocean waters.

Further details on the proposed changes are available in the emergency statement and proposed regulatory language (exhibits 4 and 5).

Significant Public Comments

1. An owner of a bait shop writes in opposition to the proposed emergency regulations, stating that the closure is not necessary and will have a dire effect on small businesses and the fishing industry (Exhibit 6).
2. A member of the public expresses concern that the urgency for the rulemaking is exaggerated. They state that the information provided is only from the last 4 years and that historical information from the past 80 years should also be considered. Lastly, they indicate that they are unaware of any successful catch-and-release fisheries on the West Coast, and are skeptical of the survey results that inquired if people would continue to fish without the option of harvest (Exhibit 7).

Recommendation

Commission staff: Adopt the emergency regulations amending sections 5.79, 5.80, 27.90, and 27.92 related to white sturgeon catch and release as recommended by the Department.

Committee: The Wildlife Resources Committee recommends the Commission adopt an emergency regulation regarding recreational take of white sturgeon.

Department: Adopt the emergency regulations as presented in the emergency statement in Exhibit 4 to pause all harvest of white sturgeon within the recreational fishery until new regulations can be developed that will limit exploitation to sustainable rates based on monitoring data.

Exhibits

1. Department presentation
2. Supplementary material from the Department, received October 4, 2023
3. Department memo, received September 22, 2023
4. Draft emergency statement and informative digest
5. Draft proposed regulatory language
6. Email from Leonard Butcher, received September 18, 2023
7. Email from Jacob Linard, received September 25, 2023

Motion

The Commission determines, pursuant to Section 399 of the California Fish and Game Code, that adopting these regulations is necessary for the immediate conservation, preservation, and protection of birds, mammals, fish, amphibians, or reptiles, including, but not limited to, their nests or eggs.

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The Commission further determines, pursuant to Section 11346.1 of the California Government Code, that an emergency situation exists and finds the proposed regulations are necessary to address the emergency.

Moved by _____ and seconded by _____ that the Commission adopts the emergency regulations amending sections 5.79, 5.80, 27.90 and 27.92 related to white sturgeon catch and release fishing regulations.

Memorandum

Date: May 15, 2024

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

From: Charlton H. Bonham
Director

Subject: Submittal of Emergency Statement for Second Readoption of Sections 5.79, 5.80, 27.90 and 27.92, Title 14, California Code of Regulations, Re: White Sturgeon

Please find attached the Findings of Emergency and Statement of Proposed Emergency Regulatory Action to Readopt (second 90-day extension) amendments to sections 5.79, 5.80, 27.90 and 27.92, of Title 14, California Code of Regulations (CCR). At its October 11, 2023 meeting, the Fish and Game Commission (Commission) approved an emergency rulemaking amending sections 5.79, 5.80, 27.90, and 29.72, Title 14, CCR, which describe report card and tagging requirements, and seasons and bag limits for White Sturgeon sport fishing in inland waters. The current emergency rule will expire on August 18, 2024, unless it is readopted for an additional 90 days at the June 20, 2024 Commission meeting. The continuation of the emergency action reducing the bag limit, reducing the size limit, instituting a per-day vessel limit, and closing fishing in migrating and spawning habitat is necessary to protect the White Sturgeon population until a long-term regulation can be implemented.

During July and August 2022, the San Francisco Bay region experienced a major Harmful Algal Bloom (HAB) that resulted in significant mortality of sturgeon. The Department recorded over 850 sturgeon carcasses, the majority legal-sized or larger. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected. The absolute magnitude of this impact on the White Sturgeon population is unknown but is thought to be significant.

To protect the surviving population and maintain a recreational fishery into the future, immediate steps are necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds. Continuing the emergency action directed at reducing exploitation rate and protecting reproduction of the species is necessary until long-term regulations are enacted that will adequately protect the remaining White Sturgeon population.

We request submission of this emergency action to the Office of Administrative Law after consideration at the June meeting. If you have any questions or need additional information, please contact Jay Rowan, Chief, Fisheries Branch at fisheries@wildlife.ca.gov. The Department point of contact for this emergency regulation should identify Statewide Sturgeon Coordinator, John Kelly. He can be reached at sturgeon@wildlife.ca.gov.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 15, 2024
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cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division

Dan Kratville, Senior Environmental Scientist (Supervisor)
Fisheries Branch
Wildlife and Fisheries Division

John Kelly, Statewide Sturgeon Coordinator
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Megan Cisneros, Lieutenant
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Jenn Bacon, Analyst
Fish and Game Commission

State of California
Fish and Game Commission
Finding of Emergency and
Statement of Proposed Emergency Regulatory Action

Readoption of Emergency Action to Amend Sections 5.79, 5.80, 27.90, and 27.92
Title 14, California Code of Regulations
Re: White Sturgeon

Date of Statement: May 8, 2024

Throughout this document, Department or CDFW refer to the California Department of Fish and Wildlife and Commission refers to the California Fish and Game Commission. Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

I. Emergency Regulations in Effect to Date

At its October 11, 2023 meeting, the Commission approved an emergency rulemaking amending sections 5.79, 5.80, 27.90, and 29.72, Title 14, CCR, which describe report card and tagging requirements, and seasons and bag limits for white sturgeon sport fishing in inland waters. The Commission approved the re-adoption (emergency extension) of this emergency rulemaking for an additional 90 days at its February 15, 2024 meeting.

Background

White Sturgeon Sport Fishing

White sturgeon (*Acipenser transmontanus*) are an anadromous species of fish that reside primarily in the San Francisco Bay Delta (SF Bay) and migrate as adults into the major rivers of the Central Valley to spawn. Most spawning occurs in the Sacramento River approximately between Verona and Colusa (Schaffter 1997), with a lesser amount of spawning on the lower San Joaquin River (Jackson et al. 2015). Some additional spawning may occur in tributaries such as the Feather, Bear, and Yuba rivers. White sturgeon are long lived, potentially in excess of 100 years, with most reaching maturity by approximately 19 years, spawning every two to four years once mature (Chapman et al. 1996; Hildebrand et al. 2016). Successful recruitment to the adult population is uncommon, occurring approximately every six to seven years, highly correlated with above normal water years as measured by high mean daily Delta outflow (CDFW 2023; Fish 2010). The abundance of legal-sized white sturgeon has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish (CDFW 2023; Danos et al. 2019). In 2015, the Department estimated abundance at about 48,000 fish (Danos et al. 2019), and the most recent estimate was about 33,000 fish (CDFW 2023).

Fishing pressure for white sturgeon has remained stable at roughly 40,000 to 45,000 anglers per year since 2013 when fees were first charged for the Sturgeon Fishing Report Card (Card). Based on Card returns, the number of fish harvested by anglers has remained relatively stable. However, the number of fish caught and released has declined precipitously, indicating that fewer fish

overall are being caught. According to Card data, in 2021, anglers kept 46% of landed fish (Hause et al. 2021). The majority of anglers that harvest fish keep only one a year (75%), with only about 5% of anglers that harvest (1% of Cardholders) keeping the full three-fish limit. Exploitation rate of white sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015 (Blackburn et al. 2019) and averaging 8.1% in the years since that time (CDFW 2023). It is suggested that the highest exploitation rate that a sturgeon population can sustain is approximately 5 to 10% (Beamesderfer and Farr 1997), and that does not account for other anthropogenic sources of mortality such as habitat loss, altered hydrology, or contaminants. For comparison, Washington and Oregon use 3.8% as a target for management in areas that permit harvest.

Section 5.79, White Sturgeon Report Card and Tagging Requirements for Inland Waters

The emergency regulations amended white sturgeon report card and tagging requirements for inland waters in the following subsections:

- All subsections: White sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (b): Edit text to reflect that report cards will come with only one tag rather than three. Add subsections (7) and (8) to clarify when anglers can continue to fish catch and release after harvesting a fish. Anglers will not be permitted to fish catch and release the same day they harvest a fish in order to prevent 1) take over the daily possession limit and 2) “high grading” (holding a fish in captivity while continuing to fish in the hopes of catching a larger individual).
- Subsection (c)(1): Add a requirement for anglers to report length of caught fish. This is necessary to provide more data availability on the nature of size to inform future management options related to age.
- Subsection (c)(2): Remove the current language that tells anglers if all lines on the card are filled, any additional sturgeon caught and released do not need to be recorded, and replace with language guiding anglers to report additional sturgeon caught and released on the back of the card. This is necessary in order to track fishing pressure and success. It is valuable to track all fish caught by anglers and this should not be restricted simply by the size of the printed card. This type of data allows the Department to form a better understanding of the fishery as we plan long-term regulations for the fishery.

Section 5.80, White Sturgeon

The proposed regulations will amend the white sturgeon open season and daily and annual bag limit in the following subsections:

- All subsections: White sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (a); from the west Carquinez Bridge east to the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River the fishing season will remain open all year. Above the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River, including all tributaries of both rivers, fishing will be allowed from

June 1 through December 31 and all fishing for sturgeon will be unlawful from January 1 to May 31. This is necessary to maintain recreational fishing, which has economic and cultural benefits, while preventing additional mortality of the impacted white sturgeon population and minimizing harassment and handling of migrating and spawning individuals. White sturgeon are known to handle catch and release fishing with minimal adverse impacts except during migration and spawning season when additional stress of catch can cause fish to abort spawning activities.

- Subsection (b), now (b) and (c); Divide this subsection so there are individual sections for daily and annual limits. This will allow unambiguous clarification of when catch and release angling is permitted. Change the annual bag limit of “three fish per year statewide” to “one fish per calendar year statewide”. This is necessary to reduce harvest of white sturgeon in inland waters to ensure protection of the population impacted by the HAB-induced fish kill and provide protection during migration and spawning.
- Add subsection (d); add vessel daily limit of two fish per day per vessel, regardless of how many sturgeon report card holders are on board. This will help reduce the daily amount of harvest associated with multi-angler vessels, both private and professional, and should contribute to less overall harvest of the adult population.
- Subsection (c), now (e): change the minimum legal size from 40 to 42 in. fork length and the maximum size from 60 to 48 in. fork length. Reducing the slot limit to target a lower size range of adults is expected to reduce overall harvest and provide more protection of the larger, most reproductively valuable fish in the population.
- Subsections (e) through (l) will need to be re-lettered to account for the splitting of subsection (b) and the addition of subsection (d) daily vessel maximum harvest.

Section 27.90, White Sturgeon

These regulations refer to areas west of the Carquinez Bridge, which fall under the jurisdiction of marine fisheries. The emergency regulations will amend the white sturgeon open season and daily and annual bag limit in the following subsections:

- All subsections: White sturgeon has been capitalized for consistency throughout the regulation consistent with the Department’s following of the 7th edition of *Common and Scientific Names of Fishes from the United States, Canada, and Mexico* (AFS Special Publication 34; 2013).
- Subsection (a): west of the Carquinez Bridge, angling will be allowed all year, except as described in Section 27.95. This note has been added to explicitly draw attention the existing seasonal closure in San Francisco Bay.
- Subsection (b), now (b) and (c); Divide this subsection so there are individual sections for daily and annual limits. This will allow unambiguous clarification of when catch and release angling is permitted. Change the annual bag limit of “three fish per year statewide” to “one fish per calendar year statewide”. This is necessary to reduce harvest of white sturgeon in marine waters to ensure protection of the population impacted by the HAB-induced fish kill and provide protection during migration and spawning.

- Add subsection (d); add vessel daily limit of two fish per day per vessel, regardless of how many sturgeon report card holders are on board. This will help reduce the daily amount of harvest associated with multi-angler vessels, both private and professional, and should contribute to less overall harvest of the adult population.
- Subsection (c), now (e): change the minimum legal size from 40 to 42 in. fork length and the maximum size from 60 to 48 in. fork length. Reducing the slot limit to target a lower size range of adults is expected to reduce overall harvest and provide more protection of the larger, most reproductively valuable fish in the population.
- Subsections (c) through (h) will need to be re-lettered to account for the splitting of subsection (b) and the addition of subsection (d) daily vessel maximum harvest.

Subsection 27.92, White Sturgeon Report Card and Tagging Requirements for Ocean Waters

The proposed regulations will amend white sturgeon report card and tagging requirements for ocean waters in the following subsections:

- All subsections: White sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (b): Edit text to reflect that report cards will come with only one tag rather than three. Add subsections (7) and (8) to clarify when anglers can continue to fish catch and release after harvesting a fish. Anglers will not be permitted to fish catch and release the same day they harvest a fish in order to prevent 1) take over the daily possession limit and 2) “high grading” (holding a fish in captivity while continuing to fish in the hopes of catching a larger individual).
- Subsection (c)(1), now subsection (b)(1); add a requirement for anglers to report length of caught fish to provide more data availability to inform future management options. Subsection (c)(2), now subsection (b)(2); remove the current language that tells anglers if all lines on the card are filled any additional sturgeon caught and released do not need to be recorded and replace with language guiding anglers to report additional sturgeon caught and released on the back of the card. This is necessary in order to track fishing pressure and success. It is valuable to track all fish caught by anglers and this should not be restricted simply by the size of the printed card. This type of data allows the Department to form a better understanding of the fishery as we plan long-term regulations for the fishery.

II. Request for Approval of Readoption of Emergency Regulations

On October 11, 2023, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits, and instituted per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat. This was intended to protect the existing population in the short term while allowing time for the Department to develop new long-term management measures for the future population. The emergency regulations went into effect on November 16, 2023. On April 18, 2024, the Commission voted to extend the emergency regulations for 90 days.

The current emergency rule will expire, on August 18, 2024, unless it is readopted through a second extension of an additional 90 days at the June 20, 2024 Commission meeting. The continuation of the emergency action reducing the bag limit, reducing the size limit, instituting a per-day vessel limit, and closing fishing in migrating and spawning habitat is necessary to protect the white sturgeon population until a permanent regulation can be implemented.

A standard rulemaking to adopt these white sturgeon fishery changes for the long term was received by the Commission at its April 18, 2024 meeting (Certificate of Compliance). It is expected that the permanent regulations would become effective in 2025.

III. Statement of Facts Constituting the Need for Readoption of Regulatory Action

Until the start of the emergency action on November 16, 2023, recreational anglers were permitted to keep one white sturgeon per day, and a combined total of three per year, between 40 and 60 in. fork length, meaning the measurement of the fish from the front of its head to the fork in its tail. The season was open year-round, with some limited regional and/or seasonal closures.

The emergency action accomplished the following:

- a) reduced the annual bag limit for white sturgeon from three to one fish,
- b) reduced the legal-sized slot limit from 40-60" total length (TL) to 42-48" TL,
- c) placed a limit of two fish per day per boat, and
- d) closed white sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31.

It is likely to have resulted in the desired effect of reducing exploitation rate and protecting spawning fishes; however, the actual effect of the emergency action will not be quantifiable until summer 2025 due to how data are collected in this fishery. The Department monitors harvest using the Sturgeon Fishing Report Card (card) which must be returned after the end of the calendar year. Card data are analyzed and trends are reported in the summer of the year following the card year (e.g. 2023 data will be reported in summer 2024) after sufficient time is given for cards to be returned to the Department, entered in the database, QA/QC by staff, and then analyzed. The emergency regulations went into effect on November 16, 2023, so only 1.5 months of data under the emergency action will be available for analysis later in 2024. It is possible that trends associated with the emergency action will become apparent in those data, but the Department will not be able to accurately assess the effects of this action until the summer of 2025 when 2024 data are available. The continued emergency action directed at reducing exploitation rate and protecting reproduction of the species is necessary until long term regulations are enacted that will adequately protect the remaining white sturgeon population.

IV. Existence of an Emergency and Need for Immediate Action

The Commission considered the following factors in determining that an emergency does exist at this time:

The magnitude of potential harm:

During July and August 2022, the SF Bay region experienced a major HAB of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including both White and Green sturgeon. The unprecedented fish kill resulting from the 2022 HAB killed at least 850 sturgeon, primarily

white sturgeon (CDFW 2023). Of these carcasses, 86% were legal-sized or greater, representing mature, spawning broodstock (CDFW 2023). This estimate represents the minimum mortality experienced, which may have been an order of magnitude greater based on data from other sturgeon populations. This added mortality from the HAB was equivalent to 62% of the mortality due to harvest in 2022. Further, *H. akashiwo* bloomed again in the summer of 2023, resulting in a less intense HAB that resulted in the loss of at least 15 White and one Green sturgeon, suggesting that recurring HABs should be anticipated in the future. The abundance of legal-sized white sturgeon has already declined considerably in the past forty years, and these HAB fish kills exacerbated the situation considerably. Abundance was estimated to be approximately 175,000 legal-sized fish in the 1980s (Danos et al. 2019). The Department's most recent population estimate of white sturgeon was around 33,000 fish. Without knowledge of the true size of the population reduction resulting from the HAB fish kills, these mortality events could be impacting a considerable portion of the population.

The existence of a crisis situation:

The fish kill resulting from the HAB exacerbated what the Department believed to be an already unsustainable level of fishery exploitation of white sturgeon into a crisis situation. In order to protect the surviving population of white sturgeon and maintain a recreational fishery into the future, immediate steps were necessary to reduce angler associated harvest of adult white sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully, and new individuals can recruit to the population. The Department recommended that all harvest of white sturgeon within the recreational fishery be paused until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected (Fox et al. 2020). A second, less intense HAB of the same organism resulted in additional mortality, indicating that HABs are likely to recur in the future. The absolute magnitude of this impact on the white sturgeon population is unknown, but is thought to be quite significant. Based on fishery data, the white sturgeon population was already overexploited under current regulations, and updated regulations were needed and were being considered. The mortality from the HAB fish kills elevated an unsustainable situation into a crisis.

The immediacy of the need:

Immediate steps are necessary to reduce harvest of white sturgeon, and allow the remaining population to persist after the die-offs. Take of white sturgeon peaks in the fall and winter, so individuals are at risk if action is not taken quickly. Harassment and handling must be eliminated on white sturgeon spawning grounds to ensure new individuals are recruiting to the population and maintain a recreational fishery in the future. These steps will protect the population while long term fishery changes are implemented, reducing fishery mortality and protecting spawning. Furthermore, In July and August 2023, a new HAB of the same species formed in the Northern San Francisco Bay. As of mid-August, 15 white sturgeon carcasses and one Green Sturgeon carcass have been reported. It is imperative that we act to mitigate anthropogenic sturgeon mortality during this or future HAB events. These steps will protect the population while long term fishery changes are implemented, reducing fishery mortality and protecting spawning.

Whether the anticipation of harm has a basis firmer than simple speculation:

The Department has monitored the white sturgeon population since the 1950s, focusing primarily on abundance of legal-sized fish that are targeted in the fishery. Records indicate that the population has declined substantially from ~175,000 legal sized in the 1980s to ~33,000 in the most recent estimate. The historic SF Bay fish kill in 2022 is also known to have killed a large number of mature, spawning-age sturgeon though the absolute magnitude of that impact is unknown. Harvest of the adult population is known to be high, routinely exceeding exploitation rates recommended in the scientific literature and used by other natural resource agencies of management. Recruitment in the population is known to be poor, infrequent, and closely associated with above normal water years, making it difficult for the species to recover from overharvest. Under current environmental and management conditions, the white sturgeon population cannot handle the current rate of exploitation and is not sustainable. Long term regulation changes are needed to limit harvest to sustainable levels. Until new regulations are in place, the reduction of harvest of white sturgeon will minimize fishery related impacts to the population and minimize the magnitude of potential harm, while still offering recreational fishing opportunities to anglers.

V. Readoption Criteria**Same as or Substantially Equivalent**

Pursuant to Government Code subdivision 11346.1(h), a readoption may be approved only if the text is “the same as or substantially equivalent to an emergency regulation previously adopted by that agency.” The language proposed for this rulemaking is the same as the language of the original emergency regulation.

Substantial Progress

Government Code subdivision 11346.1(h) specifies “Readoption shall be permitted only if the agency has made substantial progress and proceeded with diligence to comply with subdivision (e)” [sections 11346.2 through 11347.3, inclusive].

A regular rulemaking (certificate of compliance) was presented to the Commission for public notice at its April 17-18, 2024 meeting.

Proposed Action by the Commission

The Commission proposes the readoption of the emergency amendments to sections 5.79, 5.80, 27.90, and 27.92 that are the same as previously effective.

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

None. No costs or savings to state agencies or costs/savings in federal funding to the state are anticipated. The Department’s existing level of monitoring and enforcement activities is

expected to be unchanged by this emergency action. However, the Department anticipates a reduction in white sturgeon Report Cards sales revenue estimated to be (-\$13,596) over the additional 90-day emergency readoption period in later months of 2024.

(b) Nondiscretionary Costs/Savings to Local Agencies

None.

(c) Programs Mandated on Local Agencies or School Districts

None.

(d) 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.

(e) Effect on Housing Costs

None.

IV. Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon:

The Department relied on the following documents in proposing this emergency rulemaking action:

California Department of Fish and Wildlife (CDFW). 2023. White sturgeon 2023 Emergency Regulation Change: Supporting Material. California Department of Fish and Wildlife, Fisheries Branch, West Sacramento, California.

Danos, A., J. DuBois, R. Baxter, J. T. Kelly, and M. L. Gingras. 2019. White sturgeon, *Acipenser transmontanus*, Enhanced Status Report. California Department of Fish and Wildlife. <https://marinespecies.wildlife.ca.gov/white-sturgeon/>

Hause, C. L., C. Parker, D. Kratville, D. Stompe, J. A. Hobbs, and J. T. Kelly. 2023. Sturgeon Fishing Report Card: 2022 Summary Data Report. California Department of Fish and Wildlife, West Sacramento, California. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213586>

Hause, C. L., C. Parker, D. Kratville, D. Stompe, J. A. Hobbs, and J. T. Kelly. 2022. Sturgeon Fishing Report Card: 2021 Summary Data Report. California Department of Fish and Wildlife, West Sacramento, California. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202750>

V. Documents Providing Background Information

Beamesderfer, R. C. P., and R. A. Farr. 1997. Alternatives for the protection and restoration of sturgeons and their habitat. *Environmental Biology of Fishes* 48:407–417.

Blackburn, S. E., M. L. Gingras, J. DuBois, Z. J. Jackson, and M. C. Quist. 2019. Population Dynamics and Evaluation of Management Scenarios for White Sturgeon in the Sacramento–San Joaquin River Basin. *North American Journal of Fisheries Management* 39(5):896–912.

- Chapman, F. A., J. P. Van Eenennaam, and S. I. Doroshov. 1996. The reproductive condition of white sturgeon, *Acipenser transmontanus*, in San Francisco Bay, California. *Fishery Bulletin* 94:628–634.
- Fish, M. A. 2010. White Sturgeon Year-Class Index for the San Francisco Estuary and its Relation to Delta Outflow. *IEP Newsletter* 23(2):80–84.
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- Halvorson, L. J., B. J. Cady, K. M. Kappenman, B. W. James, and M. A. H. Webb. 2018. Observations of handling trauma of Columbia River adult white sturgeon, *Acipenser transmontanus* Richardson, 1836, to assess spawning sanctuary success. *Journal of Applied Ichthyology* 34(2):390–397.
- Hildebrand, L. R., A. Drauch Schreier, K. Lepla, S. O. McAdam, J. McLellan, M. J. Parsley, V. L. Paragamian, and S. P. Young. 2016. Status of White Sturgeon (*Acipenser transmontanus* Richardson, 1863) throughout the species range, threats to survival, and prognosis for the future. *Journal of Applied Ichthyology* 32:261–312.
- Jackson, Z. J., J. J. Gruber, and J. P. Van Eenennaam. 2015. White Sturgeon Spawning in the San Joaquin River, California, and Effects of Water Management. *Journal of Fish and Wildlife Management* 7(1):171–180.
- Lamansky, J. A., K. A. Meyer, J. M. DuPont, B. J. Bowersox, B. Bentz, and K. B. Lepla. 2018. Deep hooking, landing success and gear loss using inline and offset circle and J hooks when bait fishing for white sturgeon. *Fisheries Management and Ecology* 25(2):100–106.
- Schaffter, R. G. 1997. White sturgeon spawning migrations and location of spawning habitat in the Sacramento River, California. *California Fish and Game* 83(1):1–20.

VI. Authority and Reference

Section 5.79

Authority cited: Sections 200, 205, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.

Section 5.80

Authority cited: Sections 200, 205, 265, 275 and 399, Fish and Game Code.

Reference: Sections 110, 200 and 205, Fish and Game Code.

Section 27.90

Authority cited: Sections 200, 202, 205, 220 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 27.92

Authority cited: Sections 200, 205, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.

VII. Fish and Game Code Section 399 Finding

In accordance with subdivision (a) of section 399 of the Fish and Game code, the Commission finds that adopting this regulation is necessary for the immediate conservation, preservation, or protection of adult white sturgeon during the State of Emergency proclaimed to exist in California and directs state officials to take immediate action to prepare for and mitigate the effects of HAB-induced white sturgeon mortality.

Informative Digest/Policy Statement Overview

White sturgeon (*Acipenser transmontanus*) are a species of fish native to California which live primarily in the San Francisco Bay Delta and migrate to the rivers of the Central Valley to spawn. White sturgeon live potentially more than 100 years. Most reach sexual maturity by approximately 19 years of age and spawn every 2-4 years once mature. It is rare for larval sturgeon to survive to adulthood; successful broods occur every 6-7 years and are associated with above-average water flow in the Delta. The population of white sturgeon has declined considerably in the last forty years. In the 1980s, the abundance of adult white sturgeon was estimated to be 175,000 fish. The Department's most recent estimate is about 33,000 fish.

Until the emergency action, recreational anglers could keep one white sturgeon 40-60 inches long per day and a total of three per year. The season was year-round, with some limited exceptions. As of November 16, 2023, the Department of Fish and Wildlife (Department) recommended an emergency action that a) reduced the annual bag limit for white sturgeon from three to one fish, b) reduced the legal-sized slot limit from 40-60" total length (TL) to 42-48" TL, c) placed a limit of two fish per day per boat, and d) closed white sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31. Since the Department established its Sturgeon Fishing Report Card (Card) in 2013, about 40-45,000 recreational anglers have purchased cards every year. Based on data gathered from Cards, the number of fish kept by anglers has remained steady, but the number of fish caught and released has declined significantly, which indicates that fewer fish overall are being caught. The exploitation rate of white sturgeon is estimated to be very high in California, between 8 and 30% between 2007-2015 and averaging 8.1% since that time. The sustainable exploitation rate of white sturgeon is likely less than 4%. The Department believes that the current exploitation rate of sturgeon is unsustainable, and has been investigating ways to better manage the population.

The unsustainable exploitation rate of white sturgeon was exacerbated to a crisis in 2022, when the San Francisco Bay experienced a major Harmful Algal Bloom (HAB) that resulted in significant mortality of many fishes, including white sturgeon. The Department recorded over 850 sturgeon carcasses, the majority legal-sized or larger. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected. The absolute magnitude of this impact on the white sturgeon population is unknown, but is thought to be quite significant. A less intense HAB in 2023 killed at least 15 white sturgeon and 1 Green Sturgeon.

Immediate steps are necessary to reduce harvest of white sturgeon to protect the surviving population after the unprecedented fish kill until revised long-term regulations can be developed. Harassment and handling of fish must be eliminated on their migrating and spawning grounds to allow current adults to spawn successfully, ensuring a recreational fishery into the future. The current emergency rule will expire, after an initial 90-day extension, on August 18, 2024, unless it is readopted through a second extension of an additional 90 days at the June 20, 2024 meeting of the Fish and Game Commission (Commission). The continuation of the emergency action reducing the bag limit, reducing the size limit, instituting a per-day vessel limit, and closing fishing in migrating and spawning habitat is necessary to protect the white sturgeon population until a permanent regulation can be implemented.

Benefits of the Regulation:

These harvest restrictions will protect the remaining population while new long-term regulations are developed during proposed re-adoption actions, providing opportunity for surviving fish to spawn unmolested.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, and 315). The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to temporarily prohibiting harvest of white sturgeon due to population decline.

Proposed Emergency Regulatory Language

Sections 5.79, Title 14, CCR, is amended to read as follows:

§ 5.79. White Sturgeon Report Card and Tagging Requirements for Inland Waters (FG 683, See Section 701).

- (a) Sturgeon Fishing Report Card Required. All anglers must have a valid Sturgeon Fishing Report Card in their possession while fishing for or taking White Sturgeon. Cardholders must complete and return the card pursuant to regulations in this Section and in Section 1.74.
- (b) Tagging and Recording Requirements for Retained Fish. A Sturgeon Fishing Report Card includes a detachable tag that shall be used to tag any White Sturgeon that is taken and retained in the sport fishery. Any White Sturgeon possessed by any person shall be tagged.
 - (1) Upon taking and retaining a White Sturgeon, the cardholder shall immediately record the following information:
 - (A) The fishing location, time of catch and length of the fish shall be recorded legibly and permanently in the appropriate spaces on the tag. The cardholder shall immediately and completely punch out the date of catch (month and day) on the sturgeon tag.
 - (B) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the Sturgeon Fishing Report Card.
 - (2) Immediately after recording the information above, the cardholder shall remove and completely detach the tag from the card and affix it to the White Sturgeon. Cardholders shall not wait until completion of fishing activity to tag any White Sturgeon in possession.
 - (3) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through the tag at the location specified on the sturgeon tag and attached to the fish.
 - (4) The tag shall not be removed from the report card until immediately prior to affixing to a White Sturgeon. Any tag detached from the report card and not affixed to a White Sturgeon shall be considered used and therefore invalid. No person shall possess any used or otherwise invalid sturgeon tags.
 - (5) Records of Prior Activity. The tag must be accounted for at all times by entry of a record on the Sturgeon Fishing Report Card. Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the Sturgeon Fishing Report Card.
 - (6) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.

(7) After retaining and tagging a White Sturgeon, a cardholder shall not continue to fish catch and release for White Sturgeon on the same day.

(8) Cardholders that have retained and tagged a White Sturgeon are permitted to catch and release White Sturgeon starting on the day after the tag was used.

(c) Reporting Requirements for Released Fish.

(1) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, length, and species of sturgeon.

(2) If all lines in the “sturgeon released” field of the report card are filled, any additional sturgeon caught and released may be recorded on the back of the card.

(3) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.

(d) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.

(e) The annual fee for the Sturgeon Fishing Report Card is specified in Section 701(c).

NOTE: Authority cited: Sections 200, 205, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.

Proposed Emergency Regulatory Language

Section 5.80, Title 14, CCR, is amended to read as follows:

§ 5.80. White Sturgeon.

(a) Open season:

- (1) All year: from the west Carquinez Bridge east to the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River.
- (2) From June 1 through December 31: above the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River, including all tributaries of both rivers. From January 1 through May 31: it is unlawful to take White Sturgeon.

(b) Daily limit: One fish per day. After harvesting a White Sturgeon, anglers shall not continue to catch and release White Sturgeon on the same day. Anglers that have retained and tagged a fish are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.

(c) Annual bag limit: One fish per calendar year statewide.

(d) Daily vessel maximum harvest: All persons aboard a vessel may be cited for violation of a daily vessel maximum harvest limit. No more than two White Sturgeon may be harvested per day on a vessel, regardless of the number of anglers on board. Anglers must have in their possession a report card with a valid tag in order to retain a White Sturgeon. When the daily vessel maximum harvest is reached, only anglers that have not tagged a White Sturgeon that day may continue to fish catch and release for White Sturgeon.

(e) Size limit: No fish less than 42 inches fork length or greater than 48 inches fork length may be taken or possessed.

(f) Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure inside its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon. For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.

(g) Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.

(h) Report card required: Any person fishing for or taking sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 5.79, Title 14, CCR.

(i) Special North Coast District Sturgeon Closure (Humboldt, Del Norte, Trinity and Siskiyou cos.). It is unlawful to take any sturgeon in the North Coast District at any time.

- (j) For regulations on take and possession of sturgeon in ocean waters as defined in Section 27.00, see Sections 27.90, 27.91, and 27.95.
- (k) Special Sierra and Valley District Sturgeon Closure from January 1 to December 31 (Shasta, Tehama, Butte and Glenn cos.).
 - (1) Sacramento River from Keswick Dam to the Highway 162 Bridge.
 - (A) It is unlawful to take any sturgeon.
 - (B) It is unlawful to use wire leaders.
 - (C) It is unlawful to use lamprey or any type of shrimp as bait.
- (l) Special Yolo Bypass Flood Control System Sturgeon Closure. It is unlawful to take any sturgeon in the Yolo Bypass, Toe Drain Canal, and Tule Canal upstream of Lisbon Weir at any time.

NOTE: Authority cited: Sections 200, 205, 265, 275 and 399, Fish and Game Code.
Reference: Sections 110, 200 and 205, Fish and Game Code.

Proposed Emergency Regulatory Language

Section 27.90, Title 14, CCR, is amended to read as follows:

§ 27.90. White Sturgeon.

- (a) Open season: All year except as described in Section 27.95 of these regulations.
- (b) Daily limit: One fish per day. After harvesting a White Sturgeon, anglers shall not continue to catch and release White Sturgeon on the same day. Anglers that have retained and tagged a fish are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.
- (c) Annual bag limit: One fish per calendar year statewide.
- (d) Daily vessel maximum harvest: All persons aboard a vessel may be cited for violation of a daily vessel maximum harvest limit. No more than two White Sturgeon may be harvested per day on a vessel, regardless of the number of anglers on board. Anglers must have in their possession a report card with a valid tag in order to retain a White Sturgeon. When the daily vessel maximum harvest is reached, only anglers that have not tagged a White Sturgeon that day may continue to fish catch and release for White Sturgeon.
- (e) Size limit: No fish less than 42 inches fork length or greater than 48 inches fork length may be taken or possessed.
- (f) Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon. For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.
- (g) Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.
- (h) Report card required: Any person fishing for or taking sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 27.92, Title 14, CCR.
- (i) For regulations on take and possession of sturgeon in inland waters as defined in Section 1.53, see Section 5.80 and Section 5.81.
- (j) Boat limits, as defined in Subsection 27.60(c) and Section 195, are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of White Sturgeon.

NOTE: Authority cited: Sections 200, 205, 265, 275, and 399, Fish and Game Code.
Reference: Sections 110, 200, and 205, Fish and Game Code.

Proposed Emergency Regulatory Language

Section 27.92, Title 14, CCR, is amended to read as follows:

§ 27.92. White Sturgeon Report Card and Tagging Requirements for Ocean Waters (FG 683, See Section 701).

- (a) Sturgeon Fishing Report Card Required. All anglers must have a valid Sturgeon Fishing Report Card in their possession while fishing for or taking White Sturgeon. Cardholders must complete and return the card pursuant to regulations in this Section and in Section 1.74.
- (b) Tagging and Recording Requirements for Retained Fish. A Sturgeon Fishing Report Card includes a detachable tag that shall be used to tag any White Sturgeon that is taken and retained in the sport fishery. Any White Sturgeon possessed by any person shall be tagged.
 - (1) Upon taking and retaining a White Sturgeon, the cardholder shall immediately record the following information:
 - (A) The fishing location, time of catch and length of the fish shall be recorded legibly and permanently in the appropriate spaces on the tag. The cardholder shall immediately and completely punch out the date of catch (month and day) on the sturgeon tag.
 - (B) The month, day, fishing location and length of the fish shall be recorded in the appropriate space on the Sturgeon Fishing Report Card.
 - (2) Immediately after recording the information above, the cardholder shall remove and completely detach the tag from the card and affix it to the White Sturgeon. Cardholders shall not wait until completion of fishing activity to tag any White Sturgeon in possession.
 - (3) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through the tag at the location specified on the sturgeon tag and attached to the fish.
 - (4) The tag shall not be removed from the report card until immediately prior to affixing to a White Sturgeon. Any tags detached from the report card and not affixed to a White Sturgeon shall be considered used and therefore invalid. No person shall possess any used or otherwise invalid sturgeon tags.
 - (5) Records of Prior Activity. The tag must be accounted for at all times by entry of a record on the Sturgeon Fishing Report Card. Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the Sturgeon Fishing Report Card.
 - (6) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.
 - (7) After retaining and tagging a White Sturgeon, cardholders shall not continue to catch and release White Sturgeon on the same day.

(8) Cardholders that have retained and tagged a White Sturgeon are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.

(c) Reporting Requirements for Released Fish.

(1) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, length, and species of sturgeon.

(2) If all lines in the “sturgeon released” field of the report card are filled, any additional sturgeon caught and released may be recorded on the back of the card.

(3) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.

(d) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.

(e) The annual fee for the Sturgeon Fishing Report Card is specified in Section 701, Title 14, CCR.

NOTE: Authority cited: Sections 200, 205, 265 and 399, Fish and Game Code.
Reference: Sections 200, 205 and 265, Fish and Game Code.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Readopt Emergency Action: Amend Section 5.79, 5.80, 27.90, and 27.92, Title 14, CCR, Re: White Sturgeon			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|----------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

Emergency action: no economic assessment only fiscal impact assessment

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
 If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

Fish and Game Commission

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
 (Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____

4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____
_____4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NOExplain: _____
_____**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? YES NO***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

 YES NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____
_____The incentive for innovation in products, materials or processes: _____
_____The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ [White Sturgeon Report Card sales a](#)

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the [decline in CDFW revenue for the r](#) Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain White Sturgeon Report Card sales are anticipated to drop resulting in a \$13,596 decline in CDFW revenue for the remainder of fiscal year 2023-24.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE



The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE



Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD399 ADDENDUM

Emergency Action to Amend Section 5.79, Title 14, California Code of Regulations Regarding White Sturgeon Sport Fishing (Re-adopt II)

Economic Impact Statement

Under the second 90-day extension of this emergency regulation, take of white sturgeon will still be permitted to anglers that purchase a Sturgeon Report Card, but harvest will be limited by (1) reduction of the legal slot limit, (2) reduction of the annual bag limit, (3) adding a vessel limit of two fish per day, and (4) protecting critical migrating and spawning behavior via a seasonal and geographic closure of river habitat. Catch and release angling will be permitted after anglers reach their annual harvest limit to preserve recreational angling opportunities.

This emergency action is necessary to maintain current and future recreational fishing's economic and cultural benefits, while preventing additional mortality of the impacted White Sturgeon population and minimizing harassment of spawning individuals.

A. ESTIMATED PRIVATE SECTOR COST IMPACTS

1. Answer: h. None of the above. (Explain below):

Emergency regulations do not require an economic impact statement; only fiscal impacts must be evaluated (California Government Code Section 11346.1). Fiscal Impact Statement details are provided in the next section.

Fiscal Impact Statement

A. FISCAL EFFECT ON LOCAL GOVERNMENT

Answer: 5. No fiscal impact.

The proposed amendment to Section 5.79, Title 14, CCR will not have the potential for a fiscal effect on local governments.

B. FISCAL EFFECT ON STATE GOVERNMENT

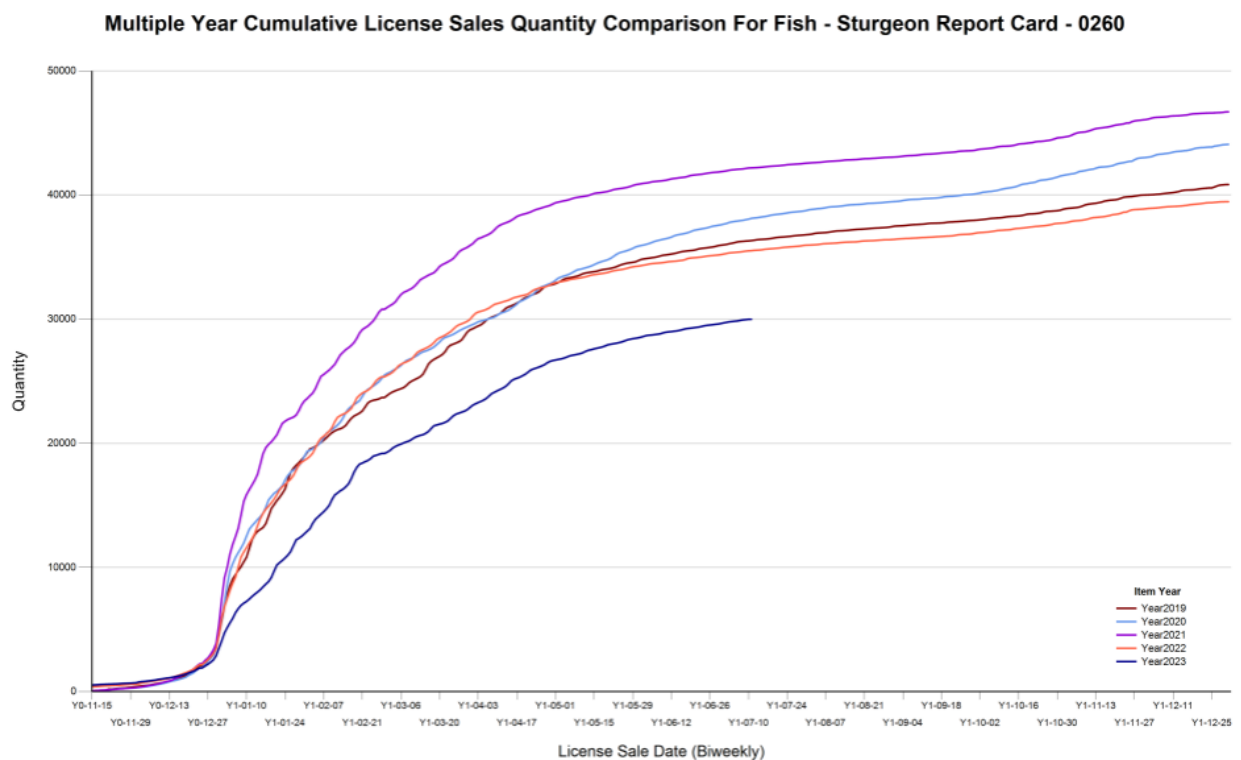
Answer: 4. Other.

The Commission anticipates that the second readoption of the proposed emergency action for an additional 90 days will not introduce new costs or savings for state agencies. The Department of Fish and Wildlife's (Department) existing level of monitoring and enforcement activities is expected to be unchanged by this emergency action. However, the Department has projected that the proposed take limits may result in a six percent drop in Sturgeon Report Cards sales revenue is estimated to be (-\$23,633) over the 180-day and 90-day readopt emergency period during the fiscal year 2023-2024. The few months into the next fiscal year 2024-25, during the 2nd 90-day readopt emergency period, a drop of 100 cards sold with a (-\$1,030) revenue

reduction is projected. The fishery is historically less active during the later summer months.

Sales of Sturgeon Report Cards since a fee has been charged are plotted in Figure 1, showing purchases throughout the year. Most cards are sold in the first months of the year, with a small bump in sales in the later months of the year. Sales in years 2020 and 2021 may have been elevated due to the Covid-19 pandemic surge in outdoor recreation. As of July, 2023 Sturgeon Report Card sales have reached about 30,000, which is about 17% less than the amount sold in 2022, and 19% less than 2019, which are more historically typical years with no pandemic affects. While difficult to discern with certainty, the lower 2023 numbers to date may be a result of the new 365-day sportfish license and the recent closure of the Salmon fishery. Many other states with 365-day licenses experienced absolute declines in license sales, and for some sport fishers, lack of Salmon opportunity induces them to forego all fishing trips for any other fish. Thus, acknowledging the probable influence of those factors, 2023 total sales were already projected to be about 32,929 or 18 percent less than the 40,851 average sold during a typical year.

Figure 1.



A Department survey of White Sturgeon fishery participants reveals that while over 67 percent report the main reason to fish for White Sturgeon is recreation and 70 percent state that their goal is only or mostly catch and release, approximately 27 percent state their goal is to fish for food and 43 percent answer that they would not participate in a catch and release only fishery. These sentiments have been recognized in the proposed emergency action in efforts to balance resource protection with recreational fishery opportunity.

Recent spatial and temporal take patterns suggest that the emergency action’s proposed January to May upper spawning ground closure is the one component that may induce a small decline in Sturgeon Report Card sales during the 180-day emergency period. The evidence that six percent of the seasonal catch has occurred in the area of the proposed January to May spawning ground closure, may induce those individual fishers to not purchase a Sturgeon Report Card, if that is the only time and area that they fish. Many may pursue White Sturgeon in other areas at different times as well as the spawning grounds. But for some, that may be the only area and time for Sturgeon fishing, so it is reasonable to project a six percent drop in card sales revenue in 2024. This amounts to an estimated 1,025 fewer cards sold in 2023 and 1,320 fewer in 2024.

Table 1. Sturgeon Report Card Price 2023 and 2024

2023 Base Fee	ALDS 3% Surcharge	2023 DFG Revenue per Card	2024 Base Fee	2024 DFG Revenue per Card
\$9.50	\$0.29	\$9.79	\$10.00	\$10.30

The Department revenue per card is \$9.79 in 2023 and \$10.30 in 2024. The projected revenue losses to the Department for reduced Sturgeon Report Card sales are \$10,037 for the calendar year 2023, and \$13,596 for 2024. The fiscal year 2023-2024 (November through May) losses are projected to total \$23,633. The remaining portion of the readopted emergency period that falls within fiscal year 2024-25 is projected to result in the loss of about 100 fewer cards sold resulting in a \$1,030 drop in Department revenue below the historic average as the fishery is historically less active during the later months of summer.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

Answer: 3. No fiscal impact.

The proposed emergency action will not have the potential for a fiscal effect on the federal funding of state programs.

Memorandum

Date: May 30, 2024

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the June 19, 2024, Fish and Game Commission Meeting Duck Stamp Proposals for Fiscal Year 2024-25**

Pursuant to Fish and Game Code § 3702-3705, the Department of Fish and Wildlife (Department) submits the attached summary of proposed projects to the Fish and Game Commission (Commission) for consideration and approval for funding from the Duck Stamp Dedicated Account for the Fiscal Year (FY) 2024-25. These projects were reviewed by the Department and the Duck Stamp Advisory Committee.

The Account's estimated beginning balance will be \$4,374,000 on July 1, 2024, which includes the estimated revenue of \$1,672,000 from the sale of duck stamp validations during FY 2023-24. The Department proposes to spend revenues to accomplish the goals established for the Duck Stamp Dedicated Account as authorized.

For FY 2024-25, expenditure authority from this fund is \$2,013,000. After deducting the maximum allowable administrative overhead cost (limited to 6% per §3701 or \$120,780), and the mandated amount portioned to Canada (\$2.25 per stamp/validation per §3704 or \$150,068 calculated based on the 2023 license year duck stamp validations), a total of \$1,742,152 is available for new and ongoing projects.

The Department is proposing six new projects for funding totaling \$1,423,022. The attached list includes all projects recommended, including ongoing projects (approved in past years) for continued authorization. The new and ongoing projects in California total \$1,742,152. This figure includes contingency funding to allow for emergencies (drought or other) or project costs that differ from the original estimates; increasing as of late because of supply chain and inflation causes.

As always, the Department appreciates the Commission's consideration of our proposal and requests its approval for funding of the attached recommended projects.

If you have any questions regarding this item, please contact Scott Gardner, Chief, Wildlife Branch, at (916) 801-6257.

Attachment

ec: Department of Fish and Wildlife

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Dan Reagan, Deputy Director
Fiscal Services Division

Scott Gardner, Chief
Wildlife Branch

Melanie Weaver, Waterfowl Program Coordinator
Wildlife Branch

Nicole Nelson, Chief
Budget Branch

**Summary of Department Recommendations
 FY 2024-25 California Duck Stamp
 (project costs rounded to nearest dollar)**

Canada Habitat Project

Wetland and Upland Conservation – Alberta/Saskatchewan, Canada.....\$150,068

Establish a conservation easement and or restore wetlands associated with key breeding uplands in Alberta or Saskatchewan for pintail. Specific project parameters are still in development with the landowner. This project will also be matched by North America Wetland Conservation Act dollars.

Ongoing Projects - California

Duck Banding (pintail and mallards) – California Waterfowl Association.....\$80,000

This is a cooperative project to maintain sufficient banded samples of pintail and mallards to assess harvest and survival rates, as well as inputs for the Western Mallard Model (provide adaptive regulatory approach for establishing hunting frameworks in the Pacific Flyway).

CA VCF Portion of Breeding Population Survey-Fuel.....\$20,000

This project funds the helicopter portion of the CA Breeding Population Survey; used to correct what observers miss in the fixed-wing portion of survey.

Tule Greater White-fronted Goose Population Study.....\$15,000

This project will continue population estimation, habitat use, and distribution by purchasing and marking birds with radio transmitters.

Department of Fish and Wildlife – Internal Expenditures\$129,000

This funding provides the match for the Pittman Robertson Act funding for the Waterfowl Program in the Wildlife Branch as well as region staff participating in waterfowl surveys.

Department of Fish and Wildlife – Duck Stamp Administration\$3,500

This funding provides for the delivery of physical stamps to purchasers, as required under Fish and Game Code, and other administrative charges related to ALDS.

Department of Fish and Wildlife – Contingency Fund.....\$71,630

This funding provides the ability to cover emergencies (drought related or otherwise) and or cost overruns on new and existing projects caused supply shortages.

New Projects – California

Butte Valley Wildlife Area – Unit 1B.....\$218,859

Enhance 442 acres of wetland and upland habitat by refurbishing levees, grading, swales/potholes, ditch cleaning, and rehabilitating pivot system.

Upper Butte Basin WA-Little Dry Creek Pump 103.....\$328,018

Enhance 920 wetland acres by removing a pump and replacing with a high higher capacity pump, control panels, electrical transformer and equipment.

Delevan NWR-Tract 40	\$282,751
Enhance 109 wetland and upland acres by developing an engineer plan, recontouring, swales/potholes, replacing water structures, spraying/burning invasive weeds, and planting native grasses.	
Yolo Bypass WA-Twin Lakes Unit 9.....	\$196,837
Enhance 85 wetland acres by topo survey, removing water structures, recontouring, refurbishing levees and swales.	
Eden Landing Eco Reserve-	\$101,739
Enhance 284 wetland acres by repairing a control gate and support structure.	
Mendota WA-Pump Improvement	\$294,818
Enhance 4,129 wetland acres by installing a new pump, pipe and electrical service.	

California Fish and Game Commission
DRAFT Notice of Findings for Milo Baker's Lupine (*Lupinus milo-bakeri*)
June 7, 2024 DRAFT

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at a meeting on June 15-16, 2022, found pursuant to California Fish and Game Code Section 2075.5, that the information contained in the petition to list the species Milo Baker's lupine (*Lupinus milo-bakeri*) and other information in the record before the Commission, warrants adding Milo Baker's lupine to the list of endangered species under the California Endangered Species Act (CESA; Fish and Game Code, Section 2050 et seq.). (See also California Code of Regulations, Title 14, Section 670.1, subsection (i).)

NOTICE IS ALSO GIVEN that, at its June 19-20, 2024, meeting, the Commission adopted the findings herein outlining the reasons for its determination.

I. Background and Procedural History

Petition History

On February 15, 1987, the Commission added Milo Baker's lupine to the list of plants declared to be endangered, threatened, or rare as a threatened species. At a December 2020 meeting, the Commission received a five-year status review report on Milo Baker's lupine from the California Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2077. The status review report recommended a change in status from threatened to endangered.

The Commission treats any Department five-year status review report recommending a change in status as a petition, with a Department recommendation to accept and consider the petition as required by Fish and Game Code sections 2072.7 and 2077.

At its February 10, 2021 meeting, the Commission determined that listing may be warranted, and subsequently provided notice regarding the status of Milo Baker's lupine as a candidate species (California Regulatory Notice Register 2021, No. 9-Z, p. 226).

Status Review Overview

The Commission's action, designating Milo Baker's lupine as a candidate species, triggered the Department's process for conducting a more detailed status review to inform the Commission's decision on whether to list the species.

On February 23, 2022, the Department transmitted to the Commission the Department's report, *Status Review for Milo Baker's lupine (Lupinus milo-bakeri)*, dated February 8, 2022. The Commission publicly identified receipt of the Department's status review report as part of the Commission's April 20-21, 2022 meeting materials. On June 15, 2022, the Commission found that the information contained in the status review report for Milo Baker's lupine and other information in the record before the Commission warranted listing Milo Baker's lupine as an endangered species under CESA.

Species Description

Milo Baker's lupine is an annual herb in the legume family that can grow to be 1-2 meters (3.3-6.6 feet) tall, with stems that are smooth or have very few hairs and have a light waxy coating.

Milo Baker's lupine blooms between June and September. Each flower is 10-16 millimeters (0.4-0.6 inch) long, pale blue-purple (rarely yellow), but becomes yellowish with age, and is made up of a large upper petal called the banner, two side petals called wings, and two fused lower petals that form a keel that is densely hairy along the edges. A large, healthy plant can produce hundreds of seeds. At the time of the listing decision made in June 2022, Milo Baker's lupine has only been confirmed to still occur in one location near Covelo, California; this single occurrence consists of six subpopulations.

II. Statutory and Legal Framework

The Commission, as established by the California State Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA (California Constitution, Article IV, Section 20, subdivision (b); Fish and Game Code Section 2070). The CESA listing process for this species began in the present case with a petition submitted to the Commission. The regulatory and legal process that ensued is described in some detail in the preceding section, along with related references to the Fish and Game Code and controlling regulations. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104;
- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597;
- *Central Coast Forest Association v. California Fish and Game Commission* (2017) 2 Cal.5th 594;
- *Central Coast Forest Association v. California Fish and Game Commission* (2018) 18 Cal.App.5th 1191; and
- *Almond Alliance of California v. California Fish and Game Commission* (2022) 79 Cal.App.5th 337.

The “is warranted” determination stems from Commission obligations established by Fish and Game Code Section 2075.5. Under the provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether listing a species is warranted or is not warranted. Here, the Commission made the finding under Section 2075.5, subdivision (e)(2) that listing is warranted.

The Commission was guided in making its determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease” (Section 2062). Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish,

amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter” (Section 2067).

The Commission also considered California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A), in making its determination. The provision provides, in pertinent part, that the Commission will list the species or subspecies as endangered or threatened under CESA if the Commission determines that its continued existence is in serious danger or is threatened by any one or any combination of six factors:

1. Present or threatened modification or destruction of its habitat,
2. overexploitation,
3. predation,
4. competition,
5. disease, or
6. other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance, providing that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides that it is the policy of the state, not specific to the Commission per se, that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA (Fish and Game Code Section 2055). The statutory guidance does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources’ such as the CESA are of great remedial and public importance and thus should be construed liberally.” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal.App.4th at pp. 1545-1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish and Game Code sections 2051 and 2052.)

Finally, in considering the six identified factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party (see, e.g., Fish and Game Code, sections 2071, 2074.4 and 2078; California Code of Regulations, Title 14, Section 670.1, subsection (h)). The related notice obligations and public hearing opportunities before the Commission are also considerable (Fish and Game Code sections 2073.3, 2074, 2074.2, 2075, 2075.5 and 2078; California Code of Regulations, Title 14, Section 670.1, subsection (c), (e), (g) and (i); see also California Government Code Section 11120 et seq.). The referenced obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition, a related recommendation regarding candidacy, and a review of the candidate species’ status, culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science (Fish and Game Code sections 2073.4, 2073.5, 2074.4 and 2074.6; California Code of Regulations, Title 14, Section 670.1, subsections (d), (f) and (h)).

III. Factual and Scientific Bases for the Commission’s Final Determination

The factual and scientific bases for the Commission’s determination — that designating Milo Baker’s lupine as an endangered species under CESA is warranted — are set forth in detail in the Commission’s record of proceedings, including the five-year status review report; the Department’s status review report; written and oral comments received from members of the public, the regulated community, tribal entities, and the scientific community; and other evidence included in the Commission’s record of proceedings, which is incorporated herein by reference.

The Commission determines that the continued existence of Milo Baker’s lupine in the state of California “is in serious danger or threatened by any one or any combination of” six factors as required by California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A):

1. Present or threatened modification or destruction of its habitat,
2. overexploitation,
3. predation,
4. competition,
5. disease, or
6. other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission’s record constitutes the best scientific information available and establishes that designating Milo Baker’s lupine as an endangered species under CESA is warranted. Similarly, the Commission determines that Milo Baker’s lupine is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

The items highlighted here and detailed in the following threats section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for Milo Baker’s lupine. Similarly, the issues addressed in these findings represent some, but not all, of the evidence, issues, and considerations affecting the Commission’s final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission.

Background

The Commission bases its “is warranted” finding for Milo Baker’s lupine most fundamentally on modification or destruction of habitat, competition, and other natural occurrences or human-related activities.

Threats

Milo Baker’s lupine is endangered due to:

- present or threatened modification or destruction of its habitat (see, e.g., Department’s status review report at pages 24 and 32-33, and references cited therein),
- competition (see, e.g., Department’s status review report at pages 25 and 33, and references cited therein), and

- other natural occurrences or human-related activities. In particular, natural occurrences or human-related activities of significance include:
 - direct human activities (see, e.g., Department’s status review report at pages 21-23 and 34, and references cited therein),
 - small population size (see, e.g., Department’s status review report at pages 23 and 34, and references cited therein), and
 - climate change (see, e.g., Department’s status review report at pages 25-26 and 34, and references cited therein).

The Commission finds these factors to result in a significant threat to the continued existence of Milo Baker’s lupine as explained in the Department’s status review report; this finding and the Department’s explanation are supported by the whole of the record before the Commission.

IV. Final Determination by the Commission

The Commission has weighed and evaluated the information for and against designating Milo Baker’s lupine as a threatened or endangered species under CESA, including scientific and other general evidence in the five-year status review report; the Department’s status review report; the Department’s related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission’s record of proceedings.

Based upon the evidence in the record, the Commission has determined that the best scientific information available indicates the continued existence of Milo Baker’s lupine is in serious danger of becoming extinct by modification or destruction of the species’ habitat, competition, or other natural occurrences or human-related activities, where such factors are considered individually or in combination (see, generally, California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A); Fish and Game Code sections 2062 and 2067).

The Commission determines that there is sufficient scientific information to indicate that designating Milo Baker’s lupine as an endangered species under CESA is warranted, and that, with adoption and publication of these findings, Milo Baker’s lupine shall be listed as endangered for purposes of its legal status under CESA.

Memorandum

Date: May 13, 2024

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

From: Charlton H. Bonham
Director

Subject: Request for 30-day Extension, Western Burrowing Owl Petition Evaluation

The California Department of Fish and Wildlife (Department) requests a 30-day extension of time pursuant to Fish and Game Code section 2073.5 to allow the Department additional time to analyze and evaluate the petition to list the western burrowing owl (*Athene cunicularia hypugaea*) under the California Endangered Species Act and to complete the evaluation report. This extension would extend the Department's review time from 90 to 120 days and would change the due date of the Department's evaluation report from June 16, 2024 to July 16, 2024.

If you have any questions or need additional information, please contact Scott Gardner, Wildlife Branch, at wildlifemgt@wildlife.ca.gov or (916) 801-6257.

ec: Chad Dibble
Deputy Director
Wildlife and Fisheries Division

Pete Figura
Environmental Program Manager
Wildlife Branch

Neil Clipperton
Senior Environmental Scientist (Supervisor)
Wildlife Branch

California Fish and Game Commission
Staff Time Allocation and Activities
June 14, 2024

This report identifies, for the months of April and May 2024, where California Fish and Game Commission staff (including limited term and temporary help) allocated its time in general activity categories, trends in staff time allocation, and examples of specific activities in which staff engaged.

General Time Allocation

Task Category	April Staff Time	May Staff Time
Regulatory Program	8%	13%
Non-Regulatory Programs	7%	4%
Commission and Committee Meetings	36%	17%
Legal Matters	2%	4%
External Affairs	5%	7%
Special Projects	5%	7%
Administration	19%	28%
Leave Time	3%	12%
Unfilled Positions ¹	20%	14%
Total Staff Time ²	106%	104%

¹ *Unfilled positions are skewed downward due to contract and temporary help*

² *Total staff time is greater than 100% due to overtime*

Trends

Time allocations of note for the two-month period are *Commission and Committee Meetings*, *Administration*, and *Unfilled Positions*.

The *Commission and Committee Meetings* category is elevated during this reporting period, for both April and May. The hybrid format for Commission meetings requires all team members to assist, whether in person or remotely, while committee meetings require about half of the team. The April Commission meeting, a full, two-day meeting with travel, required nearly half of each staff members' time for the month. Time allocations for May is elevated due to the Commission's teleconference on May 15, 2024, in addition to a particularly full May Wildlife Resources Committee meeting.

In the *Administration* category, recruitment efforts for the multiple vacancies have dominated staff time and will continue to do so through June along with onboarding new staff. Training and onboarding existing staff in a new position (deputy executive director) and returning staff (staff services analyst) began in this period, while recruitments for the tribal advisor and liaison and the recently-vacated regulations program manager were ongoing. Additionally, both the five-year mission level reporting and current-level refresh for *service-based budgeting* are reflected.

Unfilled Positions remains high this period, though not fully represented by the time entries in the general time allocation table due to contract, limited term, and temporary help. Staff continue to make progress on filling the remaining vacancies with a sense of urgency.

Sample Activities for April 2024

- Coordinated with the Department related to experimental fishing permit applications and requests
- Met with Department staff to discuss the marine protected area regulation petition binning process
- Welcomed back Cynthia Mckeith and commenced her onboarding
- Engaged in staff-led discussion about fast-fashion impacts on the environment and people to increase JEDI awareness as part of the monthly *Taking a Moment to Pause*
- Served as a resource for Ocean Protection Council's statewide initiative for a restoration and mitigation policy
- Provided feedback and discussed an external draft on offshore aquaculture permitting guidance
- Coordinated and facilitated individual conversations with state and federal agencies regarding the aquaculture leasing process and next steps to improve interagency coordination, including engagement in pre-application coordination meetings.
- Collaborated with a Scripps Institution of Oceanography graduate student regarding volunteer work with the Commission
- Coordinated with the chronic wasting disease task force
- Prepared for and conducted one publicly noticed meeting (Commission) and prepared for two publicly noticed meetings (Wildlife Resources Committee and Commission teleconference)

Sample Activities for May 2024

- Visited Klamath River dam removal and restoration sites
- Engaged in staff-led discussion about improving outreach and inclusivity in outdoor hobbies, such as birding, to increase JEDI awareness as part of the monthly *Moment to Pause* effort
- Participated in a fishery disaster relief symposium hosted by Ocean Science Trust to learn about and consider potential solutions to fill in gaps related to disaster relief
- Attended a California Sea Grant state conference ; completed an equity training with the San Diego Regional Climate Collaborative; toured Port of San Diego's nature-based living shorelines
- Facilitated conversations with aquaculture leaseholders regarding lease requests
- Participated in discussions regarding improvements to the service-based budgeting task validation process and initiated the mission-level refresh for Commission tasks

- Attended California Ocean Day and engaged in discussions with other state agency and nongovernmental organization representatives Attended a fishermen’s working group meeting related to offshore wind development off California
- Prepared for and conducted two publicly noticed meetings (Wildlife Resources Committee and Commission teleconference) and prepared for one publicly noticed meeting (June Commission meeting).

Sample Tasks for the General Allocation Categories

Regulatory Program

- Coordination meetings with DFW to
 - develop timetables and notices
- Prepare and file notices, re-notices, and initial/final statements of reasons
- Prepare administrative records
- Track and respond to public comments
- Consult, research, and respond to inquiries from the Office of Administrative Law
- Facilitate CEQA document review, certification of findings, and filing with state clearinghouse

Non-Regulatory Program

- DFW partnership, including jointly developing management plans and concepts
- Process and analyze non-regulatory requests
- Develop, review, and amend Commission policies
- Research and review adaptive management practices
- Review and process CESA petitions

Commission and Committee Meetings and Support

- Research and compile subject-specific information
- Develop and distribute meeting agendas and materials
- Agenda and debrief meetings
- Prepare meeting summaries, audio files, and voting records
- Develop and distribute after-meeting memos/letters
- Conduct onsite meeting management
- Process submitted meeting materials
- Provide commissioner support
- Process and analyze regulation change petitions

Legal Matters

- Public Records Act requests
- California Law Review Commission
- Process appeals and accusations
- Respond to litigation
- Process kelp and state water bottom leases
- Prepare administrative records

External Affairs

- Engage and educate legislators, monitor legislation
- Maintain state, federal, and tribal government relations
- Correspondence
- Respond to public inquiries
- Website maintenance
- Coyote workshops

Special Projects

- Coastal Fishing Communities
- Streamline routine regulatory actions

Administration

- Staff training and development
- Purchases and payments
- Contract management
- Personnel management
- Budget development and tracking
- Health and safety oversight
- Internal processes and procedures
- Document archival

Leave Time

- Holidays
- Sick
- Vacation or annual leave
- Jury duty
- Bereavement
- Administrative time off

Ventura County Poaching Convictions Result in Jail Terms and Fines

May 29, 2024



A sophisticated conspiracy to commit wildlife violations by seven men resulted in the arrest, prosecution, fines and jail terms for the subjects, the California Department of Fish and Wildlife (CDFW) and Ventura County District Attorney's (VCDA) Office announced.

Wildlife officers began investigating a group of subjects after receiving numerous tips from the public regarding a group of individuals engaged in suspected poaching activities in the southern Los Padres National Forest.

The investigation revealed the co-defendants obtained a highly unusual amount of replacement licenses and hunting tags issued from a CDFW license vendor. The men conspired with a clerk at a market to fraudulently obtain additional tags to exceed big game hunting limits. In total, 87 licenses, tags, or other entitlements were fraudulently obtained.

The long-term investigation occurred in partnership with the VCDA Environmental Protections Unit and resulted in the service of several search warrants. The search warrants resulted in the seizure of numerous taxidermy mounts, deer skulls, a mountain lion skull, a variety of game meat including deer and bear, fraudulent big game tags, 11 firearms, thousands of rounds of ammunition, roosters and cock fighting paraphernalia and stolen copper wire. During the year after the search warrants were served, wildlife officers continued to conduct an extensive investigation, which led to the search of a local taxidermy shop that resulted in the discovery of additional evidence, including an illegally taken bear and a fraudulently acquired bear tag.

“Seven suspects conspiring to poach wildlife in a concentrated area over years will begin to adversely affect local wildlife populations,” said Nathaniel Arnold, Acting Chief of the CDFW Law Enforcement Division. “The intensive investigation by wildlife officers in conjunction with diligent prosecution will dismantle this criminal activity and send a message that poaching will not be tolerated.”

The VCDA’s Office arranged a plea agreement with all seven co-defendants. The plea agreement stipulated that all co-defendants plead guilty to counts of felony conspiracy for the unlawful take/possession of wildlife and for filing false documents with the state. The plea also stipulated the defendants each serve 180 to 220

days in jail, 24 months formal probation, and a lifetime prohibition of hunting and fishing privileges in the state of California.

“Poaching is a serious crime. It harms the environment and our precious wildlife. The court understood the seriousness of the defendants’ conduct and gave them appropriate jail sentences to hold them accountable. We greatly appreciate the California Department of Fish and Wildlife for all they do,” said Ventura County Senior Deputy District Attorney Karen Wold, who prosecuted the case.

Arrested and sentenced were Martin Bravo Jr., 31, of Oxnard; Martin Bravo Sr., 61, of Oxnard; Jaime Mendoza Avila, 42, of Porterville; Gilberto Lopez Hernandez, 36, of Thousand Oaks; Walfre Lopez Y Lopez, 39, of Oxnard; Cristian Lopez Perez, 33, of Los Angeles; and Juventino Reyes Guererro, 45, of Piru. Sentencing details for each subject available upon request.

###

Media Contacts:

Lt. Jake Coombs, CDFW Law Enforcement, (805) 861-0871

Capt. Patrick Foy, CDFW Law Enforcement, (916) 508-7095

Staff Summary for April 17-18, 2024
For Background Purposes Only

16. Inland Sport Fishing

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations for freshwater sport fishing bag limits, gear, and low-flow information.

Summary of Previous/Future Actions

- | | |
|----------------------------------------------|--------------------------|
| • Wildlife Resources Committee (WRC) vetting | January 16, 2024; WRC |
| • Notice hearing | April 17-18, 2024 |
| • Discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

The Department recommends the Commission amend inland sport fishing regulations to align with current fisheries management goals and objectives, improve angling opportunities, correct errors and inaccuracies in existing regulations, and improve regulatory enforcement (Exhibit 1). The proposed amendments include:

- Section 2.30: Include American shad as a species that may be taken by spearfishing in the Valley District and clarify spearfishing boundaries. These amendments incorporate regulatory changes proposed in regulation change petition 2021-028, granted by the Commission at its December 2023 meeting.
- Section 5.00: Reduce the 15-inch total length minimum size limit for black bass at Castaic Lake (Los Angeles County) to the statewide standard 12-inch total length minimum size limit.
- Section 7.50: Correct the fishing boundary for Deep Creek (San Bernardino County).
- Section 7.50: Amend trout regulations for Parker Lake (Mono County) to year-round angling, a two-fish bag limit, a 14-inch minimum size limit, and restrict gear to artificial lures only. Since Parker Lake is currently subject to the General Statewide Regulations for trout, the proposed amendments will require adding it to Section 7.50, Special Fishing Regulations for Trout.
- Section 7.50: Reduce the daily bag limit from five fish per day to catch-and-release fishing only on Willow Creek (Alpine County) upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek, and restrict gear to artificial lures with barbless hooks only. Since Willow Creek is currently subject to the General Statewide Regulations for trout, the proposed amendments will require adding it to Section 7.50, Special Fishing Regulations for Trout. These amendments incorporate regulatory changes proposed in regulation change petition 2022-13, granted in part by the Commission at its February 2024 meeting.
- Section 8.00: Remove the three different phone lines that fishers currently rely on for low-flow restriction information and replace them with a single department webpage URL.

Staff Summary for April 17-18, 2024
For Background Purposes Only

- Section 703: Update the mailing address for the Department's Fisheries Branch.

Visual aids and further details and rationale regarding all components of the proposed changes can be found in the draft initial statement of reasons (Exhibit 2).

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of a notice of intent to amend regulations related to inland sport fishing, as recommended by the Department and supported by the Wildlife Resources Committee.

Committee: Support the proposed changes related to inland sport fishing.

Department: Authorize publication of a notice of intent to amend regulations as detailed in the draft initial statement of reasons.

Exhibits

1. Department memo, received March 26, 2024
2. Draft initial statement of reasons
3. Draft proposed regulatory language
4. Draft economic and fiscal impact statement (STD. 399) and addendum
5. Department presentation

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 2.30, 5.00, 7.50, 8.00 and 703 related to inland sport fishing.

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action
Amend Sections 2.30, 5.00, 7.50, 8.00, and 703
Title 14, California Code of Regulations
Re: Inland Sport Fishing Regulations Update

I. Date of Initial Statement of Reasons: January 24, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 18, 2024

Location: San Jose, CA

(b) Discussion Hearing

Date: June 20, 2024

Location: Mammoth Lakes, CA

(c) Adoption Hearing

Date: August 15, 2024

Location: Fortuna, CA

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, sections 2.30, 5.00, 7.50, 8.00 and 703, for the 2024 sport fishing regulatory cycle. This proposal will reduce the daily bag limit for trout in Parker Lake and Willow Creek, reduce the minimum size limit for black bass in Lake Castaic, allow take of American Shad by spearfishing in the Valley District, simplify and streamline access to low-flow fishing information, amend the fishing boundary for Deep Creek, and update the Department's mailing address. These proposed regulatory changes are needed to effectively manage California's sport fisheries, and correct errors and inaccuracies in the existing regulations to reduce public confusion and improve regulatory enforcement.

(b) Proposed Regulations

The Department is proposing changes to the following regulations in Title 14, CCR:

- **Section 2.30, Spearfishing**

- The proposal would amend the freshwater sport fishing regulations to include American Shad as a species that may be taken by spearfishing in the Valley District, and clarification of the spearfishing boundaries (Section 2.30 Spearfishing, subsection (b)).
- Currently several species of fish can be taken by speargun in the Valley District between May and September. Those species include Striped Bass, carp, goldfish, Sacramento (Western Sucker), Sacramento Blackfish, Hardhead, Sacramento

Pikeminnow, and lamprey. The regulations do not include American Shad as a species that can be taken by spearfishing. The Department would like to add spearfishing as a method of take for American Shad. The Department does not believe that adding this method of take will impact the American Shad population, or any other fish species. Additionally, this regulation change will increase angling opportunities for the angling community.

- The Department would also like to more clearly define spearfishing boundaries written in the regulations so that the need to look up Fish and Game Code Section 1505 is reduced. Additionally, the department would like to add language for anglers to check their local city and/or county ordinances for speargun (firearm) restrictions.
- **Section 5.00, Black Bass, Subsection (b)(7), Castaic Lake (Los Angeles Co.)**
 - The proposal is to reduce the 15-inch total length minimum size limit at Castaic Lake to the statewide standard of 12-inch total length minimum size limit. The daily bag limit of five fish will remain unchanged.
 - The current regulation for black bass at Castaic Lake is inadequate and was enacted to protect a “trophy” black bass fishery that no longer exists. Castaic Lake has limiting factors that are not conducive to maintaining a large population of “trophy” black bass. Habitat for juvenile bass and sunfish is limited as shorelines are generally steep in both arms and contain few small coves. Aquatic vegetation, which is important for recruitment of black bass, is lacking due to water level fluctuations. There is also a large population of striped bass which are additional competitors of forage resources. Department electrofishing data from 2013-2022 show the black bass fishery has declined in condition and has stunted between 10-15 inches. The average Relative Weight (body condition) was 78 in 2022, where 100 is considered adequate health. Harvest is needed to reduce the population, warranting the regulation change. In addition to the black bass fisheries data, the Department has been contacted multiple times by local angling groups calling for the regulation change. Castaic Lake is the only water in the area with a special regulation, aligning it with the statewide black bass regulation would create regulation simplification and expand angler opportunity for resource utilization.
- **Section 7.50, Subsection (b)(42), Deep Creek (San Bernardino Co.)**
 - This proposal would amend the fishing boundary for Deep Creek for clarity purposes. The current boundary reads “from headwaters at Little Green Valley to confluence of Willow Creek.” The proposed new boundary is “from below Green Valley Lake Dam to the confluence of Willow Creek. This change is necessary to ensure law enforcement officers are clear on which area the regulations apply. Current regulations mention Little Green Valley, which does not exist.
- **Section 7.50, Parker Lake (Mono County)**
 - This proposal would amend the trout regulations for Parker Lake to year-round angling, two fish bag limit, 14-inch minimum size limit, and an artificial lures only gear restriction from the General Statewide Regulations for trout (i.e., Section 5.85) of all year, 5 fish bag limit with 10 in possession. This will require adding Parker Lake to Section 7.50, Special Fishing Regulations for Trout.

- Parker Lake has been a designated Heritage Wild Trout water since 2011. Historically, Parker Lake was a fast action Brook Trout fishery that produced trophy size Brown Trout. Recent survey efforts by the Department in 2021 have shown a consistent decline in both species population numbers since surveys conducted in 2003 and 2011. The large decline in Brook Trout numbers in the lake indicates Parker Lake is no longer a fast action Brook Trout fishery, suggesting there is overharvest. Brown Trout have also decreased in size since 2003 and 2011 and are trending towards no longer reaching trophy sizes. Parker Lake has become more popular in recent years due to increasing interest and advertisement of the lake on various social media platforms, which most likely caused the increase in angling pressure. Since this water is not stocked, the current fishing methods and 5 fish bag limit with an additional 10 Brook Trout over 10 inches is most likely resulting in overfishing and a decline in both species.
- **Section 7.50, Willow Creek (Alpine County)**
 - This public proposal seeks to amend the fishing regulations on Willow Creek upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek to protect the declining populations of trout in the creek. This proposal would reduce the daily bag limit for trout from five fish per day to catch and release fishing only, with a gear restriction of artificial lures and barbless hooks only. This change would require adding Willow Creek to Section 7.50, Special Fishing Regulations for Trout.
 - The Department has little data on the status of trout populations in Willow Creek, but given the small size of the watershed, and multiple exceptional droughts of the past decade, the Department supports actions to ensure this fishery continues to be viable. This aligns with the Department's mission to conserve and provide fishing opportunities for future generations.
- **Section 8.00, Low Flow Fishing Restrictions**

Low-flow restrictions provide protection to listed and targeted game fish when stream flows are low. Low-flow restrictions affect fishing seasons for ten coastal counties: Del Norte, Humboldt, Mendocino, Sonoma, Marin, Napa, San Mateo, Santa Cruz, Santa Clara, and Monterey. Currently, the Department reports low-flow information via three different phone lines reflected in this section. Each phone line is associated with specific waters and each line is supported by one of the three Department regions (Northern Region 1, Bay Delta Region 3, and Central Region 4).

- The low-flow phone lines are problematic, and a continued source of concern for the Department. The phone line messages for all three low-flow phone lines are inefficient as it requires the public to navigate a phone line and potentially listen to information that is not relevant to their needs. Additionally, if the public is not engaged, they may miss the pertinent information requiring them to listen to the message again. Constituents have expressed concerns with the phone line and have requested a web-based message on public forums and with Department staff.
- In the event of inclement weather and/or power outages, the phone lines have been down and unable to communicate low-flow updates. The Department's Telecom Representative has identified multiple options to improve the phone lines, however these options will be expensive and time and labor intensive.

- With the proposed amendments to Section 8.00, the Department seeks to simplify and streamline access to low-flow information by transitioning the three low-flow phone lines to a Department webpage. A single source of information will be more efficient for the state and its constituents. An online system will be much more efficient for CDFW to operate. The proposed regulation changes show the phone number in existing regulation struck out and the Department website's regulations page (www.wildlife.ca.gov/regulations) added for Low-Flow Restrictions and information. This regulation will not impact where or when low-flow closures occur.

- **Other Changes**

The Department is proposing additional changes to correct errors in the regulations, including:

1. Section 703(a)(3): The mailing address for the Department's Fisheries Branch in this section needs to be changed from 830 S Street, Sacramento, CA 95811 to 1010 Riverside Pkwy, West Sacramento, 95605.
2. Section 7.50: Non-substantive renumbering of subsections (b)(106) through (b)(169) to account for the addition of Parker Lake and Willow Creek.

(c) Necessity of the Proposed Regulation Changes

The proposed changes are necessary to align California's inland sport fishery regulations with the Department's current fisheries management goals and objectives. Specifically, the changes are necessary to: (1) protect declining populations of trout in Parker Lake and Willow Creek; (2) increase fishing opportunity for black bass in Castaic Lake; (3) increase fishing opportunity for spearfishers in the Valley District; (4) make access to low-flow fishing information more efficient; and (5) make needed corrections to existing regulations to reduce public confusion and improve regulatory enforcement.

(d) Goals and Benefits of the Regulation

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources, it is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based sport fish seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations sport fish to ensure their continued existence.

The benefits of the proposed regulations are consistent with the sustainable management of California's sport fisheries, general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout California.

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

Authority: Sections 200, 205, 255, 265, 270, 275, 315, and 399 Fish and Game Code.
Reference: Sections 200, 205, 255, 265, 270, and 275 Fish and Game Code.

(f) Specific Technology or Equipment Required by Regulatory Change

None.

(g) Identification of Reports or Documents Supporting Regulation Change

None.

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

The Department presented the proposed amendments to the sport fishing regulations at the Commission's Wildlife Resources Committee meetings on September 19, 2023 and January 16, 2024.

On December 12, 2023, the Department released an online survey associated with the proposed low-flow regulation change to gauge the public's use of the current phone lines, preference to recorded phone line messages vs a web-based platform, and ability to access online low-flow information. The survey was completed on February 22, 2024 and results indicated overall support for a web-based provision of low flow information.

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

The no change alternative would leave the current regulations in place.

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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes provide clarification of existing regulations that are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

(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 adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide clarification of existing regulations that are not anticipated to change the level of fishing activity and thus the demand for goods and services related to sportfishing that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California.

The Commission anticipates benefits to the environment by the sustainable management of fishery resources throughout the state. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

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

The Commission 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. No changes to costs or savings to state agencies or in federal funding are anticipated by the proposed clarification of existing regulations. The Department program implementation and enforcement are projected to remain the same with a stable volume of fishing activity.

(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 does not anticipate adverse impacts on the creation or elimination of jobs within the state because the proposed amendments are not anticipated to impact the level of fishing activity and thus the demand for goods and services related to sportfishing that could impact the demand for labor.

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

The Commission does not anticipate that any of the proposed amendments would induce impacts on the creation of new business or the elimination of existing businesses, because the economic impacts of the proposed clarifications of existing regulations are unlikely to be stimulate or lessen the demand for goods or services related to sport fishing, travel, or tourism to the affected areas.

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

The Commission does not anticipate that any of the proposed clarification of existing regulations would induce impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve individuals who engage in inland sport fishing. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

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

The Commission does not anticipate direct benefits to the health and welfare of California residents besides the furtherance of opportunities for sport fishing which is healthy outdoor recreation and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

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

Under the proposed regulations, the Commission anticipates benefits to the environment in the sustainable management of inland fishery resources. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals, and support for businesses that rely on inland sport fishing.

Informative Digest/Policy Statement Overview

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to California Code of Regulations (CCR) Title 14, sections 2.30, 5.00, 7.50, 703, and 8.00, for the 2024 sport fishing regulatory cycle. This proposal will reduce the daily bag limit for trout in Parker Lake and Willow Creek, reduce the minimum size limit for black bass in Lake Castaic, allow take of American Shad by spearfishing in the Valley District, simplify and streamline access to low-flow fishing information, amend the fishing boundary for Deep Creek, and update the Department's mailing address. These proposed regulatory changes are needed to effectively manage California's sport fisheries, and correct errors and inaccuracies in the existing regulations to reduce public confusion and improve regulatory enforcement.

The Department is proposing changes to the following regulations in Title 14, CCR:

- **Section 2.30, Spearfishing**
 - The proposal would amend the freshwater sport fishing regulations to include American Shad as a species that may be taken by spearfishing in the Valley District, and clarification of the spearfishing boundaries (Section 2.30 Spearfishing, subsections (b) and (c)).
- **Section 5.00, Black Bass, Subsection (b)(7), Castaic Lake (Los Angeles Co.)**
 - The proposal is to reduce the 15-inch total length minimum size limit at Castaic Lake to the statewide standard of 12-inch total length minimum size limit. The daily bag limit of five fish will remain unchanged.
- **Section 7.50, Subsection (b)(42), Deep Creek (San Bernardino Co.)**
 - This proposal would amend the fishing boundary for Deep Creek for clarity purposes. The current boundary reads "from headwaters at Little Green Valley to confluence of Willow Creek." The proposed new boundary is "from below Green Valley Lake Dam to the confluence of Willow Creek." This change is necessary to ensure law enforcement officers are clear on which area the regulations apply. Current regulations mention Little Green Valley which does not exist.
- **Section 7.50, Parker Lake (Mono Co.)**
 - This proposal would amend the trout regulations for Parker Lake to year-round angling, two fish bag limit, 14-inch minimum size limit, and an artificial lures only gear restriction from the General Statewide Regulations for trout (i.e., Section 5.85) of all year, 5 fish bag limit with 10 in possession. This will require adding Parker Lake to Section 7.50, Special Fishing Regulations for Trout.
- **Section 7.50, Willow Creek (Alpine Co.)**
 - This public proposal seeks to amend the fishing regulations on Willow Creek upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek to protect the declining populations of trout in the creek. This proposal would reduce the daily bag limit for trout from five fish per day to catch and release fishing only, with a gear restriction of artificial lures and barbless hooks only. This will require adding Willow Creek to Section 7.50, Special Fishing Regulations for Trout.

- **Section 8.00, Low Flow Fishing Restrictions.**

- This proposal seeks to simplify and streamline access to low-flow information by transitioning the three different phone lines in current regulations to a single-source CDFW webpage.

- **Other Changes**

The Department is proposing additional changes to correct errors in the regulations, including:

1. Section 703(a)(3): The mailing address for the Department's Fisheries Branch in this section needs to be changed from 830 S Street, Sacramento, CA 95811 to 1010 Riverside Pkwy, West Sacramento, 95605.
2. Section 7.50: Renumber subsections (b)(106) through (b)(169) to account for the addition of Parker Lake and Willow Creek.

Benefits of the Proposed Regulations

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources, it is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based sport fish seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations sport fish to ensure their continued existence.

The benefits of the proposed regulations are consistent with the sustainable management of California's sport fisheries, general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout California.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315, and 316.5). 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 California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.

Proposed Regulatory Language

Subsection (b) of Section 2.30, Title 14, CCR, is amended to read:

§ 2.30. Spearfishing.

Spearfishing is permitted only in:

(a) The Colorado River District for carp, tilapia, goldfish and mullet, all year.

(b) The Valley District and Black Butte Lake (Tehama County) for American Shad, carp, tilapia, goldfish, striped bass, Sacramento (Western) Sucker, Sacramento blackfish, hardhead, Sacramento pikeminnow and lamprey, from May 1 through September 15, except that no spearfishing is permitted in:

(1) Shasta County (see Section 2.12).

(2) Tehama County except Black Butte Lake.

(3) Butte Creek (Butte Co.).

(4) Feather River below Oroville Dam (Butte Co.).

~~(5) Designated salmon spawning areas (See Fish and Game Code Section 1505).~~

(5) Yuba River upstream of Simpson Lane Bridge (Yuba Co.).

(6) American River upstream of Howe Ave. Bridge (Sacramento Co.).

(7) Mokelumne River upstream of Elliot Road Bridge (San Joaquin Co.).

(8) San Joaquin River upstream of State Route 99 Bridge (Madera and Fresno Co.).

(9) Stanislaus River upstream of S. Santa Fe Road (J7) Bridge (Stanislaus Co.).

(10) Tuolumne River upstream of the Geer Road (J14) Bridge (Stanislaus Co.).

(11) Merced River upstream of N. Santa Fe Drive (J7) Bridge (Merced Co.).

(12) All designated salmon spawning areas (See Fish and Game Code Section 1505).

(13) Refer to all county, city, and/or local regulations and ordinances to confirm if use and/or possession of projectile weapons is prohibited.

(c) The Kern River from the Kern-Tulare county line upstream to the Johnsondale Bridge for carp, goldfish, Sacramento (Western) Sucker, hardhead and Sacramento pikeminnow, from May 1 through September 15.

(d) See bullfrogs (Section 5.05).

Note: Authority cited: Sections 200, 205, 255 and 265, Fish and Game Code.
Reference: Sections 200, 205, 255 and 265, Fish and Game Code.

Proposed Regulatory Language

Subsection (b)(7) of Section 5.00, Title 14, CCR, is amended to read:

§ 5.00. Black Bass.

. . . No changes to subsections (a) and (b)(1) through (b)(6), just shown for background information. . .

It is unlawful to take or possess black bass except as provided in this section:

(Note: Some waters are closed to all fishing under Sections 7.40 and 7.50.)

(a) General Statewide Restrictions:

(1) Lakes/Reservoirs and the Sacramento-San Joaquin Delta: The following waters, except for those listed in subsection (b), are open to fishing all year, with a 12-inch total length minimum size limit and a five-fish daily bag limit: All lakes and reservoirs in the State, and the Sacramento-San Joaquin River Delta (see Section 1.71 for definition of the Delta).

(2) Rivers/Streams and Private Ponds: Rivers, streams, canals, and lakes or ponds entirely on private lands that are not listed in subsection (b) are open all year with no size limit and a five-fish daily bag limit.

(b) Special Regulations: Counties and individual waters listed below are those having regulations different from the General Statewide Restrictions in subsection (a).

DISTRICTS AND COUNTIES WITH SPECIAL REGULATIONS

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(1) Colorado River District: All waters (Bag and size limits conform with Arizona regulations.).	All year.	13-inch minimum.	6

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(2) Inyo Co.: All streams east of Highway 395 from the southern Inyo Co. line north to the junction of Highway 6 and east of Highway 6 to the Mono Co. line, except those streams listed by name in Section 7.50(b), Special Fishing Regulations.	All year.	12-inch minimum.	5
The remaining streams of Inyo Co., except those waters listed in Section 7.50(b), Special Fishing Regulations	Last Sat. in Apr. through Nov. 15. Closed to bass fishing from Nov. 16 through the Fri. preceding the last Sat. in Apr.	12-inch minimum.	5
All Lakes, Big Pine Canal, Fish Spring Canal, and Millpond in Inyo Co.	All year.	12-inch minimum.	5
(3) Mono Co.: All streams except for Fish Slough (see subsection (b)(10)) and those waters listed by name in Section 7.50(b), Special Fishing Regulations	Last Sat. in Apr. through Nov. 15. Closed to bass fishing from Nov. 16 through the Fri. preceding the last Sat. in Apr.	No size limit.	5
(4) Plumas Co.: All waters.	All year.	No size limit.	5

INDIVIDUAL BODIES OF WATER WITH SPECIAL REGULATIONS

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(5) Barrett Lake (San Diego Co.) (Also see Section 2.08.)	All year.	Catch and Release only.	0
(6) Casitas Lake (Ventura Co.)	All year.	12-inch minimum. No more than one over 22 inches.	5

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(7) Castaic Lake (Los Angeles Co.).	All year.	15-inch minimum.	5
(8) Cuyamaca Lake (San Diego Co.).	All year.	No size limit for Largemouth Bass. Catch and Release only for Smallmouth Bass.	5
(9) Fish Slough (Mono Co.), except the fenced portions of Fish Slough within the BLM Spring, which are closed to all fishing all year. See Section 7.50(b)(49), Special Fishing Regulations.	All year.	No size limit.	5
(10) Hodges Lake (San Diego Co.).	All year.	15-inch minimum.	5
(11) Lett's Lake (Colusa Co.).	All year.	No size limit.	5
(12) Plaskett Meadows lakes, upper and lower (Glenn Co.).	All year.	No size limit.	5
(13) Shaver Lake (Fresno Co.).	All year.	No size limit.	5
(14) Upper Otay Lake (San Diego Co.). (Also see Section 2.08.)	All year	Catch and Release only.	0

Note: Authority cited: Sections 200, 205, 265, 270 and 275, Fish and Game Code.
Reference: Sections 200 and 205, Fish and Game Code.

Proposed Regulatory Language

Subsection (b) of Section 7.50, Title 14, CCR, is amended to read:

§ 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations

[...No changes to subsection (a)...]

(b)

[...No changes to subsections (b)(1) through (b)(41)...]

(b)

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(42) Deep Creek (San Bernardino Co.) from headwaters at Little Green Valley to confluence of Willow Creek. <u>below Green Valley Lake Dam to the confluence of Willow Creek.</u>	All year. Only artificial lures may be used.	2 trout

[...No changes to subsections (b)(43) through (b)(104)...]

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(105) Parker Creek (Mono Co.) from Parker Lake to the confluence with Rush Creek.	All year. Only artificial lures with barbless hooks may be used.	0 trout
<u>(106) Parker Lake (Mono Co.)</u>	<u>All year. Only artificial lures may be used. 14-inch minimum size limit.</u>	<u>2 trout</u>
(106) <u>(107)</u> Pine Creek (Goose Lake Tributary) and tributaries (Modoc Co.).	Sat. preceding Memorial Day through the last day in Feb.	5 trout
(107) <u>(108)</u> Pine Valley Creek (San Diego Co.) upstream of Barrett Lake and all its tributaries.	All year. Only artificial lures may be used.	2 trout
(108) <u>(109)</u> Piru Creek (Los Angeles and Ventura Cos.).		

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(A) Piru Creek and tributaries upstream of Pyramid Lake.	All year. Only artificial lures may be used.	2 trout
(B) From Pyramid Dam downstream to the bridge approximately 300 yards below Pyramid Lake.	Closed to all fishing all year.	
(C) From the bridge approximately 300 yards below Pyramid Lake downstream to the falls about 1/2 mile above the old Highway 99 bridge.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(409110) Pit River (Shasta and Modoc Cos.).		
(A) Pit River, South Fork (Modoc Co.) and tributaries upstream of the Highway 395 bridge in Likely.	Sat. preceding Memorial through the last day in Feb.	5 trout
(B) Pit River, North Fork (Modoc Co.) and tributaries from the confluence with the South Fork in Alturas upstream to and including Franklin Creek.	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures may be used.	2 trout
(C) From Pit No. 3 (Britton Dam) downstream to the outlet of the Pit No. 3 Powerhouse.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(D) Pit River, from Pit No. 3 Powerhouse downstream to Shasta Lake.	All year.	2 trout. 4 trout in possession.
(440111) Pole Creek and tributaries (Placer Co.).	Closed to all fishing all year.	
(444112) Portuguese Creek, West Fork (Madera Co.) from headwaters downstream to confluence with the East Fork Portuguese Creek.	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures with barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(442 113) Prosser Creek from the Prosser Reservoir dam downstream to the confluence with the Truckee River (Nevada Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(443 114) Purisima Creek (San Mateo Co.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(444115) Putah Creek (Solano and Yolo Cos.) from Solano Lake to Monticello Dam.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(445 116) Redwood Creek and tributaries (Alameda Co.).	Closed to all fishing all year.	
(446 117) Redwood Creek (Humboldt Co.) and tributaries above the mouth of Bond Creek.	Closed to all fishing all year.	
(447 118) Robinson Creek (Mono Co.).		
(A) From the U.S. Forest Service boundary downstream to Upper Twin Lake.	Sat. preceding Memorial Day through Sep. 30.	5 trout
(B) Between Upper and Lower Twin Lakes.	Sat. preceding Memorial Day through Sep. 30.	5 trout
(448 119) Rock Creek Diversion Channel (Mono Co.) from its source below Tom's Place to its confluence with Crooked Creek.	Closed to all fishing all year.	
(449 120) Rock Creek Lake (Inyo Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(420 121) Rock Creek in the Hat Creek Drainage (Shasta Co.) from Rock Creek spring (origin) downstream to Baum Lake.	Closed to all fishing all year.	

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(424122) Rock Creek (Shasta Co.) from its confluence with Pit River to Rock Creek Falls (about one mile upstream).	Closed to all fishing all year.	
(422123) Roosevelt Lake (Mono Co.).	All year. Only artificial lures may be used.	2 trout
(123124) Rush Creek (Mono Co.).		
(A) Rush Creek from Grant Lake Dam downstream to Mono Lake.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(B) Rush Creek (Mono.Co.) between Silver Lake and Grant Lake.	Sat. preceding Memorial Day through Sep. 30.	5 trout
(424125) Sabrina Lake (Lake Sabrina, Inyo Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(425126) Sacramento River and tributaries above Keswick Dam (Shasta and Siskiyou Cos.).		
(A) Sacramento River and tributaries from Box Canyon Dam downstream to the Scarlett Way bridge in Dunsmuir.	All Year. Only artificial lures with barbless hooks may be used.	0 trout
(B) Sacramento River and tributaries from Scarlett Way bridge downstream to the county bridge at Sweetbriar.	Sat. preceding Memorial Day through Sep. 30.	5 trout
	Oct. 1 through the Fri. preceding Memorial Day. Only artificial lures may be used.	2 trout
(C) Sacramento River and tributaries from the county bridge at Sweetbriar downstream to Shasta Lake.	All year. Only artificial lures may be used.	2 trout
(426127) Sagehen Creek (Nevada Co.).		

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(A) From the stream gauging station (located about 1/8 mile below Sagehen Creek Station Headquarters) upstream to about 1/8 mile above the station headquarters at a point where the stream splits into two sections.	Closed to all fishing all year.	
(B) From the Highway 89 bridge upstream to the gauging station at the east boundary of the Sagehen Creek Station.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(427128) Salmon Creek and tributaries above Highway 1 (Monterey Co.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(428129) San Gabriel River, West Fork and tributaries (Los Angeles Co.).		
(A) Upstream of Cogswell Dam (including Cogswell reservoir and its tributaries).	All year. Only artificial lures may be used.	2 trout
(B) From Cogswell Dam downstream to the second bridge upstream from the Highway 39 bridge.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(429130) San Luis Rey River West Fork (San Diego Co.).	All year. Only artificial lures may be used.	2 trout
(430131) Santa Ana River and tributaries upstream above Seven Oaks Dam (San Bernardino Co.). This does not include Bear Creek. See subsection (b)(8), Bear Creek (San Bernardino Co.) for additional info.	All year.	5 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(431 <u>432</u>) Santa Ynez River and tributaries upstream of Gibraltar Dam (Santa Barbara Co.).	All year.	2 trout. 4 trout in possession.
(432 <u>433</u>) Sausal Creek and tributaries (Alameda Co.).	Closed to all fishing all year.	
(433 <u>434</u>) Sespe Creek and tributaries above Alder Creek confluence (Ventura Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(434 <u>435</u>) Silver Creek (Mono Co.), tributary to West Walker River, and tributaries upstream from Silver Falls.	Closed to all fishing all year.	
(435 <u>436</u>) Silver Creek and all other tributaries to Swonger Lake (Modoc and Lassen Cos.).	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures may be used.	2 trout
(436 <u>437</u>) Silver King Creek and tributaries (Alpine Co.) upstream of the confluence with Snodgrass Creek.	Closed to all fishing all year.	
(437 <u>438</u>) Silver Lake (Mono. Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(438 <u>439</u>) Slinkard Creek and tributaries (Mono Co.) upstream from a department of Fish and Wildlife rock gabbion barrier (38.606976°N, 119.567687°W). The barrier is located approximately 5–6 miles upstream from the Hwy 89 and Hwy 395 junction.	All year. Only artificial flies with barbless hooks may be used.	0 trout
(439 <u>440</u>) Solano Lake (Solano Co.).	All year. Only artificial lures and barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(140 141) Sonoma Creek and tributaries (Sonoma Co.) above the Sonoma Creek seasonal waterfall in Sugarloaf Ridge State Park (located 0.2 miles upstream of the west end of the Canyon Trail).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(141 142) Sonoma Lake (Sonoma Co.).	All year.	2 trout. 4 trout in possession.
(142 143) Sonoma Lake tributaries (Sonoma Co.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures may be use.	2 trout
(143 144) Soula joule Lake tributaries (Marin Co.).	Sat. preceding Memorial Day through Sep. 30.	2 trout. 4 trout in possession.
(144 145) South Lake (Inyo Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(145 146) Squaw Valley Creek and tributaries (Shasta Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(146 147) Stanislaus River, Middle Fork (Tuolumne Co.).		
(A) From Beardsley Dam downstream to the U. S. Forest Service footbridge at Spring Gap (including the Beardsley Afterbay).	All year. Only artificial lures may be used.	2 trout
(B) From the U.S. Forest Service footbridge at Spring Gap to New Melones Reservoir.	All year.	2 trout. 4 trout in possession.
(147 148) Stevens Creek and all tributaries upstream of Stevens Creek Reservoir (Santa Clara Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(448 149) Stony Creek, and tributaries (including the North, South, and Middle forks) from the headwaters downstream to the diversion dam west of Stonyford in the center of Section 35, T18N, R7W (Colusa, Glenn and Lake Cos.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(449 150) Susan River (Lassen Co.)	Sat. preceding Memorial Day through the last day in Feb.	5 trout
(450 151) Sweetwater River and tributaries upstream of Sweetwater Reservoir (San Diego Co.).	All year. Only artificial lures may be used.	2 trout.
(451 152) Tahoe Lake and tributaries (Placer and El Dorado Cos.).		
(A) Tahoe Lake tributaries upstream to the first lake.	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(B) Tahoe Lake within 300 feet of the mouth of its tributaries.	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(452 153) Trinity River, above Trinity Lake (Trinity Co.) from the confluence with Tangle Blue Creek (Hwy. 3), downstream (south) to the mouth of Trinity Lake, approximately 13.8 miles.	Sat. preceding Memorial Day through Sep. 30. Oct. 1 through the Fri. preceding Memorial Day. Only artificial lures with barbless hooks may be used.	5 trout
(453 154) Truckee River (Nevada, Placer, and Sierra Cos.).		
(A) Truckee River for 1,000 feet below the Lake Tahoe outlet dam.	Closed to all fishing all year.	

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(B) Truckee River from the confluence of Trout Creek downstream to the mouth of Prosser Creek.	All year. Only artificial flies with barbless hooks may be used.	0 trout
(C) Truckee River from the mouth of Prosser Creek downstream to the Nevada State Line.	Last Saturday in Apr. through Nov. 15. Only artificial lures may be used. Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	2 trout 0 trout
(454155) Tule River and tributaries (Tulare Co.).		
Tule River, North Fork (Tulare Co.), only in the North Fork Tule River and all its forks and tributaries above the confluence with Pine Creek (about 50 yards upstream from the Blue Ridge road bridge, about 12 1/4 miles north of Springville).	All year. Only artificial lures may be used.	2 trout
(455156) Tuolumne River (Stanislaus and Tuolumne Cos.) from O'Shaughnessy Dam (Hetch Hetchy Reservoir downstream to Clavey River Falls.	All year. Only artificial lures may be used.	2 trout
(456157) Twelvemile Creek (Modoc Co.).	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures with barbless hooks may be used.	0 trout
(457158) Twin Lakes (Mammoth, Mono Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(458159) Twin Lakes, Upper and Lower (Bridgeport, Mono Co.).	Last Sat. in Apr. through Nov. 15.	5 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(459 160) Upper Otay Lake (San Diego Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(460 161) Upper Truckee River and tributaries upstream from confluence with Showers Creek (Alpine and El Dorado Cos.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(464 162) Virginia Lakes, Upper and Lower (Mono Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(462 163) Walker Creek (Mono Co.) from the private property line (fence) to the confluence Rush Creek.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(463 164) Walker River, East Fork (Mono Co.) from Bridgeport Dam to Nevada State Line.	Last Sat. in Apr. through Nov. 15. Only artificial lures may be used. Minimum size limit: 18 inches total length. NOTE: BOW AND ARROW FISHING FOR CARP ONLY IS PERMITTED.	2 trout
(464 165) Whiskey Creek (Mono Co.) downstream from Crowley Lake Drive (old Highway 395).	Sat. preceding Memorial Day through Sep. 30.	5 trout
(166) Willow Creek (Alpine Co.) <u>upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek.</u>	<u>All year. Only artificial lures with barbless hooks may be used.</u>	<u>0 trout</u>
(465 167) Wolf Creek and tributaries (tributary to West Walker River) (Mono Co.).	All year. Only artificial flies with barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(166 168) Wolf Creek Lake (at the headwaters of Wolf Creek, tributary to the West Walker River) (Mono Co.).	Closed to all fishing all year.	
(167 169) Yellow Creek (Plumas Co.) from Big Springs downstream to the marker at the lower end of Humbug Meadow.	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures with barbless hooks may be used.	0 trout
(168 170) Yuba River, Middle Fork (Nevada and Sierra Cos.) from Jackson Meadows Dam downstream to Milton Lake.	See Milton Lake (b)(97).	
(169 171) Yuba River, North Fork (Sierra and Yuba Cos.) from the western boundary of Sierra City to the confluence with Ladies Canyon Creek.	All year. Only artificial lures may be used.	2 trout

NOTE: Authority cited: Sections 200, 205, 265, 270, 315 and 399, Fish and Game Code. Reference: Sections 200, 205, 265 and 270, Fish and Game Code.

Proposed Regulatory Language

Section 8.00, Title 14, CCR, is amended to read:

§ 8.00. Low-Flow Restrictions.

(a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions.

(1) From September 1 through April 30:

(A) Any of the stream reaches listed in subsections (a)(2) through (8) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at any of the designated gauging stations is less than the minimum flows set forth in subsections (a)(2) through (8).

(B) Any of the stream reaches listed in subsections (a)(2) through (8) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at any of the designated gauging stations is less than the minimum flows set forth in subsections (a)(2) through (8).

(C) Any of the stream reaches listed in subsections (a)(2) through (8) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at any of the designated gauging stations is less than the minimum flows set forth in subsections (a)(2) through (8). Note: Authority cited: Sections 200, 205, 265 and 270, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

(D) Notwithstanding subsections (a)(1)(A) through (C), the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in subsections (a)(2) through (8) before or on the next flow-determination date.

(E) The department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (a)(2) through (8) is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination. The department shall make information available to the public by a ~~telephone recorded message~~ webpage updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the ~~telephone number~~ webpage designated in the sport fishing regulations booklet to obtain information on the status of any stream.

(2) Eel River

(A) From the mouth to Fulmor Road, at its paved junction with the south bank of Eel River. Closed to angling, except:

1. Legal fishing methods other than angling are permitted.
2. From the mouth to Cock Robin Island Bridge, angling from shore for non-salmonids is permitted.

Minimum Flow: 350 cfs at the gauging station near Scotia.

(B) The main stem Eel River from the paved junction of Fulmor Road with the Eel River to the South Fork Eel River. Minimum Flow: 350 cfs at the gauging station near Scotia.

(3) The South Fork of the Eel River downstream from Rattlesnake Creek and the Middle Fork Eel River downstream from the Bar Creek. Minimum Flow: 340 cfs at the gauging station at Miranda.

(4) Van Duzen River: The main stem Van Duzen River from its junction with the Eel River to the end of Golden Gate Drive near Bridgeville (approximately 4,000 feet upstream from the Little Golden Gate Bridge).

Minimum Flow: 150 cfs at the gauging station near Grizzly Creek Redwoods State Park.

(5) Mad River: The main stem Mad River from the Hammond Trail Railroad Trestle to Cowan Creek.

Minimum Flow: 200 cfs at the gauging station at the Highway 299 bridge.

(6) Mattole River: The main stem of the Mattole River from the mouth to Honeydew Creek.

Minimum Flow: 320 cfs at the gauging station at Petrolia.

(7) Redwood Creek: The main stem of Redwood Creek from the mouth to its confluence with Bond Creek.

Minimum Flow: 300 cfs at the gauging station near the Highway 101 bridge.

(8) Smith River: The main stem Smith River from the mouth of Rowdy Creek to the mouth of Patrick Creek (tributary of the Middle Fork Smith River); the South Fork Smith River from the mouth upstream approximately 1000 feet to the County Road (George Tyron-) bridge and Craigs Creek to its confluence with Jones Creek; and the North Fork Smith River from the mouth to its confluence with Stony Creek.

Minimum Flow: 600 cfs at the Jedediah Smith Redwoods State Park gauging station.

~~THE NUMBER TO CALL FOR INFORMATION IS (707) 822-3164.~~ Check the Department's regulations page at www.wildlife.ca.gov/regulations for Low-Flow Restrictions and Information.

(b) Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions.

(1) From September 1 through April 30:

(A) Any of the stream reaches listed in subsections (b)(2) through (5) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (b)(2) through (5).

(B) Any of the stream reaches listed in subsections (b)(2) through (5) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (b)(2) through (5).

(C) Any of the stream reaches listed in subsections (b)(2) through (5) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (b)(2) through (5).

(D) Notwithstanding subsections (b)(1)(A) through (C), the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in subsections (b)(2) through (5) before or on the next flow-determination date.

(E) The department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (b)(2) through (5) is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination.

(F) The department shall make information available to the public by a ~~telephone recorded message~~ webpage updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the ~~telephone number~~ webpage designated in the sport fishing regulations booklet to obtain information on the status of any stream.

~~THE NUMBER TO CALL FOR INFORMATION IS (707) 822-3164 for Mendocino County and (707) 944-5533 for Sonoma, Marin, and Napa Counties.~~ Check the Department's regulations page at www.wildlife.ca.gov/regulations for Low-Flow Restrictions and information.

(2) All rivers, creeks, and streams that flow directly into the Pacific Ocean (and its bays) in Mendocino County, except for the Russian and Gualala rivers. This excludes sections and reaches above fish migration barriers, dams, and natural features that prevent upstream anadromous migration.

Minimum Flow: 200 cfs at the USGS gauging station on the main stem Navarro River near Navarro, CA.

(3) All rivers, creeks, and streams that flow directly into the Pacific Ocean (and its bays) in Sonoma and Marin Counties, except for the Russian River. This excludes sections and reaches above fish migration barriers.

Minimum Flow: 150 cfs at the gauging station on the South Fork Gualala River near Sea Ranch (Sonoma County).

(4) Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma Counties), Laguna de Santa Rosa, and Santa Rosa Creek.

Minimum Flow: 300 cfs at the gauging station located on the main stem Russian River near Guerneville (Sonoma County).

(5) The Napa River (Napa County) between Trancas Avenue in Napa and Oakville Cross Bridge near Yountville.

Minimum Flow: 15 cfs at the gauging station at the Oak Knoll Bridge on the main stem Napa River.

(c) South Central Coast Streams — Special Low Flow Closures: During December 1 through March 7, the following streams (subsections (c)(1) through (5)) will be closed to fishing when the department determines that stream flows are inadequate to provide fish passage for migrating steelhead trout and salmon. Closed streams will be reopened when the department determines flows are adequate for fish passage.

(1) Pescadero Creek and all anadromous reaches of San Mateo Co. coastal streams normally open for fishing, from Elliot Creek through Milagro Creek, shall be closed to all fishing when the department determines that the Pescadero Creek flows are impeding fish passage. (U. S. G. S. gauging station is on Pescadero Creek.)

(2) Aptos and Soquel Creeks (Santa Cruz Co.) shall be closed to all fishing when the department determines that the Soquel Creek flows are impeding fish passage. (U. S. G. S. gauging station on Soquel Creek.)

(3) The Pajaro River and Uvas, Llagas, and Corralitos Creeks (Santa Cruz, Monterey, & Santa Clara Cos.) shall be closed to all fishing when the department determines that the Pajaro River flows are impeding fish passage. (U. S. G. S. gauging station on the lower Pajaro River.)

(4) The main stem of the Salinas River (Monterey Co.), below its confluence with the Arroyo Seco River, shall be closed to all fishing when the department determines that the flows are impeding fish passage (U. S. G. S. Spreckels gauging station on the Salinas River.)

(5) The Arroyo Seco River (Monterey Co.) shall be closed to all fishing when the department determines that the flows are impeding fish passage. (Flows to be evaluated at U. S. G. S. Spreckels gauging station on the Salinas River and the U. S. G. S. gauging station near Geenfield on the Arroyo Seco River.)

(6) The San Lorenzo River and all its tributaries, as well as all anadromous reaches of coastal streams normally open for fishing in Santa Cruz Co. from the San Lorenzo River north through Waddell Creek, shall be closed to all fishing when the department determines that the flow at the U.S.G.S. gauging station (#11160500) in the San Lorenzo River at Big Trees is less than 40 cfs.

(7) The Carmel River main stem, and the adjacent waters of San Jose, Gibson, Malpaso, and Soberanes Creeks that are west of Highway 1 (Monterey Co.), shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station near Carmel is less than 80 cfs.

(8) The Big Sur River main stem west of the Highway 1 bridge, all of Limekiln Creek and its tributaries, and the anadromous portions of all other Big Sur Coast streams west of Highway 1 in Monterey Co., from Granite Creek south to Salmon Creek, shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station on the Big Sur River is less than 40 cfs.

(9) The stream flow gauges referred to above in subsections (c)(6) through (8) will be checked on Tuesday and Friday of each week. The decision as to whether these rivers will be open or closed to fishing will take place only on Tuesday and Friday of each week. In the event that river flow differs later in the week, the fishing status for each specific river will not change until the day following the next scheduled reading.

(10) It shall be the responsibility of the angler to use the ~~telephone number~~ webpage designated in the sport fishing regulations booklet to obtain information on the status of any of the rivers or creeks listed above in subsections (c)(1) through (8).

~~THE NUMBER TO CALL FOR INFORMATION IS (831) 649-2886.~~ Check the Department's regulations page at www.wildlife.ca.gov/regulations for Low-Flow Restrictions and information.

NOTE: Authority cited: Sections 200, 205, 265 and 270, Fish and Game Code.
Reference: Sections 200, 205 and 265, Fish and Game Code.

Proposed Regulatory Language

Subsection (a) of Section 703, Title 14, CCR is amended to read:

§ 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

(a) Applications, Forms and Fees for January 1 through December 31 (Calendar Year).

... No changes to subsections (1) through (2)...

(3) Determination that a Transgenic Aquatic Animal is not Detrimental

(A) The applicant shall apply in the form of a letter, on letterhead if an entity, for a department determination that a transgenic aquatic animal is not detrimental in accordance with Section 1.92 and shall include all of the following:

1. The name, mailing address, telephone number(s), and e-mail address of the person seeking to import, possess, distribute, and sell the transgenic aquatic animal or of the principal contact person if an entity seeks to import, possess, distribute, and sell the transgenic aquatic animal.

2. A detailed analysis based on credible science containing:

a. The common and scientific names of the species for which an exemption is sought.

b. A description of the life history of the species.

c. A description of the method(s) by which the genome of the species has been deliberately altered, modified, or engineered.

d. The known or anticipated effects of the genetic alteration, modification or engineering of the species.

e. An analysis of the potential risk to native fish, wildlife, or plants posed by the presence of the transgenic aquatic animal within California.

f. A description of the applicant's proposed importation, possession, distribution, and sale of the transgenic aquatic animal within California.

3. Certification in the following language: I certify that the information submitted in this application is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject the application to rejection, or the department determination to revocation, and to civil and criminal penalties under the laws of the State of California.

a. The original signature of the person, or principal contact person if an entity, seeking the determination.

4. The applicant shall submit a separate application and nonrefundable fee of \$4,790 per species of transgenic aquatic animal.

5. The applicant shall submit one paper copy, and an electronic copy (via email or other device as directed by department staff) containing all application materials, and the application fee, to the Fisheries Branch Chief at ~~830 S Street, Sacramento, CA 95811~~ 1010 Riverside Pkwy, West Sacramento, CA, 95605.

(B) Contents of the Department Determination

1. The department shall issue a determination in writing, based on the information provided by the applicant, and any other relevant credible scientific information in the possession of the department or submitted to the department.

2. The determination shall state whether:

a. The presence of the transgenic aquatic animal within California is detrimental and subject to regulation under Section 671 and subsection 671.1(a)(8); or,

b. The presence of the transgenic aquatic animal within California is not detrimental and poses no reasonably foreseeable risk to native fish, wildlife, or plants and is not subject to regulation under Section 671 and subsection 671.1(a)(8).

c. In making its determination, the department may impose reasonable conditions to ensure the proposed importation, possession, distribution, and sale of the transgenic aquatic animal within California is not detrimental to native fish, wildlife, or plants.

d. The department may revoke or change its determination at any time upon newly-obtained information or circumstances involving said animal's detrimental impacts.

3. If the department identifies deficiencies in the application, requiring additional time or further review, the department shall reject the application and provide written notification of the identified deficiencies in the application to the applicant. No additional fee is required if the application, with required information, is resubmitted within one year of receipt of the original application.

(C) Effect of Department Determination

1. Once it receives a determination from the department that the transgenic aquatic animal poses no reasonably foreseeable risk to native fish, wildlife, or plants, the applicant or its authorized agent may import, possess, distribute, and sell the animal within the state provided that both the applicant and its authorized agent possess and provide within three business days, upon request by the department, a copy of the department's determination.

2. Any wholesaler or retailer purchasing a transgenic aquatic animal from the applicant or its authorized agent may import, possess, distribute, and sell the animal provided that the wholesaler or retailer possesses and provides within three business days, upon request by the department, both a copy of the department's

determination and written documentation to demonstrate that the animal that the wholesaler or retailer purchased originated from the applicant or its authorized agent.

3. Individuals purchasing a transgenic aquatic animal that originated from the applicant, its authorized agent, or wholesalers or retailers as authorized by this section may possess the animal, without a copy of the department's determination or any other documentation, provided that the animal is maintained in a closed system and not placed in the waters of the state.

NOTE: Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

Memorandum

Date: 5/29/2024

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

From: Charlton H. Bonham
Director

Subject: Agenda item for June 2024 California Fish and Game Commission meeting. Emergency Regulatory Action to Amend Section 708.5, Title 14, California Code of Regulations, Re: Mandatory testing for chronic wasting disease.

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) adopt an emergency amendment to add subsections 708.5(e), 708.5 (f), and 708.5 (g) to Title 14, California Code of Regulations, to establish mandatory testing of cervids for chronic wasting disease (CWD) in deer hunt zones where CWD was recently detected. Urgent action is needed to lessen impacts of CWD to cervid populations and to track the spread of the disease.

The Department sees an immediate need for action, and requests the regulations become effective upon filing. CWD is the most significant disease affecting cervids (deer, elk, moose, caribou) in North America and was recently detected in California for the first time.

If you have any questions regarding this item, contact Scott Gardner, Wildlife Branch Chief, at (916) 217-2370.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Kevin Thomas, Deputy Director
Regional Operations

Scott Gardener, Branch Chief
Wildlife Branch

Garry Kelley, Env. Program Manager
Wildlife Health Laboratory

Mario Klip, Env. Program Manager
Wildlife Branch

Brandon Munk, Wildlife Veterinarian
Wildlife Health Lab

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 26, 2023
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Robert Pelzman, Assistant Chief
Law Enforcement Division

Tina Bartlett, Regional Manager
Norther Region

Morgan Kilgour, Regional Manager
North Central Region

Erin Chappell, Regional Manager
Bay Delta Region

Julie Vance, Regional Manager
Central Region

Erinn Wilson-Olgin, Regional Manager
South Coast Region

Heidi Calvert, Regional Manager
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Regulations Unit

Ari Cornman, Wildlife Advisor
Fish and Game Commission

Jenn Bacon, Regulatory Analyst
Fish and Game Commission

State of California
Fish and Game Commission
Finding of Emergency and Statement of Proposed Emergency Regulatory Action

Emergency Action to Amend Section 708.5
Title 14, California Code of Regulations
Re: Testing for Chronic Wasting Disease

Date of Statement: May 24, 2024

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

Background

On May 6, 2024, chronic wasting disease (CWD) was confirmed in two California deer populations for the first time. Diseases can have significant long-term effects on native wildlife populations, especially novel diseases, and CWD is the most significant disease affecting cervids (deer, elk, moose, caribou) in North America. To determine the prevalence and geographic distribution of CWD, and better inform future management decisions, the California Department of Fish and Wildlife (Department) recommends that new regulations be adopted requiring that deer hunters in affected hunt zones submit appropriate samples from their harvest for CWD testing.

Chronic wasting disease is caused by a misfolded, infectious protein called a prion. These prions concentrate in the central nervous system of an infected animal, but can be found in most tissues, secretions, and excretions including muscles (meat), lymphatics, blood, glandular fluids, saliva, feces, and urine, respectively. The disease is always fatal, there is no vaccine or treatment, and all cervid species native to North America – deer, elk, moose, and caribou – are susceptible. Despite efforts to manage and contain the disease, it has continued to spread (Figure 1) due to prion ecology, limited management options, and anthropogenic movement of infectious animals or materials. Prions are extremely stable in the environment, remain infective for years to decades, and shed by infected animals long before they show any signs of disease. This can lead to seeding of the environment with infectious prions, an important factor in the spread and maintenance of CWD, before any diseased animals are seen on the landscape. Once established in an area, eradication of CWD has proven to be infeasible if not impossible.

Managing CWD now that it has been detected in California will require changes to how the Department manages deer and elk. As CWD prevalence increases in a population, population growth rates (λ) can decrease and lead to population declines. Human dimensions research suggests that hunter participation may decrease in areas where CWD has been detected, particularly as CWD prevalence increases in a population. Decreasing hunter participation and tag sales, coupled with increasing costs to manage this disease could compound and significantly affect the Department's ability to manage CWD, deer, elk, and other species in California.

While CWD has never been linked to any human diseases, significant public health concerns remain due to many unknowns when it comes to prion diseases. For instance, increasingly sophisticated diagnostic and molecular assays have shown that there are multiple strains of

CWD and that CWD prions can differentiate when passed through multiple hosts, creating new strains with altered host susceptibilities and disease characteristics. Indeed, the predominant CWD prion strain in Norway is different than the predominant strain in North America, with different characteristics. Additionally, CWD is in the same class of diseases as bovine spongiform encephalopathy (aka BSE or Mad Cow Disease), a prion disease of cows that was linked to variant Creutzfeldt-Jakob disease (vCJD), a neurodegenerative disease in people, through the consumption of BSE-tainted meat. Public health officials remain cautious when it comes to prion disease, recommending individuals and agencies do whatever possible to keep the agents of all known prion diseases from entering the human food chain.

The Department has been monitoring California deer and elk populations for CWD since 2000, testing over 6,500 deer and elk, and has been working to increase surveillance efforts with the voluntary help of hunters, taxidermists, and meat processors since 2018. Tests are done on postmortem samples and the majority of those come from hunter-harvested deer and elk, though we are only sampling and testing a small proportion of the deer and elk harvested in California. The first response action, following communication of the detections, is to enhance surveillance in the areas of the detections to determine the prevalence of CWD in the affected populations and the geographic extent of the infections. Hunter-harvested deer from the affected hunt zones is by far the most scalable and accessible source of samples for CWD testing. The Department will also increase its response to and sampling of other mortality sources or take. Enhanced surveillance in the affected populations is the necessary first step to providing better information to hunters, partners, and decision makers following these first detections of CWD in California. Knowing the prevalence and geographic extent will allow the Department to make informed decisions on CWD and deer management where CWD is detected.

II. Proposed Emergency Regulations

This rulemaking will make the following changes:

Section 708.5

Subsection (e)

Adds a new subsection defining the CWD Management Zone (CMZ) for purposes of implementing mandatory deer sampling, based on deer hunt zones where CWD has been detected in deer (Figure 1). This is necessary to enhance CWD sampling and testing in the area where CWD has been detected to both inform management recommendation and hunters, partners, and decision makers to better protect the affected deer populations. .

Subsection (f)

Adds a new subsection that requires hunters who take a deer within a CMZ to provide the Department with samples for CWD testing. This subsection also prescribes the permissible methods for hunters to provide the Department with samples. Mandatory sampling of hunter-harvested deer in affected zones is necessary, at least initially, for the Department to obtain sufficient information, using safe and reliable methods, to determine the prevalence and geographic extent of CWD where recent detections in deer have occurred, for the purpose of monitoring the spread of CWD and providing information to hunters, partners, and decision-makers.

Subsection (g)

Adds a new subsection establishing the minimum amount of information that hunters subject to subsection (f) must provide the Department to accompany CWD samples. This is necessary to ensure that the Department obtains essential information for monitoring the spread of CWD, such as the geographic location of the take, and to ensure the Department can contact hunters if CWD is detected in their harvest.

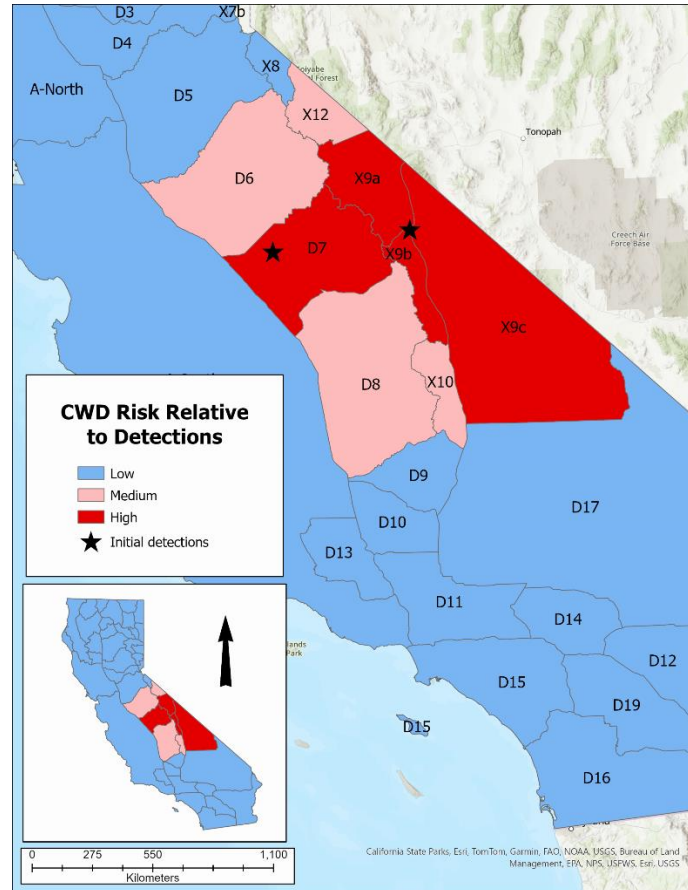


Figure 1: California’s deer hunt zones and recent CWD detections (stars) in deer. The red hunt zones are considered highest risk for having additional CWD-positive deer based on locations of the two detections and are the four hunt zones where mandatory testing would be required following this rule making. The pink hunt zones are adjacent zones with predicted medium risk of having additional CWD-positive deer.

III. Findings for the Existence of an Emergency

The Commission considered the following factors in determining that an emergency does exist at this time.

The magnitude of potential harm:

If the Department does not actively manage CWD, the implications for California’s hunting and outdoor recreation economies, as well as costs to the state’s wildlife resource management programs could be significant. Costs to manage cervids with CWD could increase precipitously (potentially as much as 8-fold in the long term), while hunter participation may decline. We first need to know the prevalence and geographic distribution of this outbreak to better advise and implement effective management strategies and any future regulatory changes. This emergency regulation is focused on increasing the number of hunter-harvested deer sampled

and tested from the affected areas. In other states that have taken similar measures, mandatory CWD testing in one or more hunting zones significantly and consistently increases CWD sample numbers and power to make informed management decisions. The data gleaned from augmented hunter sampling will be coupled with information from enhancing other sampling streams, but these other methods may take some time to implement.

The existence of a crisis situation:

CWD is the most significant disease of management concern for deer and elk in North America. The Department has worked to enhance CWD surveillance for over 6 years and has not been able to attain levels sufficient to estimate prevalence or geographic extent; the sampling strategy was developed to detect a rare event and not to determine the scope of that rare event. To determine the scope of this outbreak, more intensive sampling and testing is required. Additionally, because of the unknown risk to humans, testing as many hunter harvested deer and elk as possible and informing those hunters of the test results is a vital part of providing appropriate hunting opportunities and information for hunters to make informed decisions about their harvest, including consumption of their harvest. The World Health Organisation (WHO) and the Centers for Disease Control and Prevention (CDC) advise that keeping known sources of infectious prions (like CWD) out of the human food chain is critical. Requiring testing of harvested animals from affected hunt zones will better allow the Department to 1) determine the prevalence and geographic extent of the outbreak and 2) provide meaningful, potentially actionable, information to hunters.

The immediacy of the need:

Understanding the extent and prevalence of CWD is essential to inform hunters this 2024 hunting season and to provide vital information for management decisions that must be made in short order. The longer we wait, the more CWD-positive animals go undetected and potentially consumed by hunters that may have otherwise chosen to avoid consuming their harvest. Once a detection is made, it has usually already been in a population for years and delaying action only hampers potential positive management, which has already been delayed because of the difficulties in detecting these initial outbreaks.

Whether the anticipation of harm has a basis firmer than simple speculation:

Unmanaged CWD will have negative effects on deer and elk populations as shown by multiple peer-reviewed scientific publications for states and Canadian provinces that have had CWD for decades, as well as economic consequences for the state. A lack of understanding of the extent and prevalence of CWD also conceals the risks to humans and makes it harder to take measures to constrain its spread and limit CWD's entry into the food chain.

IV. 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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Department anticipates that the proposed emergency action will require additional expenditures of approximately \$543,233 to implement the proposed emergency CWD testing program (see STD. 399 and addendum). No other state agencies are anticipated to be affected by the proposed emergency regulatory action.

(b) Nondiscretionary Costs/Savings to Local Agencies: None.

(c) Programs Mandated on Local Agencies or School Districts: None.

(d) 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.

(e) Effect on Housing Costs: None.

V. Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon:

- Conner, M. M., M. E. Wood, A. Hubbs, J. Binfet, A. A. Holland, L. R. Meduna, A. Roug, J. P. Runge, T. D. Nordeen, M. J. Pybus, and M. W. Miller. 2021. The Relationship Between Harvest Management and Chronic Wasting Disease Prevalence Trends in Western Mule Deer. *Journal of Wildlife Diseases* 57:831–843. <http://meridian.allenpress.com/jwd/article-pdf/57/4/831/2933831/i0090-3558-57-4-831.pdf>
- Gillin, C., and J. Mawdsley. 2018. AFWA Technical Report on Best Management Practices for Surveillance, Management and Control of Chronic Wasting Disease. Association of Fish and Wildlife Agencies. Washington, DC. https://fishwildlife.org/application/files/9615/3729/1513/AFWA_Technical_Report_on_CWD_BMPs_FINAL.pdf
- Miller, M. W., and J. R. Fischer. 2016. The First Five (or More) Decades of Chronic Wasting Disease: Lessons for the Five Decades to Come. *Transactions of the North American Wildlife and Natural Resources Conference* 1–12. https://cwd-info.org/wp-content/uploads/2018/12/81st-NAWNRC-Transactions_FINAL-CWD-Excerpt.pdf
- Miller, M. W., J. P. Runge, A. Andrew Holland, and M. D. Eckert. 2020. Hunting pressure modulates prion infection risk in mule deer herds. *Journal of Wildlife Diseases* 56:781–790. <http://meridian.allenpress.com/jwd/article-pdf/56/4/781/2622096/jwd-d-20-00054.pdf>.
- Munk, B. A., N. Shirkey, M. Moriarty, L. Hansen, and L. Wood. *In Prep.* California's Chronic Wasting Disease Management Plan. Wildlife Health Lab, California Department of Fish and Wildlife, Rancho Cordova, California, USA.
- Chiavacci, S. J. 2022. The economic costs of chronic wasting disease in the United States. *PLoS One* 17: e0278366. <https://doi.org/10.1371/journal.pone.0278366>
- Numerous other states' CWD management plans accessible online through each state agency's website, including but not limited to, New York, Montana, Idaho, and Washington.

VI. Authority and Reference

Authority cited: Sections 200, 203, 265 and 1050, Fish and Game Code. Reference: Sections 1050 and 4336, Fish and Game Code.

VII. Fish and Game Code Section 399 Finding

CWD is the most significant disease of management concern for deer and elk in North America. To determine the scope of this outbreak, more intensive sampling and testing is required in the affected deer populations. Requiring hunters to submit samples from deer harvested in these affected hunt zones will better allow the Department to 1) determine the prevalence and geographic extent of the outbreak and 2) provide meaningful, potentially actionable, information to hunters and decision makers. We need to know what we have and where we have it. The Department manages a website (wildlife.ca.gov/CWD) where hunters who submit a sample for CWD testing can check the testing status of their harvest. Additionally, the Department will contact hunters directly if CWD is detected in their harvest. Those efforts are to keep hunters informed so they can make the most informed decisions about their harvest. Enhanced sampling and testing in affected areas will provide vital information for future CWD and deer management decisions. Pursuant to Section 399 of the Fish and Game Code, the Commission finds that adopting this regulation is necessary for the immediate conservation, preservation, or protection of deer and elk populations, and to help screen toward the protection of the public health of the hunters and humans who rely on deer meat for sustenance.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

On May 6, 2024, chronic wasting disease (CWD) was confirmed in two California deer populations for the first time. CWD is the most significant disease affecting cervids in North America and poses long-term risks to wildlife populations. To assess the prevalence and distribution of CWD, the California Department of Fish and Wildlife (Department) recommends new regulations requiring deer hunters in affected zones to submit samples from their harvests for CWD testing. This measure aims to gather data that will inform future management decisions and help limit the spread of this disease.

CWD is caused by prions, misfolded infectious proteins that are highly stable and can remain infective for years in the environment. These prions concentrate in the central nervous system but can be found in most tissues and bodily fluids of infected animals. CWD is always fatal, and there are no known vaccines or treatments. The disease is transmitted through direct contact with infected animals and contaminated environments. The movement of infected animals or materials can spread the disease to new areas and contaminated environments maintain the disease once established in an area. Indeed, once CWD is established in an area, it is infeasible if not impossible to eradicate. The stability and longevity of prions in the environment make early detection and ongoing surveillance crucial for managing the disease.

Managing CWD in California will require changes in how the Department manages deer and elk populations. As CWD prevalence increases, it can lead to population declines and decreased hunter participation, impacting conservation funding from hunting licenses. While CWD has not been linked to human disease, given the nature of prion diseases and the history of mad cow disease, public health concerns may exist and should be a concern. Enhanced surveillance and increased testing of hunter-harvested deer are essential first steps. This will provide better data on the prevalence and geographic spread of CWD, allowing the Department to make informed management decisions and communicate effectively with hunters, partners, and the public.

The proposed changes are as follows:

Adds a new subsection defining the CWD Management Zone (CMZ) for purposes of implementing mandatory deer sampling, based on deer hunt zones where CWD has been detected in deer. This is necessary to enhance CWD sampling and testing in the area where CWD has been detected to both inform management recommendation and hunters, partners, and decision makers to better protect the affected deer populations.

Add Section 708.5(f): Hunters who harvest a deer within a CMZ are required to submit the retropharyngeal lymph nodes or the head of the deer for CWD testing within 10 days. Hunters can fulfill this requirement by taking the deer or its head to a California CWD sampling station, a participating meat processor, or taxidermist. Alternatively, hunters can self-sample their deer and submit the retropharyngeal lymph nodes to a sampling station. The Department provides a guide and data card for self-sampling on their website.

Add Section 708.5(g): Hunters must provide their name, GOID, deer tag or document number, and the harvest location (preferably GPS coordinates) when submitting samples.

Benefit of the Regulations:

The Commission anticipates benefits to the State's environment, in addition to those screening actions the Department is already taking, by taking this regulatory step to require testing of harvested animals from affected hunt zones. This regulatory action aims to help determine the prevalence and geographic extent of the outbreak for Department staff to provide updates to hunters. It is imperative to understand the prevalence and geographic distribution of this outbreak to better advise and implement effective management strategies. Further, given the potential implications for California's hunting and outdoor recreation economies, and for public consumption, tracking positive detections is necessary to keep known sources of infectious prions, e.g. CWD, out of the human food chain.

Consistency and Compatibility with Existing Regulations:

Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing big game hunting and population management (California Fish and Game Code sections 200, 203, 265, 1050, and 4336). No other state agency has the authority to adopt regulations governing big game hunting and population management. 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 big game hunting and population management regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 708.5, Title 14, CCR, is amended to read:

§ 708.5. Deer Tagging, Reporting, and Testing Requirements.

. . . *[No change to subsections (a)through (d)]. . .*

(e) The Chronic wasting disease (CWD) Management Zone (CMZ) includes deer hunt zones D7, X9a, X9b, and X9c as noted on the department's website (wildlife.ca.gov/CWD).

(f) All hunters who take a deer within a CMZ, as described in subsection (e), shall provide the department with the retropharyngeal lymph nodes or the head from the harvested deer for the purpose of CWD testing within 10 days of take. The following are permissible sampling methods:

- (1) Bring the deer, or just the head, to a California CWD sampling station (see wildlife.ca.gov/CWD/Sampling-Station for locations);
- (2) Bring the deer head to a participating meat processor or taxidermist (see wildlife.ca.gov/CWD/Meat-Processors-Taxidermists); or
- (3) A hunter may self-sample their deer and bring the retropharyngeal lymph nodes directly to a California CWD sampling station (see wildlife.ca.gov/CWD/Sampling-Station for locations). The department maintains a how-to-guide and data card for CWD sampling, data collection, and self-sample submissions on its website (see wildlife.ca.gov/CWD/Collect-Submit-Samples).

(g) Hunters shall provide the following minimum information for the take pursuant to subdivision (f): the hunter's name, GO ID, deer tag or document number, and harvest location (GPS coordinates preferred).

NOTE: Authority cited: Sections 200, 203, 265 and 1050, Fish and Game Code.

Reference: Sections 1050 and 4336, Fish and Game Code.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Emergency: Amend 708.5, Title 14, CCR, Re: Testing for Chronic Wasting Disease			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|----------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

Emergency: no economic assessment required; see fiscal impact statement.

***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
 If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
 (Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____

4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? YES NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

 YES NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ 543,233

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE



DATE

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



DATE

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

STD399 Addendum

Emergency Action

Amend Section 708.5 Title 14, California Code of Regulations Re: Testing for Chronic Wasting Disease

Economic Impact Statement

Overview

Fiscal and economic costs similar to what other states with Chronic Wasting Disease (CWD) experienced could occur if no actions to avert the spread of CWD are enacted. The probable cumulative costs of CWD would likely involve compounding Department management costs, loss of deer hunting activity, resulting in Department fiscal and regional economic impacts, as well as the unknown health risks to other species, including humans. The benefits of the proposed emergency actions are principally the avoidance of substantial widespread costs of no action. If CWD is not contained, the implications for California deer hunting and outdoor recreation economies, as well as costs for state wildlife resource management programs would be significant.

A. Estimated Private Sector Cost Impacts

1. Answer: h. None of the above. (Explain below):

Emergency regulations do not require an economic impact statement; only fiscal impacts must be evaluated (California Government Code Section 11346.1).

Fiscal Impact Statement details are provided below.

Fiscal Impact Statement

A. Fiscal Effect on Local Government

Answer: 5. No fiscal impact.

The proposed amendment to Section 708.5, Title 14, CCR is not anticipated to have a direct fiscal effect on local governments.

B. Fiscal Effect on State Government

Answer: 1. Additional expenditure in the current State Fiscal Year (Approximate): \$543,233, that is absorbable within existing budgets and resources.

The California Department of Fish and Wildlife (Department) anticipates that the proposed emergency action will require additional expenditures of approximately \$543,233 to implement the proposed mandatory testing of deer carcasses for CWD. No other state agencies are anticipated to be affected by this regulatory action.

Table 1. Emergency CWD Testing Program Implementation Costs – Startup Costs

Startup Cost Description	Hours	Rate	Total
<i>ALDS IT support: Item setup/configuration/reporting</i>			
(1405) Information Technology Manager I	4	\$ 98.13	\$ 392.52
(1401) Information Technology Associate	3	\$ 70.23	\$ 210.69
Total Startup Costs			\$ 603.21
<i>Amortized over 5 years:</i>			\$ 120.64

Table 2. Emergency CWD Testing Program Implementation Costs – Ongoing Costs

Ongoing Cost Description	Units/Hours	Rate	Total
<i>Communications, Outreach & Media Response</i>			
(5595) Information Officer II	20	\$ 75.12	\$ 1,502.40
<i>ALDS IT support: Item Review</i>			
(1405) Information Technology Manager I	2	\$ 98.13	\$ 196.26
<i>CWD Testing Program Personnel & Equipment</i>			
(0174) Veterinarian Managing	400	\$ 93.89	\$ 37,556.00
(0764) Senior Environmental Scientist Supervisor	200	\$ 109.83	\$ 21,966.00
(0756) Environmental Program Manager I	100	\$ 126.99	\$ 12,699.00
(5577) Research Scientist I	400	\$ 69.22	\$ 27,688.00
(0762) Environmental Scientist	2000	\$ 67.77	\$ 135,540.00
(1934) Scientific Aide	6000	\$ 29.13	\$ 174,751.92
Refrigerator/Freezers	10	\$ 450.00	\$ 4,500.00
Sampling kit materials	2000	\$ 0.39	\$ 780.00
Shipping per kit package	1000	\$ 5.00	\$ 5,000.00
Outsourced Lab Costs	1000	\$ 36.00	\$ 36,000.00
Travel Costs (Mileage)	3000	\$ 0.65	\$ 1,950.00
Ongoing Costs Total			\$ 460,129.58
Amortized startup costs (from above)			\$ 120.64
Overhead	18%		\$ 82,983.12
Total Program Costs			\$ 543,233.34
Item Startup and ongoing cost per CWD test	1000		\$ 543.23

Notes: CalHR California State Civil Service Pay Scales by Classification; Rate is the median hourly salary including benefit rate of 56.076%. Overhead for non-federal projects of 18.03% is applied to program subtotal costs.

C. Fiscal Effect on Federal Funding of State Programs

Answer: 3. No fiscal impact. The proposed emergency action will not have a fiscal effect on the federal funding of state programs during the 180-day emergency period.

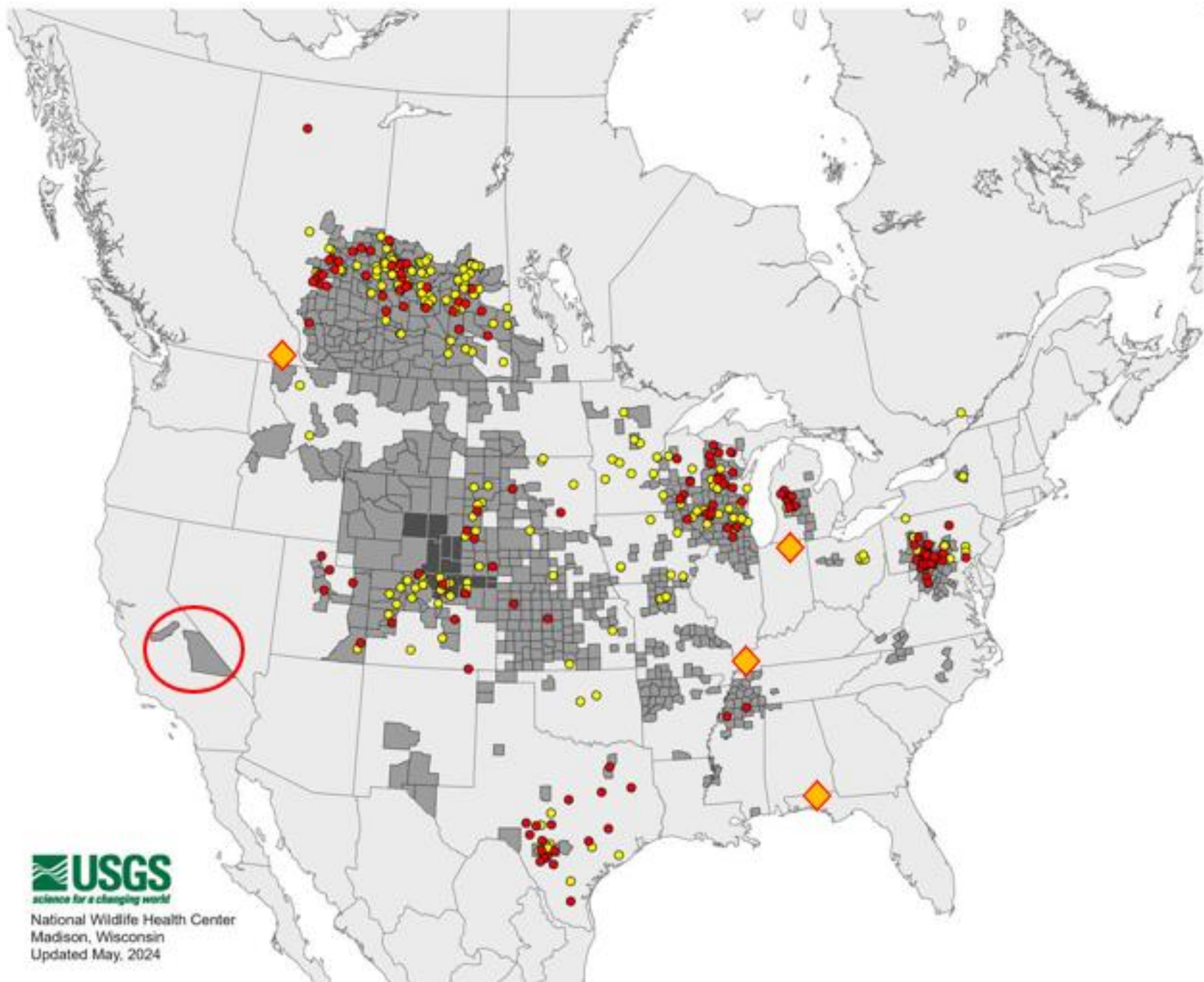


CHRONIC WASTING DISEASE UPDATES

FGC Wildlife Resources Committee
5-16-2024

PRESENTED BY:

Dr. Brandon Munk,
California Department of Fish and Wildlife



FIVE (5) NEW DETECTIONS SINCE JUNE 2023

- Florida
- Kentucky
- British Columbia
- Indiana
- California



science for a changing world

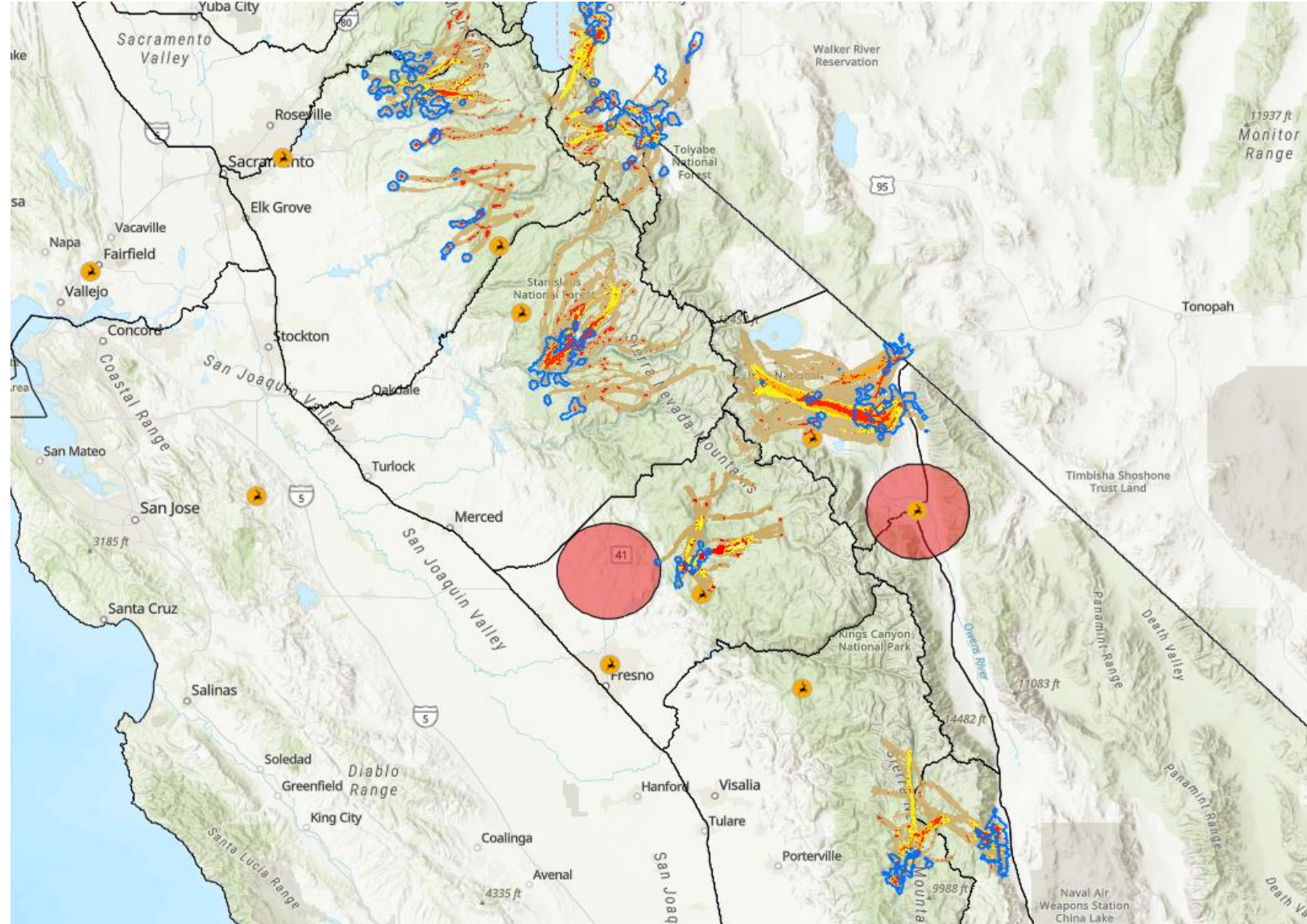
National Wildlife Health Center
Madison, Wisconsin
Updated May, 2024

First CWD Detections in CA

Confirmed May 6, 2024

- Yosemite Lakes Park, Madera County
 - Old adult male,
 - Residential area
 - Found dead
 - 9/20/23
- Bishop, Inyo County
 - Adult male,
 - Vehicle strike
 - 2/6/24

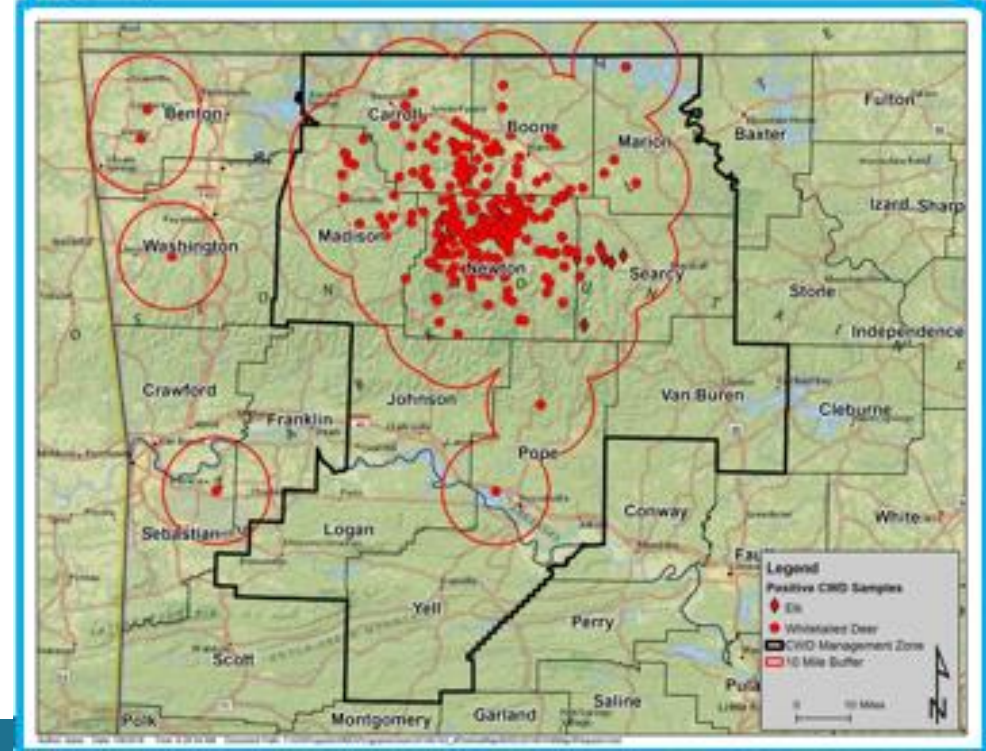
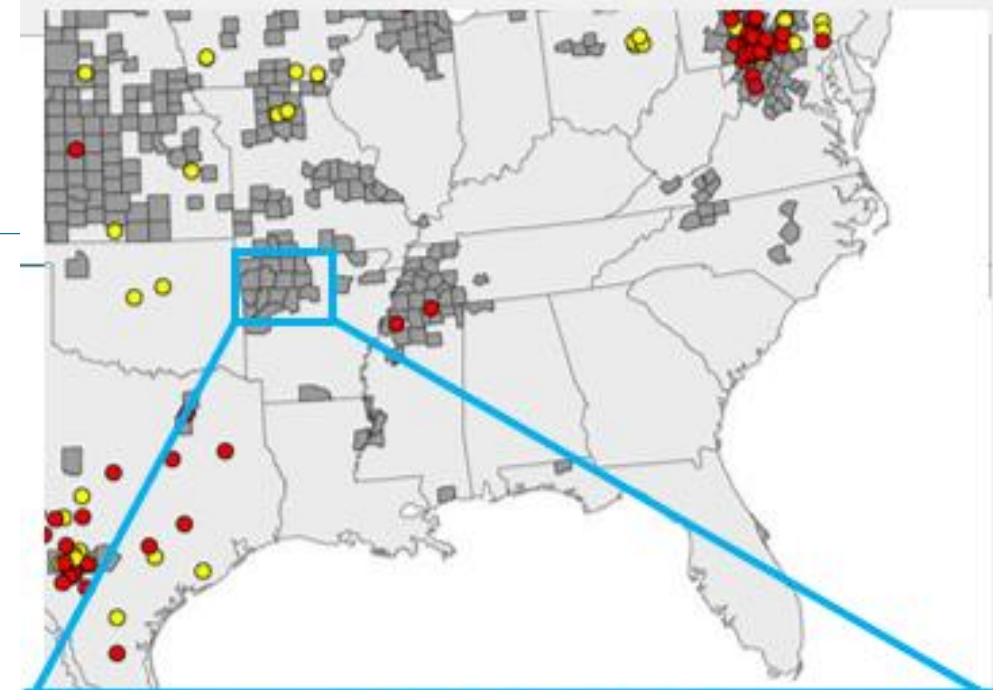
***Increase CWD testing to inform decisions**



Enhanced Surveillance

Arkansas – 2015/2016

- Testing 300 deer/year plus all elk
- First positive = single hunter-harvested elk
- Increased surveillance in 2016 (1,637 WtD and 75 elk):
 - 6 CWD+ elk in 2 counties
 - 260 CWD+ WtD in 7 counties
 - <7% prevalence in elk
 - ❖ 23% initial prevalence in WtD
- Currently testing >8,000 WtD/yr



Enhanced Surveillance

- 2016 – CWD first detected
- No “Classical” CWD detected outside of the Nordfjella area until 2022

Year	Tested	Detections
2002-2015	2,159	0
2016	10,152	4
2017	25,659	9
2018	33,656	6
2019	30,147	0
2020	22,528	1
TOTAL	124,301	20

- **Initial prevalence <0.04%**

❖ **First free-ranging CWD+ outside N.A.**



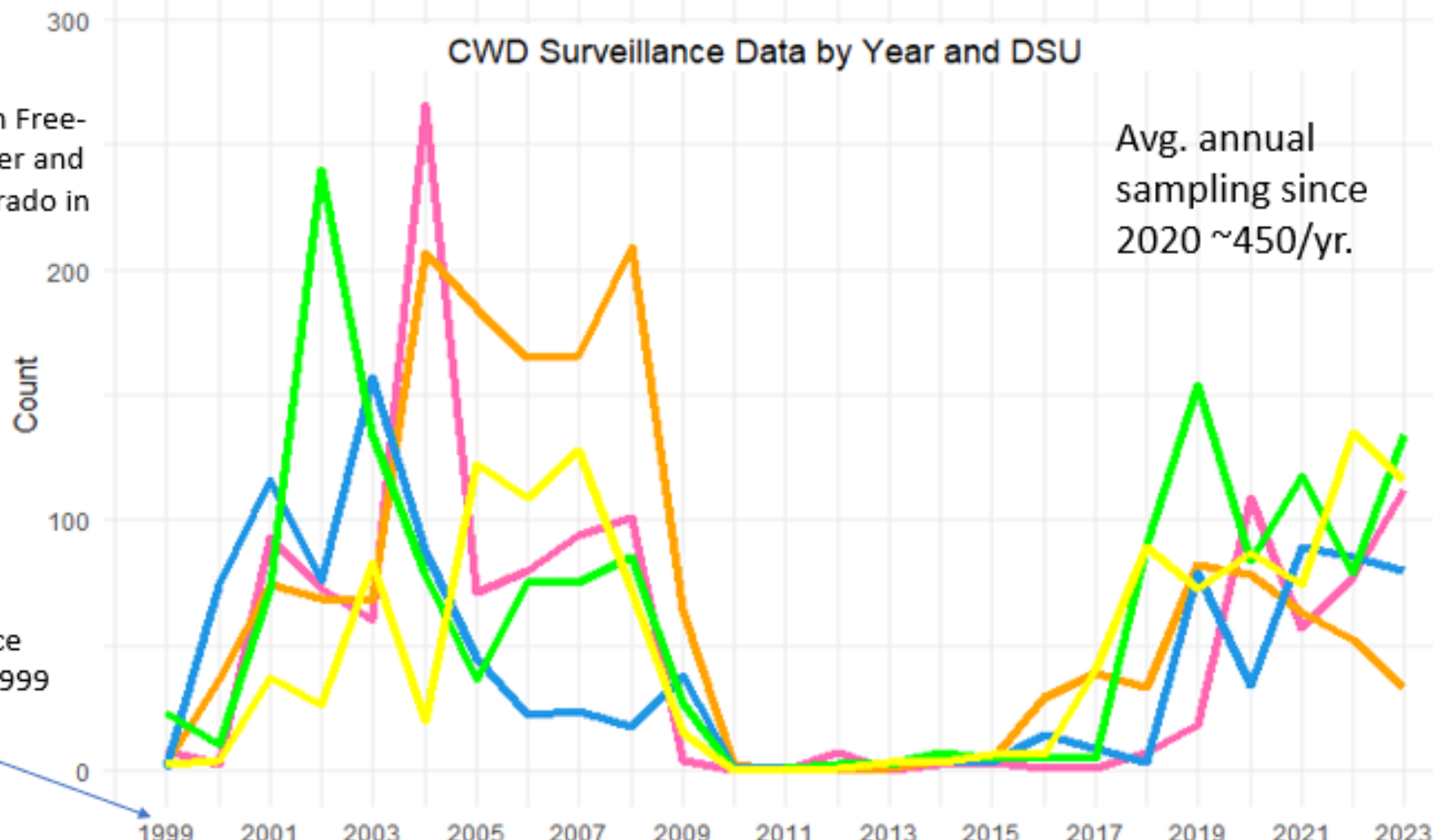
CWD First detected in Free-ranging deer and elk in Colorado in the 1980s

CWD Surveillance Data by Year and DSU

Avg. annual sampling since 2020 ~450/yr.



CDFW Surveillance began in 1999 for CWD



DSU

- DSU.1
- DSU.2
- DSU.3
- DSU.4
- DSU.5

Overall total	6,799
DSU 1	1,265
DSU 2	1,671
DSU 3	1,080
DSU 4	1,543
DSU 5	1,240

First case detected in Nebraska 1999

South Dakota 2001
Wisconsin, Minnesota, Illinois, and New Mexico 2002

Utah 2003

New York, West Virginia 2005
Kansas, Minnesota 2006

Michigan 2008

Virginia, Missouri, North Dakota 2010

Maryland 2011
Texas, Pennsylvania 2012

Iowa 2014

Arkansas 2015
Montana 2017

Mississippi, Tennessee 2018

Ohio, Idaho 2021
Alabama, Louisiana, North Carolina, 2022
Florida 2023

How We Sample for CWD

Sampling Streams	Sampling Methods (not limited to)
Hunter harvest	<ul style="list-style-type: none">• Check stations, CDFW Offices, Meat processors, taxidermists.• Hunters sampling their own harvests and submitting to CDFW.• Wardens or biologists visiting hunting camps.
Sick deer and elk	<ul style="list-style-type: none">• Postmortems at WHL or the California Animal Health and Food Safety (CAHFS).• Field necropsies performed by CDFW staff or partners to determine cause of death and samples submitted to the WHL.
Vehicle strike	<ul style="list-style-type: none">• Vehicle collision hotpots• CDFW staff, partners (CalTrans, County Works, salvage permits, etc.)
Other mortalities	<ul style="list-style-type: none">• Project animals. Depredation permits.• Local or County Animal Services Officers.

2023 Deer Harvest and CWD Sampling

- Hunter harvest is the most scalable sampling stream
- Currently sampling <2% of the deer harvest
- Voluntary sampling options for hunters include:
 1. CWD Sampling Stations and CDFW Offices
 2. Meat Processors and Taxidermists
 3. Self-sample and bring sample to #1 or #2

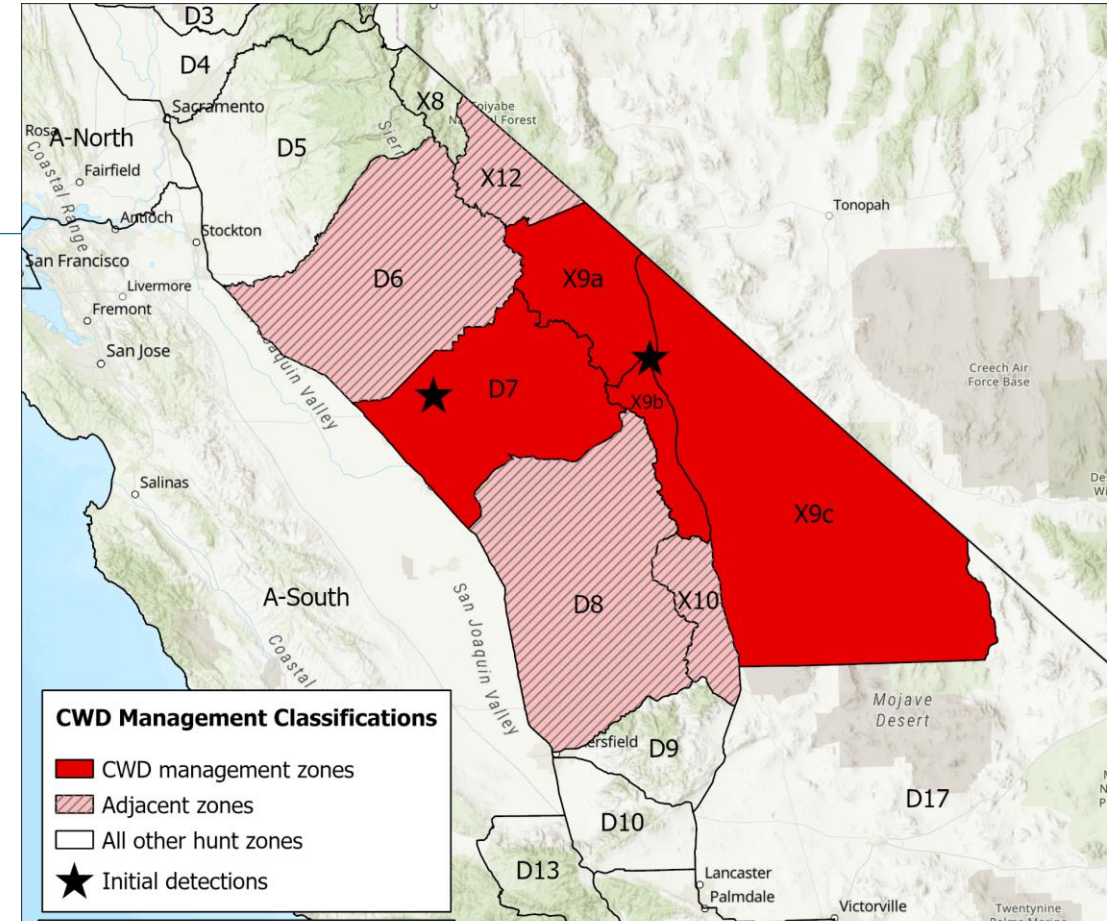
DSU	Total Reported Deer Harvest 2023	2023 Deer CWD Testing All sampling streams	CWD Testing Hunter Harvest Only	Percent of 2023 Deer Harvest Tested
Red	5,440	112	68	1.25%
Orange	3,628	33	22	0.61%
Blue	5,570	80	50	0.90%
Green	4,307	134	104	2.42%
Yellow	2,173	116	71	3.27%
Total	21,118	475	315 (66.32%)	1.69%

Response

- Outreach and education
- Enhanced surveillance:
 1. How prevalent?
 2. What's the geographic distribution?

➤ Recommend Emergency Regulation:

- Define CWD management zone (CMZ) as deer hunt zones D7, X9a, X9b, and X9c
- Mandatory sampling of deer harvested within D7, X9a, X9b, X9c for CWD testing.



Hunt Zone	2023 Deer Tags	Reported Harvest	# Tested
D7	6,625	574	47
X9a	232	117	19
X9b	176	50	2
X9c	246	32	0

Questions/Comments?



General CWD Information, scan QR code to learn more.



wildlife.ca.gov/CWD



Information for Meat Processors, Scan QR code to learn more.

wildlife.ca.gov/CWD/Meat-Processors-Taxidermists



Training and resources, scan QR code to learn how to sample for CWD

wildlife.ca.gov/CWD/Collect-Submit-Samples

Hello Commissioners and CDFW Leadership,

I'm reaching out regarding the discovery of CWD in California and the potential for emergency regulatory actions being taken in the coming weeks or months. ***In short, any action in response to CWD should be on par with the Dept., Commission and Legislative response to the other long-standing existential threats to ungulates in CA.***

California has provided nearly zero support for ungulates over the last 40+ years. Except for new and wildly unexpected population data regarding black bears, California has maintained a see-no-evil approach to mountain lions, bobcats and wolves over the last 40 years. Direct predation and kleptoparasitism throughout the state is easily seen as a limiting factor for our deer herds. CDFW's biologists acknowledge that herds are disproportionately sequestering (surviving) in residential areas of foothill communities because these areas offer safe-haven, while migratory herds are decimated. This clustering of deer year-round in settled areas could be an accelerating factor for CWD transmission, while causing predators to make more frequent contact with humans. Finally, we have continued with a 2-tag per hunter allocation which most hunters acknowledge is more generous than our herds can support and is more than most western states allow their own residents.

Do I want our deer to be sick and suffering from CWD? *Of course not.*

Has California shown significant concern over greater threats to deer in the last 40 years? *No, it has not.*

If we are going to take CWD seriously, then I call upon you to also take seriously the known, significant, compounding, and real threats *which are already destructive for our deer and verifiably creating imbalance in our wild ecosystems.* Considering the "CWD emergency" we must acknowledge the greater and continuing emergency brought on by our lack of a comprehensive predator management policy. I call upon the Commission and the Department to initiate the following:

1. Substantial statewide testing of all deer harvested; the zones we do not have data on are now more important than the zones we know to be infected.
2. Updated, extended, new and simplified seasons, zones, bag limits and quotas for bear hunting. Minimally this should include a spring season, no bag limit per hunter, statewide and BCR harvest limit of no less than 9% and up to 15% in zones with the greatest density.
3. Testimony to the Legislature to share data informed perspectives on the effectiveness of hunting and selectively harvesting bear and mountain lion with the use of dogs.
4. Complete the Bobcat conservation plan and re-establish bobcat seasons, zones and harvest with special attention to fawning areas and regions of the state with struggling upland game populations.
5. Develop a comprehensive Mountain Lion Conservation Plan with regionalized population data similar to the Bear Conservation Plan, and providing objective data regarding management tools, tactics and opportunities which include hunting, harvesting mountain lions for meat and management value.
6. Develop a comprehensive Wolf Conservation Plan, with regionalized population data and targets, with recommended tactics and strategies for economically and ecologically sustainable conservation, and with the inclusion of regulated harvest (economics, effectiveness) as potential management tools.

If the discovery of CWD in CA is what it takes for California to act on behalf of the deer herd, then our actions will go beyond localized testing, **and** the Department and Commissioners' leadership on issues related to unmanaged predators will demonstrate the value placed on abundant and healthy ungulate populations.

Sincerely,

Mike Costello

Hunting Rights and Wildlife Success Advocate

Memorandum

Date: May 20, 2024

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

From: Charlton H. Bonham
Director

Subject: **Initial Statement of Reasons to Repeal Section 679, Possession of Wildlife and Wildlife Rehabilitation, Title 14, California Code of Regulations (CCR); Add Sections 679.1 through 679.9, Rehabilitation of Wildlife; Add Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual; Add Subsection 703(c)(2), Native Wildlife Rehabilitation Permits and Fees**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publishing notice of its intent to implement new regulations by adding Sections 679.1 through 679.9, Title 14, CCR:

- Add Section 679.1 “Definitions” to define terms in the regulatory text. The “Native Wildlife Rehabilitation 679 Regulations Manual, Chapters 2 and 3 (form DFW 479 (New 01/2025))” is incorporated by reference.
- Add Section 679.2 “Transportation and Confinement of Live Wild Animals” to establish requirements for the temporary confinement of wildlife for the purpose of transporting to a permitted wildlife rehabilitator.
- Add Section 679.3 “Permits for Wildlife Rehabilitation” to establish the requirements for becoming a permitted wildlife rehabilitator.
- Add Section 679.4 “Facility and Housing Standards” to establish the requirements for the operation of any wildlife rehabilitation facility, and the housing and enclosure requirements for rehabilitation animals. Add “679 Wildlife Rehabilitation Regulation Manual, Chapter 2 (New 01/2025)” to establish enclosure enrichment requirements and the requirements for minimum enclosure size for pre-release conditioning and neonate rehabilitation animals.
- Add Section 679.5 “Humane Care Standards” to establish requirements for the humane care and treatment of rehabilitation animals. Add “679 Wildlife Rehabilitation Regulation Manual, Chapter 3 (New 01/2025)” to establish the requirements for care and treatment standards, and diseases of concern, for rehabilitation animals.
- Add Section 679.6 “Release of Animals into the Wild” to establish the requirements for the release of native wildlife returned to the wild, and guidelines for animals not native to California.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 20, 2024
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- Add Section 679.7 “Inspection of Wildlife Rehabilitation Facilities” to establish the requirements for the inspection of wildlife rehabilitation facilities, enclosures, rehabilitation animals, and required records by the department, or their designee, and permittees or their designee.
- Add Sections 679.8 “Seizure of Animals” and 679.9 “Revocation of Permit, Sub-Permit, or Variance Request” to establish and clarify departmental authority to seize live animals, and to deny or revoke a permit, sub-permit, or variance.
- Amend subsection 703(c) adding the fees for rehabilitation permit applications.

The purpose of the proposed regulations is to update the requirements for the temporary possession and rehabilitation of injured, sick, and orphaned wildlife for the purpose of their release to the wild. Further, these proposed regulations are intended to address the deficiencies and issues that have been observed by the Department in the humane care and treatment of these wild animals. These provisions are necessary since the requirements, acceptable standards, and best practices for wildlife rehabilitation have changed significantly since the last minor regulation change in 2007.

Additionally, the new regulations (679.1(k)) incorporate by reference Chapter 2 and Chapter 3 of the new form DFW 479 entitled the “Native Wildlife Rehabilitation 679 Regulations Manual”. The manual is a resource for the rehabilitation permittees and public setting forth the requirements for the temporary habitat and care of the wildlife in the permittee’s possession.

The Department has attached, as Exhibits to this rulemaking, 13 new forms which are provided for the convenience of the applicants. The language of these regulations detail the required information and content of different wildlife rehabilitation permit application, variance request, and other required record forms. The forms contain the same information as the regulations and are therefore not incorporated by reference for inclusion in these proposed regulations.

If you have any questions regarding this item, please contact Scott Gardner, Branch Chief, by telephone at (916) 801-6257. The Department’s point of contact for public notice of this rulemaking is Vicky Monroe, Statewide Conflict Programs Coordinator. She can be reached by telephone at (916) 358-2790 or email at Rehabwildlife@wildlife.ca.gov.

ec: Department of Fish and Wildlife

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Scott Gardner, Branch Chief
Wildlife Branch

Garry Kelley, Program Manager
Wildlife Health Laboratory

Melissa Miller-Henson, Executive Director
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Vicky Monroe, Supervisor
Wildlife Health Laboratory

David Kiene, Attorney
Office of General Counsel

Robert Pelzman, Assistant Chief
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Ona Alminas, Program Manager
Regulations Unit

Mike Randall, Regulations Analyst
Regulations Unit

Fish and Game Commission

Ari Cornman, Wildlife Advisor

Jenn Bacon, CESA Analyst

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

Repeal Section 679

Add Sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9, and
Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual
Title 14, California Code of Regulations
Re: Possession of Wildlife and Wildlife Rehabilitation

I. Date of Initial Statement of Reasons: May 1, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: June 20, 2024

Location: Mammoth Lakes, CA

(b) Discussion Hearing

Date: October 10, 2024

Location: Sacramento, CA

(c) Adoption Hearing

Date: December 12, 2024

Location: San Diego, CA

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The purpose of the proposed regulations is to update standards for the care and possession of injured and diseased wildlife, and to address issues regarding animal welfare and program administration by the California Department of Fish and Wildlife (Department) in the rehabilitation of these animals. This is necessary since the acceptable standards for wildlife rehabilitation facilities and veterinary care have changed.

The regulation change is a significant undertaking requiring the repeal of the current Section 679 Wildlife Rehabilitation (adopted in 1994 and amended in 2007). Proposed are nine new sections, 679.1 through 679.9, formation of a new wildlife rehabilitation regulations manual, and creation of new forms used by the Department for application, permitting, and continued monitoring of rehabilitation facilities.

The new regulations set forth in greater specificity and detail the necessary experience and expertise required of those persons whose care these animals are given, the relevant permitting processes, the level of treatment from intake to release, the facility requirements for appropriate safe and sanitary wildlife care, inspection standards, better defined authorities for Department administrative determinations, and the appeals processes for those decisions.

Background

Under a wildlife rehabilitation permit, the Department authorizes qualified individuals, hereafter wildlife rehabilitators, to temporarily possess sick, injured, and orphaned wildlife for the purpose of rehabilitation to restore them to a condition of good health for their release to the wild or humane euthanasia to alleviate suffering, if deemed most appropriate, to protect animal welfare and native wildlife. Wildlife rehabilitators often work tirelessly to provide humane care and treatment to the most vulnerable of wild birds, mammals, reptiles, and amphibians with the goal to release them to the wild. Currently, there are 80 permitted wildlife rehabilitators operating wildlife rehabilitation facilities in California in addition to approximately 550 satellite facilities operated by sub-permittees under their permit. Approximately 100,000 animals are rehabilitated every year by these facilities. Rehabilitated animals released from these facilities help to maintain and bolster wild native populations.

Minor updates to these regulations for wildlife rehabilitation were made in 2007. Since those regulations were written, standards for wildlife facilities and veterinary care have changed. Both the Department and the Fish and Game Commission (Commission) are invested in bringing these regulations up to date to meet new standards and establishing new regulations to address issues that have been observed in the care of native wild animals in the past.

Currently, the Department approves and issues a permit in the form of a Memorandum of Understanding (MOU) to those wildlife rehabilitation facilities which meet the wildlife care standards set forth in the Minimum Standards for Wildlife Rehabilitation, 2000, Third Edition manual published jointly by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association; or as provided in the MOU. The current permit requirements and processes do not meet the needs of California's wildlife rehabilitators, the ethical standards that they strive to maintain, or the native wild animals that they rehabilitate and return to the wild. Nor do they meet the current needs of the Department in administering and monitoring the program.

Current Regulations

Fish and Game Code (FGC), Section 200, authorizes the Commission to regulate the taking or possession of wild birds, mammals, fish, amphibians, and reptiles, which includes possession for the purpose of rehabilitation. FGC Section 1050 authorizes the Department to prepare and issue a permit to a person, granting certain privileges under that permit. FGC Section 2118 prohibits the import, transport, possess, or release alive of any wild

animal in California, except under a revocable, nontransferable permit. FGC Section 3005.5 subdivision (b) authorizes the Commission to promulgate regulations permitting the temporary confinement of game mammals, game birds, nongame birds, nongame mammals, or furbearers for the purpose of treating the animals, if injured or diseased.

Section 679 currently establishes the requirements by which the Department issues permits specific to the temporary confinement, possession, and release of wild animals for the purpose of wildlife rehabilitation. The regulations state that the Department may approve and issue a permit in the form of a MOU to those wildlife rehabilitation facilities which meet the wildlife care standards. These standards are set forth in the Minimum Standards for Wildlife Rehabilitation, 2000, Third Edition manual; or as provided in the MOU. Applicants may submit permit applications using the “Wildlife Rehabilitation Permit Application/Renewal form,” FG 542. The proposal deletes the current application form.

Section 679 outlines 1) a general prohibition on the possession of any live game mammal or bird, nongame mammal or bird, furbearer, reptile or amphibian except as provided in subsection (b) or as otherwise authorized; 2) requirements for the temporary confinement of injured, diseased or orphaned animals; 3) a prohibition on the possession of big game mammals listed in Section 350 or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian except under permit or written authorization from the department; 4) a general prohibition on picking up disabled wildlife in a Department designated oil/toxic spill area.

Further, the current regulations provide:

- 1) definition of Wildlife Rehabilitation Facilities.
- 2) the application requirements for the Department to approve and issue a permit in the form of a MOU to wildlife rehabilitation facilities which meet the standards set forth in the Minimum Standards for Wildlife Rehabilitation Manual (3rd edition), 2000.
- 3) the provisions related to the operation of a wildlife rehabilitation facility.
- 4) the requirements for reporting dead or disease animals, record keeping, and the release of wildlife back into the wild; and
- 5) compliance requirements with other restrictions and federal, state, city, or county law, ordinance, or regulations.

Proposed Regulations

The Commission proposes to repeal Section 679, Title 14, CCR and form DFG 542 (03/07), and add new Sections 679.1 through 679.9 and incorporate by reference Chapters 2 and 3 of the Native Wildlife Rehabilitation 679 Regulations Manual (New DFW 479, 01/2025), hereafter “DFW 679 Manual”.

The proposed additions to Title 14, CCR, recommended by the Department are described below by section and corresponding subsections. The proposed additions, as described herein, are organized into “parts” with statements of specific purpose of regulatory change

and factual basis for determining that regulation change is necessary for each section and corresponding subsection.

1. Part 1.

- Add Section 679.1
- Section 679.2
- Section 679.3

2. Part 2.

- Add Section 679.4
- Add Chapter 2 of the DFW 679 Manual

3. Part 3.

- Add Section 679.5
- Add Chapter 3 of the DFW 679 Manual

4. Part 4.

- Add Section 679.6
- Section 679.7
- Section 679.8
- Section 679.9

Part 1. Add Sections 679.1, 679.2, and 679.3

Subsection 679.1 (a), Definitions.

Adds subsections (a) through (z) to define the following terms in Section 679.1: "animal welfare," "authorized person," "animal welfare," "authorized person," "conspecific," "designee," "eagle and falcon specialty rehabilitation," "enrichment," "euthanasia," "habituated," "large carnivore specialty rehabilitation," "mal-imprinted," "neonate," "non-releasable animal," "orphan," "permit," "qualified handler," "rehabilitation animal," "required record," "satellite facility," "specialty rehabilitation permit," "sub-permit," "ungulate specialty rehabilitation," "venomous snake specialty rehabilitation," "veterinarian of record," "wildlife rehabilitation," "wildlife rehabilitation facility," and "native wildlife rehabilitation regulations manual." The purpose of defining these terms is to provide specificity and clarity to make it easier for individuals to follow and comply with the regulations, thereby minimizing enforcement issues.

- Add subsection (a) to define "Animal Welfare." This provision is necessary to clarify that certain conditions must be met to provide for an animal's physical and behavioral needs, and ability to express its innate behavior.
- Add subsection (b) to define "Authorized Person." This provision is necessary to clarify personnel temporarily possessing a wild animal under a permit for the purposes of rehabilitation demonstrate the minimum qualifications necessary required to maintain the welfare of each animal.

- Add subsection (c) to define “Conspecific.” This provision is necessary to clarify potentially compatible animals of the same species that may be housed together if the welfare of each animal can be maintained.
- Add subsection (d) to define “Designee.” This provision is necessary to clarify the requirements and conditions necessary for a person to oversee the daily operations of wildlife rehabilitation facility maintained under another persons’ wildlife rehabilitation permit.
- Add subsection (e) to define “Eagle and Falcon Specialty Rehabilitation.” This provision is necessary to establish and clarify the conditions required to maintain and improve the welfare of each eagle and falcon which require specialized experience to manage.
- Add subsection (f) to define “Enrichment.” This provision is necessary as without proper enrichment, an animal is unable to display its natural behaviors and will not be able to be successfully released into the wild (See Attachment 10, Figure 1).
- Add subsection (g) to define “Euthanasia.” This provision is necessary to clarify the requirements and conditions necessary to maintain the welfare of each animal (See Attachment 9, Figure 9).
- Add subsection (h) to define “Habituated.” This is necessary as an animal that becomes habituated is not suitable for release into the wild as it will seek out humans to provide food and will come into conflict with humans or domestic animals.
- Add subsection (i) to define “Large Carnivore Specialty Rehabilitation.” This provision is necessary to clarify the requirements and conditions necessary to maintain the welfare of large carnivores as these species require specialized care and experience to manage safely (See Attachment 9, Table 5).
- Add subsection (j) to define “Mal-imprinted.” This is necessary as a mal-imprinted animal is unable to survive on its own in the wild and therefore cannot be released.
- Add subsection (k) to establish the “679 Native Wildlife Rehabilitation Regulations Manual” as a resource (New Form DFW 479) to be made readily available on the department website that incorporates Chapters 2 and 3 of the DFW 679 Manual in these regulations. This provision is necessary to clarify what form can be consulted to find information on wildlife rehabilitation activities and where the form can be found and accessed.
- Add subsection (l) to define “Neonate.” This provision is necessary as neonate animals are unable to survive without parental care and therefore cannot be released until they reach an age that they can care for themselves.
- Add subsection (m) to define “Non-releasable Animal.” This provision is necessary to clarify when a rehabilitation animal should not be released to the wild. Releasing an animal that is not able to survive and thrive on its own is inhumane and does not maintain the welfare of the animal.

- Add subsection (n) to define “Orphan.” This is necessary as an orphan animal that is unable to survive without parental care cannot be released until it reaches an age that it can self-feed and display the natural life history of its species to survive in the wild.
- Add subsection (o) to define “Permit.” This provision is necessary to clarify the role of an individual receiving a permit pursuant to Section 679.3(a) from other individuals involved in wildlife rehabilitation.
- Add subsection (p) to define “Qualified Handler.” This provision is necessary to clarify that only individuals with sufficient experience are qualified to safely manage some rehabilitation animals. This is to prevent injury to both the rehabilitation animal and the handler (See Attachment 9, Figure 5).
- Add subsection (q) to define “Rehabilitation Animal.” This provision is necessary to clearly define what a rehabilitation animal is relative to other animals (non-native species, feral domestic animals, etc.) that may be mistaken by the public as injured, ill, or orphaned wildlife.
- Add subsection (r) to define “Required Record.” This provision is necessary to clarify what records and documents a permittee or sub-permittee is required to keep on file and to differentiate them from the records that are not required to be kept.
- Add subsection (s) to define “Satellite Facility.” This provision is necessary to distinguish a wildlife rehabilitation facility operated by a sub-permittee from a wildlife rehabilitation facility operated by a permittee.
- Add subsection (t) to define “Specialty Rehabilitation Permit.” This provision is necessary as these species require highly specialized care. Individuals caring for these species need to have additional training and experience specific to these animals to ensure the safety of the animal and individuals caring for it.
- Add subsection (u) to define “Sub-permit.” This provision is necessary to clarify the role, responsibilities, and requirements of a person (a sub-permittee) operating a satellite facility under the permittee’s permit.
- Add subsection (v) to define “Ungulate Specialty Rehabilitation.” This provision is necessary as ungulates require highly specialized care and any person temporarily possessing these animals for the purposes of rehabilitation needs specific training and experience to manage these animals safely.
- Add subsection (w) to define “Venomous Snake Specialty Rehabilitation.” This provision is necessary as venomous snakes require exceptional care and individuals need specific training and experience to manage these animals safely.
- Add subsection (x) to define “Veterinarian of Record.” This provision is necessary to clarify that some wildlife rehabilitation activities, such as surgery, must be performed by a licensed veterinarian with experience in caring for wildlife.

- Add subsection (y) to define “Wildlife Rehabilitation.” This provision is necessary to clarify what wildlife rehabilitation is and to differentiate it from other animal care activities for domestic, or feral domestic, animals (See Attachment 9, Figure 8).
- Add subsection (z) to define “Wildlife Rehabilitation Facility.” This provision is necessary to clarify the conditions necessary to maintain the welfare of each animal and the requirements subject to the provisions in the new regulations. This provision is necessary to clarify what a wildlife rehabilitation facility is and to distinguish it from other locations where wildlife rehabilitation activities may occur.

Section 679.2; Transportation and Confinement of Live Wild Animals.

- Add subsection (a) “Temporary Confinement of Wild Animals”: establishes the requirements under which the public (i.e., non-wildlife rehabilitators) can temporarily confine and transfer a sick, injured, or orphaned wild animal to a permitted wildlife rehabilitator. Additionally, this provision establishes that a licensed veterinarian may temporarily confine a sick, injured, or orphaned wild animal for up to 48 hours if providing stabilizing care before transferring to a permitted wildlife rehabilitator. This is necessary so wildlife may be brought to rehabilitation facilities since most facilities do not have the capability to pick up animals from their original location. This subsection further specifies that a person convicted of a crime of moral turpitude or animal cruelty is prevented from temporarily confining or transporting wild animals. This is necessary to prevent persons convicted of a serious crime (particularly, but not exclusively, those against animals) from endangering native wildlife by temporarily confining or transporting a wild animal.
- Add subsection (a)(1): this provision establishes that a person must contact a permitted wildlife rehabilitator or the department within 24 hours of confining any sick, injured, or orphaned wild animal and provide the relevant information needed by the wildlife rehabilitator or their designee to provide the best guidance or assistance. This provision is necessary to inform facilities of a potential incoming patient or to redirect the person to a more appropriate facility, and to ensure that the sick, injured, or orphaned wild animal has proper care and treatment as soon as possible, and to protect native wildlife, animal welfare, and human health, or safety.
- Add subsection (a)(2): this provision establishes the requirements for a licensed veterinarian without a wildlife rehabilitation permit to receive, temporarily confine, and care for an injured, sick, or orphaned wild animal. This provision recognizes that veterinarians have a higher degree of medical training, including the capability to perform advanced medical treatments, and is necessary to protect animal welfare and native wildlife by prohibiting non-essential invasive medical procedures and by requiring appropriate recordkeeping to ensure continuity of care once transported to a wildlife rehabilitator.
- Add subsection (a)(3): “Animals not Native to California” establishes that certain species or taxa known by the state of California to be invasive species cannot be temporarily confined or transported by any member of the public for the purpose of rehabilitation and release to the wild. This provision is necessary for the department to ensure that

wildlife rehabilitation activities do not cause serious harm to native wildlife, biodiversity, agriculture interests, or the health and safety of humans.

- Add subsection (a)(4): this provision establishes that a person who, as part of a lawful trapping activity, has confined a wild animal in a trap and found it to be injured, diseased, orphaned may transport that animal to a wildlife rehabilitation facility. This subsection is necessary to clarify that wild animals taken by a legal trapping activity may be taken to a wildlife rehabilitator for the purpose of restoring it to a condition of good health for its release back to the wild.
- Add subsection (b): “Prohibition on Possession of Big Game Mammals, Exotic Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit” establishes the conditions that prohibit any person from temporarily confining or possessing these species without authorization from the department. This provision is necessary because handling, transporting, and rehabilitating these animals requires specialized equipment and/or training, or because of their unique designations under the Fish and Game Code (See Attachment 9, Figure 5).
- Add subsection (c): “Disabled Wildlife in an Oil/Toxic Spill Area” establishes that only individuals with proper incident authorization and a permit issued pursuant to Section 679.3 may enter an oil/toxic spill area to confine and transport impacted wildlife for wildlife rehabilitation. This provision is necessary to inform the public about the authorization to remove impacted wildlife from an oil/toxic spill incident, since oil spill wildlife care and rehabilitation requires specialized training regarding oiled animal care, human safety, and how to operate within the administration structures of an emergency incident command system.

Section 679.3. Permits for Wildlife Rehabilitation.

- Add subsection (a): “Permit” establishes the process by which the department may issue or amend a permit, for up to a period of 3 years, authorizing a person to temporarily possess wildlife for the purpose of rehabilitation. The Commission has determined, based on the department’s experience, that a permit may require amendment at any time during the 3-year valid period, such as a specialty rehabilitation authorization or new sub-permit. This provision is necessary to establish the qualification criteria and documentation required by the department to determine if such a request meets all conditions to protect animal welfare, native wildlife, human health, and safety.
- Add subsection (a)(1): “Limited Scope” establishes that a wildlife rehabilitation permit is not transferable between individuals and does not supersede any law or other permit requirements. This provision is necessary to ensure that a permit is not improperly transferred between individuals, since permits are highly individualized with respect to the permittee, and that all activities performed under a permit are lawful.

- Add subsection (a)(2): “Qualifications” establishes that a wildlife rehabilitation permit applicant must be a resident of California, possess the specified qualifications, and be 21 years of age to qualify for and be issued a permit. This provision is necessary to clarify that an applicant must be a legal adult with the maturity to operate a wildlife rehabilitation facility safely and properly in a manner that accounts for fiscal responsibility and liability. Further, this provision is necessary to ensure that a permit holder is a legal state resident such that the department can properly enforce the requirements of these regulations.
- Add subsection (a)(3): “Conferring” establishes the process by which the department verifies the veracity of any required information during the application process. This provision is necessary to verify that information provided by an applicant on a wildlife rehabilitation permit application is true and accurate.
- Add subsection (a)(4): “Initial Request” establishes the first step in the wildlife rehabilitation permit application process. This provision is necessary for the department to evaluate the potential need for a new facility and, if so that an applicant may proceed with the next steps in the application process. This will prevent the department from having to put limited resources into administering facilities where they are not needed.
- Add subsection (a)(4)(A): establishes the requirement of an applicant to submit two letters of recommendation from qualified professionals with relevant wildlife rehabilitation experience and expertise. This provision is necessary for the department to determine the need for a new wildlife rehabilitation facility in the local area where the applicant resides.
- Add subsection (a)(4)(B): establishes the requirement of an applicant to submit a list of the species they propose to accept for intake and rehabilitation. This provision is necessary for the department to understand the wildlife rehabilitation services being proposed in the local area.
- Add subsection (a)(4)(C): establishes the qualifications required to demonstrate the expertise needed to successfully rehabilitate wildlife for their release to the wild. This provision is necessary because at least 1,000 hours of relevant experience gained within 5 years of the approval request date is reasonable, in the judgement of the Commission based on the department’s experience, to ensure an applicant knows current wildlife rehabilitation best practices. Furthermore, this 1,000-hour minimum experience requirement is an accepted standard used by half of all states (45%).
- Add subsection (a)(4)(D): establishes the department’s notification process for an initial permit application request and specifies that no wildlife may be temporarily possessed or rehabilitated until a permit is issued by the department. This provision is necessary to clarify how and when the department may approve such a request and to ensure that applicants understand that approval of an initial request alone does not permit them to possess wildlife for the purpose of rehabilitation.

- Add subsection (a)(5): “Wildlife Rehabilitation Examination” establishes the requirement of an applicant to take the free California State Wildlife Rehabilitation Examination administered by the department. This provision is necessary for the department to evaluate an applicant’s ability to demonstrate their knowledge and understanding of both generalized knowledge and competence to rehabilitate wildlife, and of various requirements under these regulations.
- Add subsection (a)(5)(A): this provision establishes which persons are required to take the wildlife rehabilitation examination as part of the application process. This provision is necessary so that individuals understand the examination requirement for a new or existing permit.
- Add subsection (a)(5)(B): this provision establishes the process for an applicant to pass the wildlife rehabilitation examination, including the minimum passing score, the timeframe a passing score is valid, and the timeframe to retake the examination if the applicant has failed the examination. This provision is necessary so that an applicant understands what score they need to pass the examination, how long a passing score is valid for, and what the process is for retaking the exam if they do not pass. A limited period to retake the exam after failure is necessary because wildlife care standards change and are updated frequently.
- Add subsection (a)(5)(C): “Unauthorized Communication, Publication, and Sharing Penalties” establishes the process by which the department addresses potential unauthorized sharing or reproduction of examination content by any person, including any penalties related to such unauthorized activities. This provision is necessary because the department has experienced cheating activity on other similar qualification examinations, and the Commission has determined based on the department’s experience, the act of cheating demonstrates a lack of expertise and a failure to meet the standards necessary to comply with the rule of law. This provision is necessary so that an individual understands the consequences of unauthorized communication about the examination.
- Add subsection (a)(6): “Final Approval” establishes the process for an applicant who has passed the wildlife rehabilitation examination to submit the essential information for the department to review and determine if all requirements are met to issue a wildlife rehabilitation permit. The following provisions are necessary to clarify the required contents of an application packet, how to submit the application, and associated fees.
- Add subsection (a)(6)(A): this provision establishes the required information to be submitted on a specified wildlife rehabilitation permit application form.
- Add subsection (a)(6)(A)1. “Applicant and Facility Information” requires an applicant to provide the following information: applicant information, required experience, public contact information, and designee information. This provision is necessary for the Department to create and maintain an ALDS customer profile for tracking purposes.

- Add subsection (a)(6)(A)2. “Required Experience” requires an applicant to provide professional references and a brief description of their relevant experience that may include volunteer or work experience and education in related fields that may be relevant. This provision is necessary to ensure that the applicant has met the required minimum hours of experience needed to protect animal welfare and native wildlife. This submission is a more detailed account of experience than is required for the initial approval, to ensure that the instruction meets the proper standards of education.
- Add subsection (a)(6)(A)3. “Public Contact Information” requires an applicant to provide contact information for the proposed facility that may be posted publicly on the department website. This provision is necessary for the department to track what information it may provide to the public.
- Add subsection (a)(6)(A)4. “Designee Information” requires an applicant to identify the name and contact information of a person that may oversee facility operations on their behalf under the permit. This provision is necessary for the department to have a contact to ensure that all requirements are met, if the applicant wishes to so designate another person.
- Add subsection (a)(6)(A)5. “Proposed Rehabilitation Animals” establishes information from an applicant specific to the species or taxonomic group they propose to rehabilitate and the maximum number (capacity) that may be temporarily possessed at one time at the proposed facility. This provision is necessary to clarify the required standards, as well as the relevant federal permits that may be required.
- Add subsection (a)(6)(A)6. “Declaration of Pre-release Enclosures” requires submission of animal enclosure details, which are necessary to establish that pre-release conditioning enclosures have been or will be constructed in accordance with the requirements listed in the DFW 679 Manual, or variances will be sought for any deviations.
- Add subsection (a)(6)(A)7. “Facility Operation Plan” establishes the standard operating procedures enumerated therein which are necessary for the wellbeing and responsible care of wildlife. The applicant must specify the standard operating procedures that include data storage method, euthanasia, staff and volunteer training, intake and triage, humane care, biosafety plan, and a contingency plan. This provision is necessary for the department to ensure that rehabilitation facilities will have a specific, enumerated strategy to provide for the wellbeing and responsible care of rehabilitation animals.
- Add subsection (a)(6)(A)8. “Acknowledgement and Signature” requires that the person completing the form certifies that the information is true and correct, and that the possession of any wildlife is lawful. The applicant must sign the form accordingly. This provision is necessary for the department to ensure that an applicant provides accurate information as required per FGC section 2353.

- Add subsection (a)(6)(B): “Veterinarian of Record Agreement” establishes in writing the necessary applicant and veterinarian information and responsibilities under their respective roles, in addition to the services that the licensed veterinarian agrees to provide to the applicant as their Veterinarian of Record. This provision is necessary to ensure the continued medical care of wildlife under the supervision of a licensed veterinarian.
- Add subsection (a)(6)(C): “List of Persons” establishes for all personnel identified by the permittee to fulfill all the responsibilities of the permittee. This provision is necessary for the Department to determine that there are sufficient personnel available and professionally trained to provide care for all wild animals temporarily possessed for the purposes of rehabilitation. The requirement that individuals may not be listed under multiple permits will ensure that personnel are not overcommitted.
- Add subsection (a)(6)(D): “Facility Emergency Action Plan” establishes what information an applicant must provide for facility emergency preparedness. The applicant must provide contact and facility information for emergency protocols including animal capture equipment, animal transport equipment, animal emergency supplies, facility safety and emergency alert, list of local emergency telephone numbers, personnel evacuation leads, and evacuation protocol. This provision is necessary to ensure prior planning for the attendant personnel to act quickly to preserve their lives and the lives of the wildlife in their care in the event of an emergency.
- Add subsection (a)(6)(E): “Authorization to Access Property” establishes that the property owner agrees to allow Department access to the premises for inspection. This provision is necessary so that the applicant/permittee and property owner both have agreed to allow access to the department, so that the department may inspect the wildlife possessed under the auspices of the permit and may assess compliance with all laws and regulations.
- Add subsection (a)(6)(F): “Compliance with Local Laws” establishes the requirement for an applicant to provide written proof that their proposed facility does not violate any local laws such as zoning. This provision is necessary for the department to ensure all requirements are met prior to issuing a permit.
- Add subsection (a)(7): “Issuance of Permit” establishes that the department shall issue a permit that is valid for 3 years if an applicant meets all requirements listed and passes a facility inspection. The Commission has determined, based on the department’s experience, that 3 years is a reasonable and appropriate term for the permit to be valid; it strikes a balance between ensuring that facilities are meeting permitting standards and not making the renewal or inspection process too onerous for the permit holder or the department. The permit will further specify which taxonomic group or species of rehabilitation animal an applicant is authorized to temporarily possess. This authorization is necessary to protect native wildlife, animal welfare, human health and safety, or agriculture interests, by ensuring that rehabilitators’ experience, training, and infrastructure match the species they are permitted to possess.

- Add subsection (a)(8): “Renewal of Permit” establishes the renewal process for the permittee or their designee and the process for permits that have expired. This provision is necessary to clarify all renewal application requirements.
- Add subsection (a)(9): through subsection (a)(9)(C) “Facility Change” establishes the application requirements when the permittee with an existing permit applies to move the current facility or open a secondary location. These provisions are necessary to clarify all permit amendment requirements.
- Add subsection (a)(10): “Permit Fees” establishes the authority for the department to require a fee with the application package. This provision is necessary to clarify any costs associated with the application process.
- Add subsection (a)(10)(A): “New Permit Fees” establishes the authority for the department to require a nonrefundable application fee and an inspection fee for new permits. The inspection fee is refundable if the application is denied, and an inspection is not performed. This provision is necessary to clarify any costs associated with applying for a new permit.
- Add subsection (a)(10)(B): “Permit Amendment Fees” establishes the authority for the department to require a nonrefundable application fee and an inspection fee for permit amendment requests. The inspection fee is refundable if the permit amendment request is denied, and an inspection is not performed. This provision is necessary to clarify any costs associated with amending a permit.
- Add subsection (a)(10)(C): “Permit Renewal Fee” establishes the authority for the department to require a nonrefundable renewal fee. There is not an inspection fee for a permit renewal. This provision is necessary to clarify any costs associated with applying for a new permit.
- Add subsection (b): “Specialty Rehabilitation Authorization” establishes that the department may authorize a permittee to temporarily possess specialty rehabilitation animals if such persons meet certain requirements. This is necessary so that the applicant can demonstrate the specialized knowledge needed to rehabilitate specialty animals and their capacity to protect native wildlife, animal welfare, human health or safety, and agriculture interests (See Attachment 9, Figure 5).
- Add subsection (b)(1): “Examination” establishes that applicants for specialty rehabilitation must pass the California state wildlife rehabilitation examination. This is necessary to demonstrate the applicant’s ability to provide the required specialty rehabilitation care.
- Add subsection (b)(2): “Application Packet” establishes the required information necessary for an applicant to apply for a specialty rehabilitation authorization for their permit. The applicant must provide information including required experience, proposed specialty rehabilitation animals, declaration of pre-release enclosures, qualified handlers, veterinarian of record agreement, emergency action plan, authorization to access property, and proof of compliance with local zoning laws. The information is

necessary for the department to determine if the applicant meets all requirements for specialty rehabilitation authorization.

- Add subsection (b)(3): “Final Approval” establishes the process for the department to amend an existing permit with a specialty rehabilitation authorization if an application meets all application requirements. This provision is necessary to specify the specialty rehabilitation authorization process.
- Add subsection (c) “Sub-Permit” establishes the process for an applicant to apply for a sub-permit under a valid wildlife rehabilitation permit. This provision is necessary to ensure that all requirements are met.
- Add subsection (c)(1): establishes the information required in a sub-permit application packet including: sub-permit application form, sub-permittee and satellite facility information, required experience, proposed rehabilitation animals, declaration of enclosures, and facility operation plan. This provision is necessary for the department to determine if the applicant meets all the requirements of a sub-permit.
- Add subsection (c)(2) “Approval of Sub-Permit” establishes the provision for the department to amend an existing permit if a sub-permit applicant meets all application and inspection requirements. This provision is necessary to specify the sub-permit application process.
- Add subsection (d): “Denial of Permit, Sub-permit, or Specialty Rehabilitation Authorization” establishes the standards and criteria for department denial of a wildlife rehabilitation permit, sub-permit, or specialty rehabilitation authorization. These provisions are necessary to specify reasons for which the department will deny an application.
- Add subsection (e): “Transition Period” establishes a provision that provides currently permitted wildlife rehabilitators a six-month period to comply with new requirements. This provision is necessary to allow individuals time to meet the new regulation requirements or to request a variance. In the department’s estimation, 90% or more of current permit holders meet or exceed the requirements of these proposed regulations.

Part 2. Add Section 679.4 and Chapter 2 of the DFW 679 Manual (New form, 01/2025)

Section 679.4 Facility and Enclosure Standards for Rehabilitation Animals.

- Add subsection (a): “Provisions Related to the Operation of a Wildlife Rehabilitation Facility” establishes the requirements of an individual to operate a wildlife rehabilitation facility and/or satellite facility with conditions necessary to protect native wildlife, animal welfare, human health, and human safety in California.
- Add subsection (a)(1): “Responsibility for Costs Incurred” establishes that all wildlife rehabilitation costs incurred under the permit are the responsibility of the permit holder. This requirement is necessary to establish financial responsibility for permitted wildlife rehabilitation activities and to inform the public of the requirements under these regulations.

- Add subsection (a)(2): “Liability” establishes that all claims, losses, or associated risk and liability associated with the treatment, confinement or transportation of wildlife under the permit are the responsibility of the permit holder. This provision is necessary to clarify the financial and legal obligations associated with the temporary possession of any wild animal for the purpose of rehabilitation, and to indemnify the department and Commission from any losses.
- Add subsection (a)(3): “Continuing Education” establishes that a permittee, their designee, and sub-permittees must complete 8 hours of wildlife rehabilitation training each year. This provision is necessary for wildlife rehabilitators to stay current with best practices, accepted techniques, and the latest advancements in wildlife rehabilitation and are relevant to maintain their facility operations and protect animal welfare, native wildlife, human health, and human safety.
- Add subsection (a)(4): “Display of Permit and Emergency Action Plan” establishes the requirement for an individual to visibly display relevant permits. The provision also requires the written facility emergency action plan. These provisions are necessary to assure the public that wildlife rehabilitation facilities are legitimate, authorized facilities and, in case of an emergency, to protect the welfare of each rehabilitation animal, as well as the health and safety of all personnel and the public.
- Add subsection (a)(5): “Required Records” establishes the requirements for an individual to retain written or electronic records. This provision is necessary to ensure proper recordkeeping under the state permit and to comply with the US Fish and Wildlife Service Migratory Bird permit 5-year record retention requirements.
- Add subsection (a)(5)(A): “Annual Report” establishes the requirement to draft and submit an annual report to the department. This provision is necessary so the department can track the activities of rehabilitators, to understand the operations of both individual facilities and the rehabilitation program, detect trends in rehabilitated species and outcomes, monitor rehabilitator training, and maintain awareness of rehabilitated raptors under the care of licensed falconers.
- Add subsection (a)(5)(B): “Availability of Records” establishes the requirement to furnish required records to the department within 3 days. This is necessary so the department can obtain information from permit holders and their personnel in a timely fashion, for the purposes of monitoring, enforcement, compliance with these regulations, and for general administration of the wildlife rehabilitation program.
- Add subsection (a)(6): “Operational Changes” establishes the requirements for an individual to notify the department of any changes under the permit. This provision is necessary to ensure that the department is aware of any changes to a permitted facility that may impact animal care and welfare and to maintain updated contact information.

- Add subsection (a)(7): “Compliance with Other Restrictions” establishes that all wildlife rehabilitation activities performed under a valid state permit must not violate any other federal, state, or local law. This provision is necessary to clarify to the public and a permittee that a wildlife rehabilitation permit does not allow someone to take or possess any wild animal if doing so is a violation of the Fish and Game Code or any other law.
- Add subsection (a)(8): This provision establishes the requirements to notify the department of receiving a large carnivore, or federally or state listed species. This provision is necessary to ensure that the department is notified in a timely fashion whenever a specially protected species, species listed pursuant to the federal or California Endangered Species Act, or any large carnivore, is received, because handling, transporting, and rehabilitating these animals requires specialized equipment and/or training, or because of their unique designations under the Fish and Game Code.
- Add subsection (b): “Enclosure Requirements” establishes the requirements to obtain, construct, and maintain enclosures for wildlife rehabilitation. Additionally, requirements for housing conspecific and non-conspecific animals are specified. These provisions are necessary to ensure that the minimum requirements to maintain animal welfare are maintained through compliance with the requirements listed in the DFW 679 Manual, including limiting the possibility of escapees, avoiding the proliferating of populations under rehabilitation, preventing flooding which could cause injury and/or disease, allowing contact between animals which may co-occur when beneficial and disallowing it when detrimental, and maintaining adequate environmental conditions for animal housing (See Attachment 9, Figure 7).
- Add subsection (c): “Variances to Enclosure Requirements” establishes the process of requesting a variance approval for any enclosure that differs in construction design or construction materials of the requirements listed in the DFW 679 Manual. This provision is necessary to specify standards in which a variance may be requested and what documentation is necessary.
- Add subsection (c)(1): establishes the conditions for department approval of an enclosure variance request and that specific terms and conditions may be imposed. This provision is necessary to clarify that all conditions must be met to protect the safety and well-being of each rehabilitation animal that may be housed in an enclosure that may differ from the minimum enclosure requirements, and to further clarify that enclosures must follow all regulations that are outside the scope of the variance (See Attachment 9, Figure 1).
- Add subsection (c)(2): establishes the conditions for department denial of an enclosure variance request and the requirement to modify, replace, or remove such an enclosure subject to a variance denial. This provision is necessary so that substandard housing is not used if the department determines that the variance request will not maintain the health of the wild animal or human safety.

- Add subsection (c)(3): establishes that an individual shall maintain documentation of an approved variance request and provide upon request to department staff. This provision is necessary to document approved variance requests during an inspection, so that inspectors can be apprised when deviations from standard requirements are in effect.
- Add subsection (d): establishes that a violation of Chapter 2 of the Native Wildlife Rehabilitation 679 Regulations Manual shall be considered a violation of Section 679.4. This provision is necessary to ensure that law enforcement officers can easily cite violations of regulations in the manual.

Chapter 2 of the DFW 679 Manual (New form, 01/2025)

- Add Chapter 2 (a): “Enclosure Requirements” establishes the requirements to maintain enclosures with the conditions specified for each taxonomic group or species (See Attachment 9, Figure 5).
- Add Chapter 2 (a)(1) establishes that a wildlife rehabilitator shall know the basic life history of the wild animal they temporarily possess for the purpose of rehabilitation and release to the wild. This provision is necessary to ensure there is sufficient knowledge to maintain and improve the welfare of each animal.
- Add Chapter 2 (a)(2): establishes that each enclosure shall have visual and physical separation between rehabilitation animals, other animals, and people. This provision is necessary to reduce rehabilitation animal stress and minimize the risk of habituation or mal imprinting of each animal (See Attachment 9, Figure 4, Figure 5; See Attachment 10, Figure 3).
- Add Chapter 2 (a)(3): establishes the requirement to use specific animal enclosure types based on the stage of rehabilitation of the animal. This provision is necessary to ensure that neonate animals, limited mobility animals, and pre-release conditioning animals are housed in enclosures that are appropriate to their age class and stage of rehabilitation (See Attachment 9, Figure 5; Attachment 10, Figure 7).
- Add Chapter 2 (a)(4): establishes that a variance must be requested for the use of any enclosures that do not meet the requirements. This provision is necessary to facilitate department review of any variance request and to ensure that a variance will maintain and improve the welfare of any rehabilitation animal potentially affected by that variance.
- Add Chapter 2 (a)(5): establishes that an approved variance will have terms and conditions required by the department. This provision is necessary to allow the department to approve, modify, or deny any request for a variance to ensure such a variance will maintain and improve the welfare of each rehabilitation animal potentially affected by that variance.
- Add Chapter 2 (a)(6): establishes that any existing variances will be reviewed by the department at the time of permit renewal. This provision is necessary to ensure that a variance continues to maintain and improve the welfare of each rehabilitation animal potentially affected by that variance.

- Add Chapter 2 (b): “Rehabilitation Animal Enclosure Types. Table 4” establishes the requirements to maintain rehabilitation animal enclosures based on stage of rehabilitation. These provisions are necessary to protect native wildlife and animal welfare and specify the requirements at each stage of rehabilitation.
- Add Chapter 2 (c): “Amphibian and Reptile Requirements” establishes the minimum pre-release conditioning enclosure requirements for an amphibian and reptile must allow for each rehabilitation animal to display the natural life history of their species. This provision is necessary to protect animal welfare because the minimum enclosure size requirements are specific and unique to each individual amphibian and reptile. Enclosure sizes must allow for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild.
- Add Chapter 2 (d): “Pre-release Conditioning Enclosure Requirements; Amphibian and Reptiles. Table 5” establishes the specific enclosure requirements for a pre-release amphibian and reptile. These provisions are necessary to protect the welfare of native amphibians and reptiles and ensure that rehabilitation animals cannot escape. Enclosures must provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild.
- Add Chapter 2 (e)(1): establishes the minimum housing requirements for mammals. This provision is necessary to protect the welfare of each mammal and ensure that the enclosure requirements are specific and unique to each species. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild and ensure that rehabilitation mammals cannot escape (See Attachment 9, Figure 7, Attachment 10, Figure 10).
- Add Chapter 2 (f): “Pre-release Conditioning Enclosure Requirement; Mammals. Table 6” establishes the pre-release conditioning enclosure and enrichment requirements for mammal species. These provisions are necessary to protect native wildlife and the welfare of mammal species, to ensure that rehabilitation mammals cannot escape, and to ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation mammal needs to survive in the wild (See Attachment 10, Figure 1 and Figure 10).
- Add Chapter 2 (g): “Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures; Mammals. Table 7” establishes the minimum enclosure size requirements for mammal species. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 10, Figure 7).
- Add Chapter 2 (h): “Bird Requirements” outlines some of the necessary knowledge a rehabilitator must possess to humanely and properly rehabilitate birds, including special considerations for waterbirds, and establishes the requirement to follow the minimum

pre-release conditioning enclosure sizes for birds. These provisions are necessary to allow rehabilitators to understand the enclosure needs for each bird temporarily possessed for rehabilitation so that it may display the physical and behavioral abilities it will need to survive in the wild (See Attachment 10, Figure 9, Figure 11).

- Add Chapter 2 (h)(1): establishes that a wildlife rehabilitator must know the distinction between neonate, juvenile, and adult bird species requirements. This provision is necessary to ensure that a wildlife rehabilitator can identify the type of specialized care at each stage of rehabilitation (See Attachment 10, Figure 9).
- Add Chapter 2 (h)(2): establishes that a wildlife rehabilitator shall know if a neonate bird is of a precocial or altricial species. This provision is necessary since the two types of neonates require specialized care unique to each type at that stage of rehabilitation.
- Add Chapter 2 (h)(3): establishes the conditions under which a wildlife rehabilitator shall classify a fledgling bird as a “juvenile”. This provision is necessary to protect animal welfare and ensure that a rehabilitation animal continues to receive the appropriate, specialized care required for that stage of rehabilitation.
- Chapter (h)(4): establishes that a wildlife rehabilitator shall adhere to all waterbird requirements. This provision is necessary to ensure that each waterbird can fully express the natural life history behaviors they need to survive in the wild (See Attachment 10, Figure 11B).
- Chapter (5): establishes that a wildlife rehabilitator shall adhere to specified requirements regarding bird enclosures. This provision is necessary to ensure that birds being temporarily possessed for rehabilitation have the proper enclosures and forms of enrichment to express their natural behaviors, to provide for animal welfare, and to prevent animal escapes (See Attachment 9, Figure 7; Attachment 10, Figure 1, Figure 8B, Figure 9, Figure 11).
- Add Chapter 2 (i): “Pre-release Conditioning Enclosure Requirements; Birds (excluding waterbirds). Table 8” establishes the specific enclosure requirements for pre-release conditioning bird species except for waterbirds. These provisions are necessary to ensure that enclosures allow for each rehabilitation bird to express the natural life history behaviors specific and unique to their species, to provide for animal welfare, and to prevent animal escapes (See Attachment 9, Figure 3; See Attachment 10, Figure 11A).
- Add Chapter 2 (j): “Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures; Birds (notwithstanding waterbirds). Table 9” establishes the minimum enclosure size requirements for pre-release conditioning bird species except for waterbirds. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 10, Figure 8B, Figure 9, Figure 11A).

- Add Chapter 2 (k): “Pre-release Conditioning Enclosure Requirements; Waterbirds. Table 10” establishes the specific requirements for each waterbird species enclosure. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals and to prevent animal escapes. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 9, Figure 3, See Attachment 10, Figure 11B).
- Add Chapter 2 (l): “Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures; Waterbirds. Table 1” establishes the minimum enclosure size requirements for waterbird species. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 10, Figure 11B).
- Add Chapter 2 (m): “Minimum Size Requirements for Pre-release Conditioning Pools; Waterbirds. Table 12” establishes the minimum pool size requirements for waterbirds. These provisions are necessary to clarify that the pool diameter and depth are included in the minimum enclosure size requirement for each waterbird and to ensure that pool sizes are within proper parameters to be useful and safe. Waterbirds need pools to express the natural life history behaviors of their species (See Attachment 10, Figure 11B).
- Add Chapter 2 (n): “Specialty Rehabilitation Animal Requirements” establishes the list of specialty rehabilitation animals that may be rehabilitated under special authorization from the department and the requirement to maintain a double-door entry system always secured, with a method to view each specialty rehabilitation animal. Individuals caring for specialty species need to have additional training and experience specific to these animals to ensure the safety of the animal and individuals caring for it. The provision regarding a method to view the animal(s) is necessary to prevent animal escape, to allow handlers to view animal before entering for safety reasons and to reduce the risk of habituation or mal imprinting of a specialty rehabilitation animal (See Attachment 9, Figure 5, Figure 7; See Attachment 10, Figure 6).
- Add Chapter 2 (o): “Specialty Rehabilitation Animal Enclosure Requirements for Pre-release Conditioning. Table 13” establishes the specific enclosure size requirements for each type of specialty rehabilitation animal. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals and to prevent animal escapes. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 9, Figure 3, Figure 5).
- Add Chapter 2 (p): “Minimum Enclosure Size Requirements; Specialty Rehabilitation Animals. Table 14” establishes the minimum enclosure size requirements for specialty rehabilitation animals. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures

can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 9, Figure 5).

Part 3. Add Section 679.5 Humane Care Standards and Chapter 3 of the DFW 679 Manual (NEW, 01/2025)

Section 679.5 Humane Animal Care Standards.

- Add subsection (a): “Care of Rehabilitation Animals” establishes various provisions required for the care of a wild animal temporarily possessed by a permittee, their sub-permittee, designee, authorized persons, and qualified handlers for the purposes of rehabilitation.
- Add subsection (a)(1): This provision establishes that the appropriate care and treatment be provided based on the needs of the individual animal. This provision is necessary for the health and wellbeing of animals during rehabilitation.
- Add subsection (a)(2): “Food” establishes the requirements to meet species, age class, and injury appropriate diets for each rehabilitation animal. This provision is necessary to clarify feeding conditions and nutritional requirements for all rehabilitation animals to prevent animal malnutrition and sickness.
- Add subsection (a)(3): “Water” establishes the requirement to meet the species, age class, and injury appropriate access to fresh water for each rehabilitation animal. This provision is necessary to clarify water needs for rehabilitation animals, and sanitary receptacle conditions, to prevent animal dehydration and sickness.
- Add subsection (a)(4): “Handling” establishes the requirements for how to effectively manage a rehabilitation animal. This provision is necessary to clarify conditions on proper animal handling to prevent harm or imprinting of a rehabilitation animal and to protect human safety (See Attachment 10, Figure 12).
- Add subsection (a)(5): “Biosafety Plan” establishes the requirements necessary for pest and parasite control and to prevent the transmission of communicable diseases and parasites. This provision is necessary to ensure that facilities have a plan for the control of disease to protect humans, domestic animals, and wildlife from sickness or death (See Attachment 9, Figure 6, Attachment 10, Figure 12).
- Add subsection (a)(6): “Egg Incubation” establishes requirements for the incubation of eggs of native bird species of known origin during wildlife rehabilitation. This provision does not preclude the need to obtain other valid state or federal permits. This provision is necessary to prevent the incubation of eggs if a permittee lacks sufficient experience or authorization to possess, and to prevent the spread of communicable avian diseases.
- Add subsection (a)(7): “Public Display” establishes the requirements for how a rehabilitation animal may be depicted in public facing media formats. This provision is necessary to prevent the public from anthropomorphizing wildlife, which may lead to habituation or imprinting of rehabilitation animals and human safety issues. This provision further clarifies the prohibition of social media posts of any rehabilitation

animal that is part of a legal or enforcement action, to prevent the public from adversely affecting ongoing enforcement cases.

- Add subsection (a)(8): “Notification Requirement for Diseases of Concern” establishes the requirement for notification of exposure to a disease of concern to appropriate public agency. This provision is necessary for the control of communicable diseases known to harm wildlife, domestic animals, or people and to protect native wildlife, animal welfare, human health, and safety. Further, this provision ensures that the proper authorities are aware of disease events to act if warranted (See Attachment 9, Figure 5, Figure 8).
- Add subsection (a)(8)(A): “Reporting to the Department” establishes the process to report to the department any rehabilitation animal suspected to have a communicable disease of concern. This provision is necessary for the control of communicable diseases known to harm wildlife, domestic animals, or people and to protect native wildlife, animal welfare, human health, and safety. Further, this provision ensures that the department is aware of disease events and can act if warranted (See Attachment 9, Figure 5).
- Add subsection (a)(8)(B): “Rabies” establishes the requirement and process for proper agency reporting of any rehabilitation animal suspected or known to have rabies. This provision is necessary to specify the actions required for rabies prevention and control and to protect native wildlife, animal welfare, human health, and safety. Further, this provision ensures that the proper authorities are aware of disease events to act if warranted.
- Add subsection (a)(9): “Notification Requirement for Violations Related to Animals” establishes the requirement to report to the department any rehabilitation animal suspected to have been intentionally harmed or unlawfully taken by any person. This provision is necessary to protect the welfare of each rehabilitator and native wildlife.
- Add subsection (a)(10): “Import and Export of Rehabilitation Animals” establishes the process for legal import or export of a rehabilitation animal for rehabilitation or release to the wild. This provision does not prevent a permittee from accepting an injured, sick, or orphaned wild animal that is improperly imported by the public. This provision is necessary to prevent the spread of communicable diseases, protect animal welfare, native wildlife, and agricultural interests, and to maintain interagency relationships.
- Add subsection (b): “Treatment of Wildlife in Possession” establishes the requirements for the treatment of a wild animal temporarily possessed for the purposes of rehabilitation.

- Add subsection (b)(1): “Medical Care” establishes the requirements for any intervention that is not medically necessary or likely to improve the condition of a rehabilitation animal. This provision is necessary to prevent undue or prolonged medical intervention that will not improve the outcome of the animal. In one case for an example, major spinal and brain surgery on a large carnivore resulted in undue extended physical pain and suffering that should have been humanely euthanized upon intake. Further, this language is closely aligned with the California Veterinary Medical Practice Act.
- Add subsection (b)(2): “Standing Order” establishes the requirements for routine medical procedures and care of rehabilitation animals at a wildlife rehabilitation facility without direct supervision of a California licensed veterinarian. This provision is necessary to provide guidance on routine medical treatments and medications that may be administered by a permittee, their sub-permittee, designee, authorized person, or qualified handler in the absence of a licensed veterinarian. Further, this language is closely aligned with the California Veterinary Medical Practice Act.
- Add subsection (b)(3): “Medications” establishes requirements specific to the administration, storage, tracking, and disposal of medications and controlled drugs for rehabilitation animals. This provision is necessary to specify the responsibilities for adhering to applicable laws regulating medications and controlled drugs used in the care and treatment of wild animals. Further, this language is closely aligned with the California Veterinary Medical Practice Act.
- Add subsection (b)(4): “Raptor Rehabilitation” establishes the requirements and process to transfer a rehabilitation raptor to a California general or expert falconer licensed and approved by the department for pre-release conditioning. To be successfully rehabilitated and released into the wild, raptors require specialized exercises for flight and hunting. A falconer can provide this training and exercise for raptors. This provision is necessary to clarify the process by which a falconer can assist with rehabilitation of raptors.
- Add subsection (b)(4)(A): establishes the information required by the department to authorize the temporary transfer of a rehabilitation raptor to a licensed general or expert falconer. This provision is necessary to clarify the process by which a falconer can assist with rehabilitation of raptors. To be successfully rehabilitated and released into the wild, raptors require specialized exercises for flight and hunting. A falconer can provide this training and exercise for raptors. This provision outlines the information needed for the department to authorize a falconer to legally assist with raptor rehabilitation activities.
- Add subsection (b)(4)(A)1. through (b)(4)(A)2.: establishes the process, and information required by the department, to transfer a rehabilitation raptor to a licensed falconer for the purpose of pre-release conditioning. These provisions are necessary to ensure that a licensed falconer who is temporarily possessing a rehabilitation raptor is following the care and treatment required by the wildlife rehabilitator for the purpose of releasing the rehabilitation raptor to the wild. These provisions are necessary to protect animal

welfare and native raptors and for the department to track which raptors are being temporarily transferred to falconers.

- Add subsection (b)(5) “Surrogate Animal” establishes guidelines for the use of a conspecific wild animal temporarily possessed under a permit as a surrogate animal to a neonate or juvenile rehabilitation animal. This provision is necessary to support safe natural socialization between conspecifics and proper imprinting, and for a rehabilitation animal to express the natural life history behaviors of that species needed to survive in the wild.
- Add subsection (b)(6): “Patient Record” establishes the requirements for maintaining a record of each rehabilitation animal.
- Add subsection (b)(6)(A): “Intake History” establishes the information that a wildlife rehabilitator must document upon intake of a wild animal. This provision is necessary to document the provenance of each animal that is admitted under a permit from the public, and to help wildlife rehabilitators determine the best course of treatment for each wild animal.
- Add subsection (b)(6)(B): “Animal Information” establishes the necessary information for each wild animal at a rehabilitation facility which includes basic intake information, initial physical examination findings, and the rehabilitation care and treatment plan. This provision is necessary to create a patient record which is part of the required record provision and should be produced during an inspection or upon request by the department.
- Add subsection (b)(6)(C): “Patient Outcome” establishes the category of final disposition of each animal that is possessed under a wildlife rehabilitation permit and is provided in the annual report. This provision is necessary to collect the required annual documentation of the wild animals possessed for rehabilitation and supports the departments statewide wildlife disease monitoring efforts.
- Add subsection (a)(7): “Long-Term Possession” establishes the information required to be reported to the department to request a long-term possession extension for a rehabilitation animal beyond 180 days. In most cases it is unnecessary to rehabilitate wildlife for longer than 6 months. The department aligns with federal and national standards that it is typically in the best interest of a wild animal to be temporarily possessed for the purpose of rehabilitation for no more than 180 days. The Commission has determined, based on the department’s experience, that a rehabilitation animal is at increased risk of food conditioning, habituation, mal-imprinting, or unnecessary behavioral or physical stress the longer it is confined.
- Add subsections (a)(7)(A) through (a)(7)(B): establishes the process for department “Approval of a Request” or “Denial of a Request” for long-term possession of a rehabilitation animal. These provisions are necessary to specify the outcome options for such an animal based on what the department determines is in the best interest of the animal.

- Add subsection (c): “Animals not Released to the Wild” establishes the process and outcomes (final disposition) for a rehabilitation animal that is thought to not be a suitable candidate for release to the wild.
- Add subsection (c)(1): “Euthanasia” establishes the criteria for the safe, humane induction of death (euthanasia) of any wild animal temporarily possessed for the purposes of rehabilitation (See Attachment 9, Figure 5, Figure 9).
- Add subsection (c)(1)(A): establishes the minimum training hours required for any person allowed to euthanize a rehabilitation animal. This provision is necessary to ensure that euthanasia is performed in a manner that does not cause undue pain and suffering to any animal.
- Add subsections (c)(1)(A)1. through (c)(1)(A)3.: establishes the minimum number of training hours required for specific methods of euthanasia. These provisions are necessary to ensure that all methods of euthanasia are done properly and do not cause undue pain and suffering to any rehabilitation animal. Further, these provisions are necessary to ensure that euthanasia methods requiring personnel to oversee or administer controlled drugs are performed safely and legally.
- Add subsection (c)(1)(B): establishes the requirement and process to dispose of a carcass of a rehabilitation animal that has been chemically euthanized. This provision is necessary to prevent scavenging or excavation of an animal carcass contaminated with euthanasia chemicals. The ingestion of these chemicals poses a health hazard to people, domestic animals, and wildlife.
- Add subsection (c)(2): “Permanent Placement” establishes how a requestor may begin seeking approval from the department for a rehabilitation animal thought to not be a suitable candidate for release to the wild.
- Add subsection (c)(2)(A): “Request for Placement” establishes the information required for the department to certify that a rehabilitation animal is not suitable for return to the wild and may be considered for captive placement instead of euthanasia. This provision is necessary to ensure that the rehabilitation animal is in fact suitable for captive placement and is unable to be released to the wild.
- Add subsections (c)(2)(B) through (c)(2)(C): establishes the process for how the department shall review and approve or deny a request by a wildlife rehabilitator for consideration of permanent placement of a rehabilitation animal. These provisions are necessary to outline the criteria by which the department will review such a request and to ensure that a determination by the department will be made in a timely manner that is in the best interest of the animal.
- Add subsections (c)(2)(C)1. through (c)(2)(C)2.: establishes the process and criteria to approve or deny a request by the department for permanent placement of a non-releasable rehabilitation animal. These provisions are necessary to protect the welfare of the rehabilitation animal and ensure the most appropriate, safe, and humane outcome for the animal. The Commission has determined based on the department’s experience

that wild-born animals do not do well in captivity, and euthanasia is often the most humane outcome if they cannot be returned to the wild.

- Add subsection (d): “Use of Rehabilitation Animals for Scientific or Educational Purposes” establishes the process and requirements for how a rehabilitation animal, their carcass, or parts thereof may be used for scientific, educational, and/or propagation purposes. This provision is necessary to ensure that rehabilitation animals are temporarily possessed only for the purpose of rehabilitation as authorized under the permit.
- Add subsection (e): establishes that a violation of Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual shall be considered a violation of Section 679.5. This provision is necessary to ensure that law enforcement officers can easily cite violations of regulations in the manual.

Chapter 3 of the DFW 679 Manual (NEW, 01/2025)

- Add Chapter 3 (a): “Care and Treatment Requirements” establishes the protocol and procedures that must be adhered to protect the welfare of each wild animal that may be temporarily possessed for any period by a wildlife rehabilitator. These provisions are necessary to ensure that the highest standards of care are maintained at each stage of rehabilitation.
- Add Chapter 3 (a)(1): establishes that a wildlife rehabilitator must possess sufficient knowledge and expertise to identify a rehabilitation animal with reasonable certainty and be able to realistically care for the animal. This provision is necessary for the safety and well-being of the rehabilitation animal and to ensure the requirements and highly specialized care specific and unique to each species are met (See Attachment 10, Figure 12).
- Add Chapter 3 (a)(2): establishes that a rehabilitation animal must be moved to another wildlife rehabilitation facility if the welfare of the animal cannot be maintained or improved for any reason. This provision is necessary to protect animal welfare, native wildlife, and human safety.
- Add Chapter 3 (a)(3): establishes the requirement to triage a wildlife based on the animal condition at intake. This provision is necessary to protect the safety and well-being of each rehabilitated animal because proper triage ensures that rehabilitated animals with critical needs are provided with priority care and treatment. Triage shall be based on the triage plan established by the wildlife rehabilitator (See Attachment 9, Figure 5).
- Add Chapter 3 (a)(4): establishes the requirement that an individual treatment plan must be specific and unique to each rehabilitation animal. This provision is necessary to ensure that the best available knowledge, understanding, and expertise is employed in providing care and treatment to a wild animal, and that each animal receives proper care that is tailored to its situation.

- Add Chapter 3 (a)(5): establishes the requirement to adopt and adhere to standard procedures for basic veterinary medical treatment and species-specific treatment plans as provided by a licensed veterinarian. This provision is necessary to establish treatment guidelines that may be conducted in the absence of a licensed veterinarian to reduce the risk of unnecessary pain or suffering, habituation, or mal imprinting of any rehabilitation animal. Most typical rehabilitation procedures do not require the active participation of a licensed veterinarian.
- Add Chapter 3 (a)(6): establishes the requirement for a rehabilitation animal to be seen by a licensed veterinarian for specific treatments that cannot be performed by a wildlife rehabilitator. This provision is necessary because only a licensed veterinarian has the expertise and, in some cases, the legal authority, to perform these procedures. Limiting these procedures to veterinarians will prevent unnecessary pain or suffering of a rehabilitation animal and ensure medical care is conducted properly.
- Add Chapter 3 (a)(7) establishes the requirement to understand the nutritional requirements that are specific and unique to each rehabilitation animal. This provision to ensure that wildlife rehabilitators have the knowledge to provide a species-appropriate diet, prevent nutritional deficiencies, and ensure that each rehabilitation can express the natural life history behaviors needed to survive in the wild.
- Add Chapter 3 (a)(8) establishes the requirement that a wildlife rehabilitator allows a rehabilitation animal to feed independently as soon as the animal is able. This provision is necessary because juvenile animals are at risk of habituation or mal imprinting if they are not able to express their natural feeding behaviors and are therefore less likely to survive in the wild.
- Add Chapter 3 (b) “Cleaning Requirements” establishes the protocol and procedures that must be established to ensure the highest standards of hygiene and husbandry are maintained within a wildlife rehabilitation facility. These provisions are necessary to protect native wildlife, human health, and safety by reducing the risk of transmitting communicable diseases and/or parasites.
- Add Chapter 3 (b)(1) establishes the requirement to remove visible organic waste material prior to using any disinfectant, and to use disinfectants consistent with the provided directions. This provision is necessary to ensure enclosures and other areas where rehabilitation animals are in contact with are properly disinfected to prevent the spread of disease and/or parasites and to protect human safety (See Attachment 10, Figure 2).
- Add Chapter 3 (b)(2) establishes the requirement to disinfect the enclosure of any rehabilitation animal with a known or suspected zoonotic disease once the animal has been removed from the enclosure, including following any specific procedures determined by local or state public agencies. This provision is necessary to ensure enclosures and other areas where rehabilitation animals are in contact with are properly disinfected to prevent the spread of disease.

- Add Chapter 3 (b)(3) establishes the requirement that a wildlife rehabilitator shall separate raccoon and skunk enclosures from other animals. This provision is necessary to prevent transmitting raccoon or skunk roundworm to other animals or people (See Attachment, Figure 4).
- Add Chapter 3 (b)(4) establishes the requirement for raccoon enclosures and skunk enclosures to be used to only house raccoons or skunks with a clear and conspicuous label posted on the outside. This provision is required to prevent transmitting raccoon or skunk roundworm to other animals or people (See Attachment, Figure 4).
- Add Chapter 3 (c) Table 15 “Common Detergents and Disinfectants to Limit the Transmission of Communicable Wildlife Diseases” establishes the categories of cleaning agents commonly available to properly disinfect enclosures and other areas where rehabilitation animals are housed. These provisions are necessary to ensure that disinfectants are used appropriately to protect animal welfare, human health and safety, and to prevent the spread of communicable disease and parasites.
- Add Chapter 3 (d) “Communicable Wildlife Diseases” establishes the proper handling and reporting of a wild animal suspected or known to have a disease of concern. This provision is necessary to protect animal welfare, human health, and safety and to prevent the spread of communicable disease and parasites (See Attachment 10, Figure 12).
- Add Chapter 3 (d)(1) establishes the requirement to oversee each rehabilitation animal using proper personal protective equipment. This provision is necessary to protect animal welfare, native wildlife, and human health and safety, by reducing the risks of disease and/or parasite transmission to animals or people (See Attachment 10, Figure 12).
- Add Chapter 3 (d)(2) establishes the requirement to report a rehabilitation animal suspected or known to have a disease of concern. A disease of concern is a communicable disease of potentially significant consequence to native wildlife, domestic animals, and people. This provision is necessary to aid the investigation, monitoring, and response to potential disease outbreaks and mortality events by the department and other public health agencies.
- Add Chapter 3 (e) “Wildlife Diseases of Concern in California and the Agency to Report Confirmed or Suspected Infected Wildlife. Table 16” establishes the list of communicable wildlife diseases, their primary affected taxa, etiological agent, and clinical signs or symptoms, of interest to the department. The Commission has determined this list based on the department’s experience with wildlife diseases. These provisions are necessary so that a wildlife rehabilitator knows which zoonotic diseases to report, and the reporting agency. Further, these provisions are necessary to aid the investigation, monitoring, and response to potential disease outbreaks by the proper agency as needed.

- Add Chapter 3 (f) “Non-Releasable Animal Requirements” establishes the criteria to determine when a rehabilitation animal may be deemed non-releasable and suitable for captive placement.
- Add Chapter 3 (f)(1) establishes the criterion to classify a rehabilitation animal as non-releasable. This provision is necessary so that rehabilitators can identify when an animal should be considered for permanent placement or euthanasia. This provision is necessary for the wildlife rehabilitator to evaluate the rehabilitation animal and make an appropriate determination on if the animal can be released to the wild (See Attachment 9, Figure 9).
- Add Chapter 3 (f)(2) establishes the requirement that a non-releasable rehabilitation animal must be overseen pursuant to subsection 679.5(c), which specifies the potential dispositions of animals not released to the wild. This provision is necessary to outline acceptable rehabilitation animal outcomes when an animal cannot be released, to protect the safety and well-being of each animal.
- Add Chapter 3 (g) “Euthanasia Requirements” establishes the requirements and conditions that shall be met for the humane euthanasia of a rehabilitation animal (See Attachment 9, Figure 5 and Figure 9).
- Add Chapter 3 (g)(1) establishes the personnel training requirement for each method or category of euthanasia for a rehabilitation animal. This provision is necessary to ensure that euthanasia is performed humanely and by trained personnel.
- Add Chapter 3 (g)(2) establishes the requirement for recordkeeping specific to personnel euthanasia training. This provision is necessary to ensure that training records are properly maintained, so the department can verify adequate euthanasia qualifications for rehabilitators.
- Add Chapter 3 (g)(3) establishes what topics must be included in euthanasia training. This provision is necessary to ensure that euthanasia training covers appropriate and necessary instruction.
- Add Chapter 3 (g)(4) establishes the requirement to euthanize a rehabilitation animal using only the methods of euthanasia deemed to be humane and acceptable for that taxonomic group or species of rehabilitation animal. This provision is necessary to protect the safety and well-being of each rehabilitation animal, as well as personnel, and to ensure that humane and effective methods of euthanasia are administered under a wildlife rehabilitation permit.
- Add Chapter 3 (g)(5) provides examples of methods of euthanasia that the Commission has determined, based on the department’s experience, are not humane and/or ineffective. These methods may cause unacceptable environmental harm or are otherwise not legal methods of take pursuant to the California Fish and Game Code or other regulations or statutes. This provision is necessary because in some other states these methods may be allowed, so the provision clarifies to rehabilitators that they are

prohibited in California. The use of these euthanasia methods may cause undue pain and suffering to animals.

- Add Chapter 3 (g)(6) establishes the procedure for notifying the proper agency of any eagle or threatened or endangered species requiring humane euthanasia, pursuant to 50 CFR 21.31. This provision is necessary to protect animal welfare and to ensure that rehabilitators are aware of, and follow, federal law by reporting the situation and obtaining approval for euthanasia prior to the “take” of a protected species.
- Add Chapter 3 (g)(7) establishes the requirement for the disposal of any rehabilitation animal carcass to occur in compliance with relevant federal, state, and local laws. This provision is necessary as the requirements for safe and legal carcass disposal are specific and unique to each jurisdiction or municipality. Additionally, the carcass of a rehabilitation animal euthanized by a controlled drug may be hazardous to any animal or person that scavenges the carcass.
- Add Chapter 3(h) Table 17 “Acceptable Euthanasia Methods for Rehabilitation Animals” establishes the methods of euthanasia that the Commission has determined, based on the department’s experience, are humane, effective, and legal methods of take. These provisions are necessary to protect the safety and well-being of each rehabilitation animal, and personnel administering any such methods, and that the euthanasia methods used do not cause undue pain and suffering to the animal.

Part 4. Add Section 679.6, Section 679.7, Section 679.8, and 679.9

Section 679.6 Release of Rehabilitation Animals into the Wild.

- Add subsection (a) “Evaluation for Release” establishes the criteria for establishing whether a rehabilitation animal can be released to the wild. This provision is necessary to protect the welfare of each rehabilitation animal by ensuring it displays the behavioral and physical traits needed to survive in the wild, that habituated animals are not released into the wild, and that diseases of concern are not spread by former rehabilitation animals.
- Add subsection (b) “Requirements for Release” provides that releasable animals must be released and establishes the factors that must be considered when releasing a rehabilitation animal in suitable habitat. This provision is necessary to ensure that rehabilitation animals that can be released are in fact released, animals are being returned to the wild in locations where they naturally occur, and that adverse factors that may harm an animal or hamper release are avoided.
- Add subsection (b)(1) establishes the necessary guidelines for obtaining permission to release a rehabilitation animal on any public or privately owned property. This provision is necessary so that property owners do not have animals released on their property without their knowledge and consent.

- Add subsection (b)(2) establishes the requirement to mark, collar, or tag a large carnivore prior to release, at a location specified by the department. This provision is necessary to ensure that animals are released at locations where they are less likely to cause human-wildlife conflict, which have sufficient suitable habitat, which are within the current range of the species, and in areas that align with department goals for that species. Further, it is necessary so that the department can track the animal after its release.
- Add subsection (b)(2)(A) establishes the department's responsibility to provide proper training, materials, and other resources to wildlife rehabilitation facilities to properly mark, tag, or collar a rehabilitation animal. This provision is necessary to ensure that personnel who mark, tag, or collar a rehabilitation animal are professionally trained and use department-approved items.
- Add subsection (b)(2)(B) establishes the requirement to notify the department of a forthcoming public dissemination of sensitive information regarding the intake and/or release of any large carnivore rehabilitation animal. This provision is necessary to allow department review of sensitive information that may harm animal welfare or endanger public safety and give the department the ability to work with the wildlife rehabilitation facility to lessen the potential detrimental effects of any such release of information. Furthermore, this provision is necessary to protect large carnivore rehabilitation animals and people from potential human-wildlife conflict and potential poaching or harassment of a large carnivore upon release. Additionally, restricting public disseminations to at least 10 working days after a large carnivore release will allow time for the animal to potentially move from the immediate area of release, limiting the ability of poachers or others to harass or harm the animal.
- Add subsection (b)(3) establishes the criteria for releasing a rehabilitation amphibian or reptile to suitable habitat in the wild. This provision is necessary to ensure that amphibians and reptiles are returned to the wild in locations where they naturally occur, to protect biodiversity, and prevent the transmission of diseases affecting sensitive amphibian and reptile populations.
- Add subsection (c) "Animals not Native to California" this provision establishes the list of invasive or exotic animals that are prohibited to be temporarily possessed for rehabilitation purposes. This provision is necessary so that non-native species which may harm the environment are not rehabilitated and released, to prevent the spread of diseases, protect ecological and agricultural interests, and support department invasive species eradication efforts for the purpose of conserving native wildlife and biodiversity.

Section 679.7 Inspection of Wildlife Rehabilitation Facilities.

- Add subsection (a) "Inspections by the Department" establishes the process for the department to perform wildlife rehabilitation facility inspections including rehabilitation animals, enclosures, and required records.

- Add subsection (a)(1) “Inspections During Application Process” establishes the requirements for when an inspection is required during an application, renewal, or amendment process. This provision is necessary to ensure that the information provided in a permit application or permit amendment application is accurate, that the conditions of an existing permit are met, and that all requirements for a variance application are met, to protect the welfare of each animal, human health, and human safety.
- Add subsections (a)(1)(A) establishes that the department has created a form to use during a department inspection of a facility, enclosures, rehabilitation animals, and required records. This provision is necessary to clarify that the department will use a standardized method to document information, for recordkeeping, and enforcement purposes.
- Add subsections (a)(1)(A)1 through (a)(1)(A)8 establishes the information that the department will document during an inspection. These provisions are necessary for the department to document basic information about the inspection and its inspection findings. Further, these provisions are necessary to outline how the department records the inspection outcome determined by the department, such as to pass or fail an inspection, and in the case of a failed inspection, to document corrective measures needed to meet all requirements of the regulations, and next steps taken by the department (See Attachment 9, Figure 1).
- Add subsections (a)(1)(B) establishes that the department may conduct an inspection at any reasonable time during the day under the auspice of a permit application or renewal process. This provision is necessary to outline the department’s authority to conduct inspections for any reason to protect animal welfare, native wildlife, animal welfare, human health and safety.
- Add subsection (a)(1)(C) establishes department’s process for notification to a person who has failed an inspection, communication of required changes, and how to request a re-inspection. This provision is necessary for rehabilitators who have failed an inspection to understand how they will be notified, and how and in what time frame they must come into compliance and request a re-inspection.
- Add subsection (a)(1)(C)(1) “Request for Extension” establishes the process by which an individual may request an extension to meet required facility changes after a failed inspection. This provision is necessary to allow a permittee a reasonable extension of time to complete the facility changes required by the department if it will not harm native wildlife, animal welfare, human health or safety, or agricultural interests.
- Add subsection (a)(1)(C)(2) “Animal Possession” establishes that the department may allow an individual to continue possessing wildlife after a failed inspection so long as possession does not cause harm. This provision is necessary to maintain continuity of care, minimize undue stress to the animal, and to alleviate pressure on other rehabilitation facilities from intaking additional patients.

- Add subsection (a)(1)(D) establishes the department authority to revoke and/or reinstate a permit, sub-permit, or specialty rehabilitation authorization. This provision is necessary to outline the department’s authority to revoke or reinstate a permit, sub-permit, or specialty rehabilitation authorization, as appropriate, to protect animal welfare, native wildlife, animal welfare, human health and safety.
- Add subsections (a)(1)(D)1 through (a)(1)(D)2 establishes the criteria by which the department determines that a person has refused an inspection, and as a result of such refusal to allow an inspection, the process by which the department may revoke and/or reinstate a permit, sub-permit, or specialty rehabilitation authorization. These provisions are necessary to outline what the Commission has determined, based on the department’s experience, constitutes a good faith effort by the department and a permittee to allow an inspection. Further, these provisions are necessary to protect animal welfare, native wildlife, and to allow the continuance of wildlife rehabilitation activities under a permit if the department finds that to be in the best interest of the animals.
- Add subsection (a)(1)(E) “Other Inspections” establishes that the department may conduct an inspection at any reasonable time during the day for any reason, other than under the auspices of a permit application or renewal process, to ensure compliance with the regulations. This provision is necessary to clarify the department’s authority to conduct an inspection to protect native wildlife, animal welfare, human health or safety, or agricultural interests for any reason.
- Add subsection (b) “Inspections by Permittee or Their Designee” establishes the requirement that permittees or their designees must conduct periodic inspections of each sub-permittee authorized under their permit.
- Add subsection (b)(1) establishes the requirement for a permittee to inspect any satellite facilities operated by sub-permittees, and rehabilitation animals temporarily possessed by an authorized person, operating under their permit. This provision is necessary to clarify that such inspections may occur during any reasonable time or day to protect animal welfare, and human health and safety.
- Add subsection (b)(1)(A) establishes that the department has created a form for a permittee or their designee to conduct an inspection of a sub-permittee or authorized person. This provision is necessary to clarify that a permittee or their designee will use a standardized method to document information, for recordkeeping, and enforcement of regulations by the department. This provision is necessary to ensure that all requirements are met to protect animal welfare.
- Add subsections (b)(1)(A)1 through (b)(1)(A)9 establish the information that a permittee or their designee must document during an inspection. These provisions are necessary to ensure that the department can maintain appropriate documentation of inspections and inspection findings to ensure that all requirements are met and to provide corrective measures and/or additional requirements to protect animal welfare.

- Add subsection (b)(2) establishes the process for re-inspection of a sub-permittee or authorized person. This provision is necessary to ensure that a sub-permittee or authorized person is allowed to correct inspection deficiencies to maintain animal welfare, native wildlife, human health, or human safety. This provision is necessary to outline what the Commission has determined, based on the department's experience, constitutes a good faith effort by a permittee and their sub-permittee or authorized person to allow an inspection.
- Add subsection (b)(3) establishes the process by which a sub-permittee or authorized person is inferred to have refused to allow an inspection, and the consequences for such a refusal. This provision ensures that a permittee has the option to remove a sub-permittee or authorized person who refuses an inspection from their permit. This provision is necessary to protect the safety and well-being of rehabilitation animals.
- Add subsection (c) reserves the authority of the department to conduct enforcement actions, including those beyond inspections, it determines are necessary to ensure the welfare of wild animals and the safety of people, for any reason. This provision is necessary to ensure all requirements are met to protect animal welfare, native wildlife while being temporarily possessed for the purpose of rehabilitation, and human health and safety and that the department may effect enforcement actions when needed, potentially under separate authorities and not necessarily related to inspections contemplated under this section.

Section 679.8 Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals.

- Add subsection (a): "Seizure of Live Animals Possessed Pursuant to a Valid Permit or Sub-Permit" establishes the authority for the department to confiscate an animal due to a violation of a law or permit condition. This provision is necessary so the department can immediately remove animals if the department determines that seizure is necessary to protect the welfare of those animals.
- Add subsections (a)(1) through (a)(2) establishes the criteria under which the department may forgo seizing animals, and potentially impose an alternative penalty, even if the conditions for seizing animals are met. These provisions are necessary to protect animal welfare if the department finds that immediate or prolonged disruption of rehabilitation efforts, and removal or transport of rehabilitation animals causes more harm than allowing a wildlife rehabilitator to correct violations while continuing to possess such animals. These provisions will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.
- Add subsection 679.8(b) "Seizure of Live Animals Possessed by a Person with an Invalid Permit or Sub-Permit" establishes that rehabilitation animals will be seized from individuals who no longer have a valid permit. This provision is necessary because wildlife cannot be temporarily possessed without a valid permit. An individual needs to maintain a valid permit or sub-permit to continue performing wildlife rehabilitation activities.

- Add subsections (b)(1) through (b)(2) establish that the department will take an action other than animal seizure, such as allowing the continued temporarily possess a rehabilitation animal, if the department finds that a permittee is still in the 45-day “grace period” to apply for permit renewal or their renewal application is still being processed by the department. These provisions are necessary to prevent animals from unnecessarily being relocated to another facility.
- Add subsection (c): “Animals Seized Pursuant to Paragraphs (a) or (b) or Sub-section 679.5(a)(7)(B)” establishes the criteria under which department will determine how to seize a rehabilitation animal. This provision is necessary to specify the factors the department must consider when determining the method of seizure.
- Add subsections (c)(1) through (c)(4) establishes the four methods by which the department can seize an animal. These provisions are necessary because the animal welfare and humane care requirements needed to protect the safety and well-being of each rehabilitation animal may vary widely even within the same age class, species, or stage of rehabilitation. These provisions allow the department to make a case-by-case determination based on the unique needs of each rehabilitation animal to protect the best interests of that animal.
- Add subsection (d): “Costs Incurred Pursuant to Paragraphs (a) Through (c)” establishes that permittees in violation of law will incur all costs associated with the care of the seized animals. This provision is necessary so the department, other persons, or facilities involved in the seizure and treatment of animals may recoup the associated costs, which is both equitable and allows the department’s private partners to continue assisting with such seizures.

Section 679.9 Revocation of Permit, Sub-Permit, or Variance Request; Proof of Service; Request for Reconsideration; Appeal of Revocation; Effect on Section 679.8.

- Add subsection (a) “Revocation of a Permit by the Department” establishes the conditions under which the Department may revoke a wildlife rehabilitation permit. This provision is necessary to protect animal welfare, the safety and well-being of rehabilitation animals, and human health and safety. It is necessary to ensure that facilities cannot continue to operate under their permit if they are not following the regulations and terms and conditions of their permit, or have otherwise broken laws regarding accepted community standards, which could call into question their ability to be responsible with safeguarding the welfare of animals.
- Add subsection (a)(1) establishes the standard for the department to take an alternative action to permit revocation, such as a written warning. The Commission has determined, based on the department’s experience, that this process allows the department and the permittee options to correct the violations and continue rehabilitation efforts if deemed appropriate by the department. This provision will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.

- Add subsection (a)(2) establishes additional criteria under which the department may take alternative action. The Commission has determined, based on the department's experience, that this process allows the department and the permittee options to correct the violations and continue rehabilitation efforts if deemed appropriate by the department. This provision will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.
- Add subsection (b) "Revocation of a Sub-Permit by the Department" establishes the conditions under which the department may revoke a sub-permit.
- Add subsection (b)(1) establishes the conditions under which the department may revoke a wildlife rehabilitation sub-permit. This provision is necessary to protect animal welfare, the safety and well-being of rehabilitation animals, and human health and safety. It is necessary to ensure that facilities cannot continue to operate under their sub-permit if they are not following the regulations and terms and conditions of their sub-permit, or have otherwise broken laws regarding accepted community standards, which could call into question their ability to be responsible with safeguarding the welfare of animals.
- Add subsections (b)(1)(A) through (b)(1)(B) establishes the specific conditions under which the department may take alternative action to sub-permit revocation. The Commission has determined, based on the department's experience, that this process allows the department and the sub-permittee options to correct the violations and continue rehabilitation efforts if deemed appropriate by the department. This provision will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.
- Add subsection (b)(2)(A) through (b)(2)(B) establishes that the department will revoke permits that are no longer valid, unless the sub-permittee has been allowed by the department to provide continuity of care of rehabilitation animals; or to continue temporarily possess rehabilitation animals under an invalid permit during the renewal process. The Commission has determined, based on the department's experience, that this process allows the department and the sub-permittee options to continue rehabilitation efforts if deemed appropriate by the department and ensure continuity of care for each animal.
- Add subsection (c) "Revocation of a Sub-Permit by the Permittee" establishes the conditions under which a permittee must revoke a sub-permit and the process to notify the department. This is necessary to allow the permittee to safely remove a sub-permittee from their permit so that invalid persons are not listed on permits. The department must be able to track individuals that are (and are not) valid wildlife rehabilitators.
- Add subsection (c)(1) through (c)(3) establishes the information required by the department to process the sub-permit revocation. These provisions are necessary for a permittee and the department to properly document the reasons for a sub-permit revocation.

- Add subsection (d) “Proof of Service and Method of Service” establishes the requirement and process for proof of service. This is necessary to ensure that the permittee has been properly advised of the action that has been taken.
- Add subsection (e) “Request for Reconsideration” establishes the process to submit a request for department reconsideration of a denial. This is necessary to afford the applicant an opportunity to present any additional information which may cause the Department to change the denial.
- Add subsection (e)(1) establishes the criteria for department reconsideration of a denial and the required information. This is necessary so that the Department can fully and fairly review the request to reconsider the denial.
- Add subsection (e)(2) establishes the requirement for submission of a statement of truth. This is necessary so that, barring a finding otherwise, the attestation of the applicant is true.
- Add subsection (e)(3) establishes the process for submission of a request for reconsideration via electronic mail. This provision is necessary to ensure that a request is provided in a reasonable timeframe.
- Add subsection (e)(4) establishes the requirement for the department to complete the review of a denial reconsideration within 60 working days. The Commission has determined, based on the department’s experience, that this is a reasonable timeframe for review and approval or denial of such a request. The provision also establishes the options the department has for responding to the request.
- Add subsection (e)(5) “Denial Hearing” establishes the process by which a person may request a hearing before the commission to show cause why their permit request should not be denied. This is necessary to provide all remedies that are available.
- Add subsection (f) “Revocation Hearing” establishes the process to grieve a permit revocation before the commission. This is necessary to afford the applicant an administrative remedy to appeal the department’s revocation decision.
- Add subsection (f)(1) establishes the process for an applicant to request a hearing to grieve a revocation of a permit by the department before the commission. This provision is necessary to clarify the process to request a revocation hearing.
- Add subsection (g) “Effect on the Seizure, Transfer, Euthanasia, or Release of Wildlife” establishes that grieving a denial or revocation process does not affect the seizure, transfer, euthanasia, or release of any rehabilitation animal by the department. This provision clarifies that these other provisions prevail.

Forms

The proposed forms listed below will be provided by the Department for persons or entities who wish to apply and provide wild animal care in a rehabilitation facility as set forth in sections 679.1 through 679.9 and the DFW 679 Manual. Each form contains the same information and requirements as expressed in their respective subsections of these regulations. None of the forms have additional requirements not described in regulation. As the rehabilitation program and the permittees gain experience with the regulations, amendments may be necessary and would be subject to further review under the Administrative Procedures Act (APA). Upon completion of the APA process, any change to the subsections of regulations concerning the content of these forms would necessitate an update of the forms by the Department.

DFW 479. 679 Wildlife Rehabilitation Regulations Manual (NEW, 01/2025)

The DFW 679 Manual is a new, easily accessible document that is free to the public which provides both general program information and resources, as well as regulatory actions incorporated by reference in these regulations. Chapter 1 of the manual does not constitute regulatory text and provides general program information and considerations prior to applying for a wildlife rehabilitation permit. Chapter 2 and Chapter 3 of the manual constitute regulatory action incorporated by reference as part of these regulations to establish rehabilitation animal enclosure requirements and rehabilitation animal humane care and treatment requirements.

DFW 480A. Wildlife Rehabilitation Permit Application (NEW, 01/2025)

Establishes the Wildlife Rehabilitation Permit application pursuant to Section 679.3. Final approval procedures for a permit are set forth for an applicant who has received initial approval from the department and passed the wildlife rehabilitation examination or applying for permit renewal. The content in the form is identical to the provisions of 679.3 and clearly informs the applicant of the required information of an application packet.

DFW 480B. Wildlife Rehabilitation Sub-Permit Application (NEW, 01/2025)

This form standardizes information required for submission by a permittee to add a satellite facility operated by a sub-permittee under the Wildlife Rehabilitation Permit pursuant to Section 679.3(d). The sub-permittee application captures the rehabilitation activities that will be provided at a satellite facility. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

DFW 480C. Specialty Rehabilitation Authorization Form (NEW, 01/2025)

This form standardizes information required for submission by a permittee to receive authorization for specialty rehabilitation under the Wildlife Rehabilitation Permit pursuant to Section 679.3(b). The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

DFW 480D. Permittee Notice of Revocation (NEW, 01/2025)

Notice of Revocation of a Sub-Permit by the Permittee as set forth in subsection 679.9(c). The permittee may revoke a sub-permit for the reasons specified and notify the department within 5 calendar days of revoking a sub-permittee. The content in the form is identical to the provisions of 679.9 and clearly informs the public of the requirements of an application packet.

DFW 481. Veterinarian of Record Agreement (NEW, 01/2025)

This form standardizes the process for providing the required information specific to the “Veterinarian of Record” pursuant to Section 679.3(a)(6)(B) of the new regulations. Applicants must have a licensed veterinarian in good standing pursuant to the California Veterinary Medical Practice Act who oversees veterinary care of the rehabilitation animals. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

DFW 482. Wildlife Rehabilitation List of Authorized Persons (NEW, 01/2025)

This form standardizes the process for providing the required information specific to the “List of Authorized Persons” pursuant to section 679.3(a)(6)(C) of the regulations. Permittees and sub-permittees must provide to the department a list of all individuals identified by the applicant as an authorized person, qualified handler, or designee as defined pursuant to Section 679.1. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

DFW 483. Facility Emergency Action Plan (NEW, 01/2025)

This form standardizes the process for providing a written “Emergency Action Plan” that describes those designated actions required during an emergency pursuant to subsection 679.3(a)(6)(D) of the new regulations. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

DFW 484. Authorization to Access Property (NEW, 01/2025)

This form standardizes the process for the applicant to provide the information required pursuant to section 679.3(a)(6)(E) of the regulations. An applicant and the owner of the property where the proposed facility will be located must provide to the Department authorization to access property so the department may conduct inspections of any facility, equipment, or wildlife temporarily possessed.

DFW 485A. Wildlife Rehabilitation Facility Inspection Form (NEW, 01/2025)

This form standardizes the process for primary facility information to be collected by the Department during an inspection pursuant to subsections 679.3(7) and 679.7(a) of the new regulations. The form collects the facility information required by regulation. The content in the form is identical to the provisions of 679.7 and clearly informs the public of the requirements of an application packet.

DFW 485B. Satellite Facility Inspection Form (NEW, 01/2025)

This form standardizes the process for satellite facility information to be collected by the permittee during an inspection pursuant to subsections 679.3(c) and 679.7(b) of the new regulations. The form collects the facility information required by regulation. The content in the form is identical to the provisions of 679.7 and clearly informs the public of the requirements of an application packet.

DFW 485C. Wildlife Rehabilitation - Variance Request (NEW, 01/2025)

Establishes the process of requesting a variance of any required enclosure construction design, size, or materials of the specific caging requirements listed in Chapter 2 of the DFW 679 Manual pursuant to section 679.4(c) of the regulations. The content in the form is identical to the provisions of 679.4(c) and clearly informs the public of the requirements of an application packet (See Attachment 10, Figure 5).

DFW 486. Wildlife Rehabilitation Annual Report (NEW, 01/2025)

Wildlife Rehabilitation Annual Report standardizes the wildlife rehabilitation information to be submitted annually documenting the primary facility and associated satellite facilities, and the rehabilitation activities for the prior calendar year. This form provides the required information pursuant to section 679.4(a)(5)(B) of the new regulations.

DFW 487. Certification of Animal Condition (Non-Releasability) (NEW, 01/2025)

Standardizes information required for certification of animal condition (non-releasability), and request for permanent captive placement pursuant to 679.5(c)(2). The content in the form is identical to the provisions of 679.5(c)(2) and clearly informs the public of the requirements of such a request.

(b) Goals and Benefits of the Regulation

It is the policy of this state to regulate the temporary possession and rehabilitation of native wildlife for release to the wild under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to protect, conserve, and manage the state's most vulnerable wildlife resources. Ethical, skilled wildlife rehabilitators are true partners in conservation with the Department. The objectives of this policy include, but are not limited to, adoption of scientifically based wildlife rehabilitation practices and processes, the maintenance and support of wildlife rehabilitation facilities in California, sustainable management of wildlife resources to ensure their continued existence, in harmony with current standards, and increasing respect for and recognition of the service provided by wildlife rehabilitators. The benefits of the proposed regulations are consistent with the most current requirements and standards of wildlife rehabilitation, wildlife conservation goals, health and welfare of California residents, and promotion of ethical wildlife rehabilitation facilities.

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

679.1 Definitions

Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 716.3, 1018, 2118, 2190, 3511, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.2 Transportation and Confinement of Live Wild Animals

Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2150.4, 2835, 3005.5, 3800, 4150, 4180, and 5050, Fish and Game Code.

Reference: Sections 1008, 2000, 3511, 4155, 4800 and 4801.5, Fish and Game Code; Section 8670.61.5, Government Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.3 Permits for Wildlife Rehabilitation

Authority cited: Sections 200, 1050, 2015, 2081, 2121, 2122, 2150.4, 2150.2, 2192, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 2000, 2118, 3511, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.4 Facility and Housing Standards for Rehabilitation Animals

Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2122, 2127, 2150.4, 2192, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 2000, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.5 Humane Care Standards

Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2122, 2150.4, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 1018, 2000, 3005, 2118, 2186, 2190 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.6 Release of Animals into the Wild

Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2122, 2150.4, 2835, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, and 2118, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.7 Inspection of Wildlife Rehabilitation Facilities

Authority cited: Sections 200, 1050, 2015, 2081, 2121, 2122, 2150.4, 2192, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000, 3005 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.8 Seizure of Animals by the Department

Authority cited: Sections 200, 1050, 2021, 2015, 2081, 2122, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000, 2118, 3005 and 12159 Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.9 Denial and Revocation of Permits; Effect on Section 679.8

Authority cited: Sections 200, 1050, 2021, 2015, 2081, 2150.4, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

(d) Specific Technology or Equipment Required by Regulatory Change. None

(e) Identification of Reports or Documents Supporting Regulation Change

- Attachment 1. Miller, E.A., editor. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 77 pages.
- Attachment 2. 679 Wildlife Rehabilitation Rulemaking Survey Results, November 2022. California Department of Fish and Wildlife.
- Attachment 3. 679 Wildlife Rehabilitation Rulemaking Survey Results, May 2023. California Department of Fish and Wildlife.
- Attachment 4. 679 Wildlife Rehabilitation Rulemaking Survey Results, July 2023. California Department of Fish and Wildlife.

- Attachment 5. 679 Wildlife Rehabilitation Rulemaking Survey Results, January 2024. California Department of Fish and Wildlife.
- Attachment 6. Other States Regulations for the Possession of Wildlife and Wildlife Rehabilitation. Compiled by the California Department of Fish and Wildlife, January 2023.
- Attachment 7. 2022 Wildlife Rehabilitation Program by the Numbers Infographic. California Department of Fish and Wildlife.
- Attachment 8. CDFW Native Wildlife Rehabilitation Program summary data and graphs. California Department of Fish and Wildlife.
- Attachment 9. Compilation of Photographic Evidence of Violations or Deficiencies complying with current regulations. California Department of Fish and Wildlife. 2024.
- Attachment 10. Compilation of Photographic Evidence of Wildlife Rehabilitation Permitholders Meeting or Exceeding current regulations. California Department of Fish and Wildlife. 2024.

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

- California Council for Wildlife Rehabilitators Annual Meeting, Santa Ana, CA, November 5-6, 2022.
- California Fish and Game Commission, Wildlife Resources Committee. West Sacramento, CA, January 12, 2023.
- California Department of Fish and Wildlife, Wildlife Rehabilitation Program Annual Meeting, Virtual, March 16, 2023.
- California Fish and Game Commission, Wildlife Resources Committee. Monterey, CA, May 17, 2023.
- California Council for Wildlife Rehabilitators 679 Regulations Virtual Town Hall, May 23, 2023.
- California Department of Fish and Wildlife, Review of the DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 1), May 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 2), June 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 3), July 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 4), August 2023.
- California Department of Fish and Wildlife, Wildlife Rehabilitation Ethics Roundtable Discussion, June – August, 2023.

- California Department of Fish and Wildlife, Home-Based Wildlife Rehabilitation Roundtable Discussion, July - September, 2023
- California Fish and Game Commission, Wildlife Resources Committee. San Jose, CA, September 19, 2023.
- California Council for Wildlife Rehabilitators Annual Meeting, Monterey, CA, November 4-5, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Team Meetings, November 20, 2023.
- California Department of Fish and Wildlife 679 Regulations Virtual Town Hall, December 5, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Waterbird meeting), December 6, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Avifauna meeting), December 7, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Mammals meeting), December 7, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Raptor meeting), December 7, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Waterbird meeting), December 13, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Avifauna meeting), December 14, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Mammals meeting), December 14, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Raptor meeting), December 14, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Waterbird meeting), January 3, 2024.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Avifauna meeting), January 4, 2024.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Mammals meeting), January 4, 2024.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Raptor meeting), January 4, 2024.
- California Fish and Game Commission, Wildlife Resources Committee. Sacramento, CA, January 19, 2024.

- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, January 25, 2024.
- California Department of Fish and Wildlife, Meeting with California Council for Wildlife Rehabilitators, February 1, 2024.
- California Department of Fish and Wildlife, Meeting with California Council for Wildlife Rehabilitators, February 8, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 1) Feb. 22, 2024.
- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, February 22, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 2) Friday, March 1, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 3) Thursday, March 7, 2024.
- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, March 7, 2024.
- California Council for Wildlife Rehabilitators 679 Regulations Virtual Town Hall, March 8, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 4) Friday, March 15, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 5) Thursday, March 21, 2024.
- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, March 28, 2024.
- California Department of Fish and Wildlife, Meeting with Bidwell Wildlife Rehabilitation Board, April 9, 2024.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified. The intent of the regulation change is to correct current deficiencies within the existing regulation.

(b) No Change Alternative

No change alternative would result in the continued use of wildlife rehabilitation standards and requirements that fail to meet current scientifically based standard for the temporary possession and rehabilitation of wild animals, not being updated and kept current to regulation.

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

Subsection 679.3(e) provides a transition period clause to allow a permittee issued a permit prior to January 1, 2024, to operate under their permit conditions and existing MOU, notwithstanding any addendum to a MOU authorizing the rehabilitation of any large carnivore, until December 31, 2024. Thereafter, all permittees shall comply with all requirements pursuant to subsections 679.1 through 679.9. Further, subsection 679.4(c) establishes variance requirements for a permittee to request for a deviation in construction design or construction materials of the specific caging requirements listed in the DFW 679 Manual. This provision shall allow the Department to approve such variances to these requirements on a case-by-case basis if the Department finds that the overall security and welfare of the animal(s) involved will otherwise be maintained.

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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will remedy the incomplete and inadequate specific provisions described in the current regulation.

(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 any impacts on creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California because the proposed amendments will increase support and guidance to permitted wildlife rehabilitation facilities and provide consistency of standards and requirements for compliance. The Commission anticipates benefits to the health and welfare of California residents and worker safety by requiring site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety such as enhanced biosecurity protocols, improved caging requirements, and standardized reporting protocol for animals known or suspected to have a communicable disease.

- The new regulations will benefit the environment by expanding the Department's authority to consider potential impacts on native wildlife when issuing permits and increase protections to native wildlife temporarily possessed for the purposes of rehabilitation and release to the wilds of the State. Existing Section 679 fails to explicitly state that the Department shall issue or renew a permit only if the wildlife rehabilitation facility meets all required standards and site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, and/or human health and safety. The new regulations require the most current wildlife rehabilitation standards and scientifically based requirements, and fully consider potential impacts to the environment and other resource users prior to issuing a permit.

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

- The Commission is not aware of any unreasonable cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Fish and Game Code Section 1050(e) provides that the Department "may establish fees and may adjust statutorily imposed fees by regulation for the filings, permits, determinations, or other department actions described in Section 711.4, 1002, or 1609. "Fees established by the department shall be in an amount sufficient to recover all reasonable administrative and implementation costs of the department relating to the program with regard to which the fee is paid." The most recent year fee amounts per Fish and Game Code Section 713 will be updated on the forms that are proposed for amendments in this rulemaking. For example, in 2021, the non-refundable application fee was \$41.00 with a refundable inspection fee of \$114.54. For 2022, the non-refundable application fee was adjusted for inflation to \$58.50 in accordance with Fish and Game Code Section 713 with a refundable inspection fee of \$162.25. For 2023, the non-refundable application fee was adjusted for inflation to \$65.41 with a refundable inspection fee of \$181.28. For 2024, the non-refundable application fee was adjusted to \$69.01, which shall include a 3% non-refundable ALDS fee (Section 700.4(e)), and refundable inspection fee of \$191.32.

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

- None. No change in costs or savings for state agencies is expected as a direct result of the proposed amendments to Section 679. The Department has estimated that the initial rulemaking process, transition period, improved oversight, and support to permittees throughout the state by the Department's Native Wildlife Rehabilitation Program will continue to engage staff time, particularly program staff in the Department's Wildlife Health Laboratory. The Department oversees 80 wildlife rehabilitation facilities and approximately 550 satellite facilities each year. The program and staff time costs will remain unchanged and are within currently existing budgets and resources.

(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

- No effect on the creation or elimination of jobs within the state by repealing Section 679 and adding new sections 679.1, 671.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, and 679.9 is anticipated because no impact on the demand for goods or services is projected as a direct result of the proposed changes.

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

- The Commission does not anticipate any impact on the creation of new businesses or the elimination of existing businesses in California because the proposed changes to the regulations for wildlife rehabilitation should have no impact on the demand for goods or services as a direct result of the proposed changes.

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

- The effects of the regulations should have no impact on the expansion of businesses currently doing business within the state because the proposed amendment to the regulations for wildlife rehabilitation should have no impact on the demand for goods or services as a direct result of the proposed changes.

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

- The Commission anticipates benefits to the health and welfare of California residents by requiring that wildlife rehabilitation facilities use the most current standards and scientifically based requirements to temporarily possess and rehabilitate native wildlife for the purpose of their return to the wild. The proposed changes allow the Department to require the site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety.

(e) Benefits of the Regulation to Worker Safety

- The Commission anticipates benefits to worker safety by ensuring that wildlife rehabilitation facilities use the most current standards and scientifically based requirements to temporarily possess and rehabilitate native wildlife for the purpose of their return to the wild. The proposed changes have direct bearing on working conditions by requiring site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety such as enhanced biosecurity protocols, improved caging requirements, and standardized reporting protocol for animals known or suspected to have a communicable disease.

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

- The proposed action is anticipated to benefit the environment by protecting native wild animals temporarily possessed for the purposes of rehabilitation and return to the wilds of the State.

(g) Other Benefits of the Regulation

- Consistency with Current Wildlife Rehabilitation Standards: California's wildlife rehabilitation regulations need to align with the most current standards and scientifically based requirements to 1) protect native wildlife, agriculture interests, animal welfare, human health and safety; 2) meet Department goals for conservation and management of native wildlife species; and 3) increase public awareness of the ethical standards maintained by wildlife rehabilitators in California.
- The repeal of Section 679 and addition of sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, and 679.9 will enable the Department to align the wildlife rehabilitation permit application and renewal process to better meet the needs of today's current and future wildlife rehabilitators.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all references in this document are regarding Title 14 of the California Code of Regulations (CCR). The California Department of Fish and Wildlife (Department) is recommending that the California Fish and Game Commission (Commission) repeal and replace the current regulations in Section 679, Possession of Wildlife and Wildlife Rehabilitation. This will resolve issues with the current permit issuance requirements and processes of the Department which do not meet the needs of today's rehabilitation applicants. The proposed additions to regulations are as follows:

Project Background

CDFW currently maintains approximately 80 permitted wildlife rehabilitators in the state. Permits are issued for a three-year period pursuant to Section 679 of Title 14. This Project will update the current wildlife rehabilitation permitting regulation and strengthen the requirements and standards for temporarily possessing native wild animals for the purpose of rehabilitation and their release to the wild. Specifically, the proposed regulation changes would:

- Add Section 679.1 "Definitions" to define terms in the regulatory text.
 - The terms and phrases used within the proposed regulations are defined so that they provide the public with meanings that are unique to rehabilitation.
 - Establishes the DFW 679 Manual, incorporated by reference in the regulation, that further describes specific care requirements for each species.
- Add Section 679.2 "Transportation and Confinement of Live Wild Animals" establishes requirements for the temporary confinement of wildlife for the purpose of transporting to a permitted wildlife rehabilitator.
 - Specifies the requirements for a person not in possession of wildlife rehabilitation permit, to temporarily confine any sick, injured, or orphaned wild animal. This section clarifies to the public the requirements to expedite the transfer of a wild animal to a permitted wildlife rehabilitator.
- Add Section 679.3 "Permits for Wildlife Rehabilitation" to establish and clarify the requirements for becoming a permitted wildlife rehabilitator.
 - The Department may issue, or amend, a permit for a period of 3 years with the specific conditions to protect both animals and human health that have been determined to be needed. The subsections further specify the permit application process and content.
- Add Section 679.4 "Facility and Enclosure Standards for Rehabilitation Animals" establishes the requirements for the operation of any wildlife rehabilitation facility.
 - Minimum requirements for housing and enclosures of rehabilitation animals.
 - The requirements and conditions necessary to protect native wildlife, animal welfare, human health, and human safety.

- Add Section 679.5 “Humane Animal Care Standards” establishes the requirements for the humane care and treatment of rehabilitation animals.
 - The appropriate care, food, water, environment and treatment being provided is based on the needs of the individual animal.
- Add Section 679.6 “Release of Animals into the Wild” to establish and clarify the requirements for the release of native wildlife returned to the wild, and guidelines for animals not native to California.
 - Establishes the conditions that must be met during an evaluation to determine when a rehabilitation animal can be released to the wild ensuring it displays the behavioral and physical traits needed to survive in the wild.
- Add Section 679.7 “Inspection of Wildlife Rehabilitation Facilities” to establish the requirements for the inspection of wildlife rehabilitation facilities by the department.
 - Applicants for, or persons operating a permitted wildlife rehabilitation facility, must allow inspections by the Department to ensure compliance with these regulations as a condition of the permit.
 - The Department will make reasonable attempts at scheduling convenient inspections with the applicant/permittee present. The Department expects that all requirements and conditions necessary to protect animal welfare, native wildlife, human health, and human safety will be met.
- Add Sections 679.8 “Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals” establishes the actions the department may take due to a violation of a law or permit condition.
 - When an unauthorized person or a permittee is in violation the Department will immediately remove animals if the Department determines that seizure is necessary to protect the welfare of those animals.
 - The costs associated with the seizure and treatment of the animals, including a civil action to recoup the costs, are the responsibility of the violator.
- 679.9 “Revocation of Permit, establishes the authority by which the Department may revoke the permit of the permittee, or any of its authorized persons, if there is a violation of law or of the conditions of the permit.
 - The Department will act so that the violator cannot adversely impact the welfare of wildlife possessed by the permittee; native wildlife; agricultural interests of this state; or human health or safety.

The Project is anticipated to improve administration and oversight of the approval and operation of wildlife rehabilitation facilities for native birds, mammal, amphibian, and reptile species.

Benefit of the Regulations

This regulatory action will establish wildlife rehabilitation standards and conditions that provide for the welfare and conservation of native wildlife temporarily possessed for the purposes of rehabilitation. The wildlife rehabilitation expertise and knowledge possessed by today's wildlife rehabilitators has increased significantly based on decades of scientifically based literature and case studies. The current Section 679 is inadequate for the purpose of standardizing requirements, which align with current standards, for prospective and current wildlife rehabilitators in California. Further, perceived expectation of the public for wildlife rehabilitation facilities to respond to animal welfare concerns about injured, orphaned, diseased or displaced native wildlife has increased concurrent with the increased number of human-wildlife interactions and wildlife incidents reported to the Department. The regulation changes proposed herein will support increased public awareness, recognition, and appreciation of the service provided by permitted wildlife rehabilitators, as well as ensure for the welfare of native wildlife populations throughout the State.

Consistency and Compatibility with Existing Regulations

Section 20 of Article IV of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Commission has reviewed its own regulations and finds that the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the permitting of wildlife rehabilitation facilities.

MINIMUM STANDARDS FOR WILDLIFE REHABILITATION

Third Edition, 2000

Edited by Erica A. Miller, DVM



International Wildlife
Rehabilitation Council



National
WILDLIFE REHABILITATORS
Association

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CODE OF ETHICS

A Wildlife Rehabilitator's Code of Ethics

1. A wildlife rehabilitator should strive to achieve high standards of animal care through knowledge and an understanding of the field. Continuing efforts must be made to keep informed of current rehabilitation information, methods, and regulations.
2. A wildlife rehabilitator should be responsible, conscientious, and dedicated, and should continuously work toward improving the quality of care given to wild animals undergoing rehabilitation.
3. A wildlife rehabilitator must abide by local, state, provincial and federal laws concerning wildlife, wildlife rehabilitation, and associated activities.
4. A wildlife rehabilitator should establish safe work habits and conditions, abiding by current health and safety practices at all times.
5. A wildlife rehabilitator should acknowledge limitations and enlist the assistance of a veterinarian or other trained professional when appropriate.
6. A wildlife rehabilitator should respect other rehabilitators and persons in related fields, sharing skills and knowledge in the spirit of cooperation for the welfare of the animals.
7. A wildlife rehabilitator should place optimum animal care above personal gain.
8. A wildlife rehabilitator should strive to provide professional and humane care in all phases of wildlife rehabilitation, respecting the wildness and maintaining the dignity of each animal in life and in death. Releasable animals should be maintained in a wild condition and released as soon as appropriate. Non-releasable animals which are inappropriate for education, foster-parenting, or captive breeding have a right to euthanasia.
9. A wildlife rehabilitator should encourage community support and involvement through volunteer training and public education. The common goal should be to promote a responsible concern for living beings and the welfare of the environment.
10. A wildlife rehabilitator should work on the basis of sound ecological principles, incorporating appropriate conservation ethics and an attitude of stewardship.
11. A wildlife rehabilitator should conduct all business and activities in a professional manner, with honesty, integrity, compassion, and commitment, realizing that an individual's conduct reflects on the entire field of wildlife rehabilitation.

MESSAGE FROM THE PRESIDENTS

Fellow Wildlife Rehabilitators,

We are pleased to offer to you this revised and updated *Minimum Standards for Wildlife Rehabilitation*. This is a cooperative effort that represents the most current knowledge, expertise and techniques in our field. It is a reflection of what we have learned collectively, and have successfully applied during the last three decades. These *Minimum Standards* are based on accepted norms in biology, medicine, behavior, natural history, and, of course, wildlife rehabilitation. The information pertains to all who rehabilitate wildlife, regardless of numbers and types of wildlife cared for, budget size, number of paid or volunteer staff, and size and location of activity.

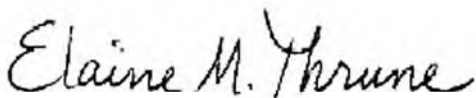
This book is a foundation upon which each wildlife rehabilitator can build an appropriate and effective practice. The goal is to give each animal the best chance of post-release survival in its natural place in the wild. Wildlife rehabilitators should combine information from *Minimum Standards*, current publications, wildlife veterinarians, experienced mentors, and personal experience, along with common sense and good judgment to make the best decisions for each individual animal. All rehabilitators are encouraged to improve upon these standards as they strive to provide the best possible care.

Although this edition is our current foundation, we recognize that as we learn more about housing sizes and materials, nutrition, species behavior, and other aspects of wildlife rehabilitation and medicine, we will certainly improve our methods. Future editions will incorporate the advancements we make.

This document has been designed BY wildlife rehabilitators FOR wildlife rehabilitators. We understand that some wildlife agencies have chosen to use all or parts of our *Minimum Standards* in their permitting or licensing processes. We encourage such use but stress that the information must be kept in context and used to improve the rehabilitative care of wildlife. Our intent is not to exclude, but to include and encourage rehabilitators as they strive to improve.

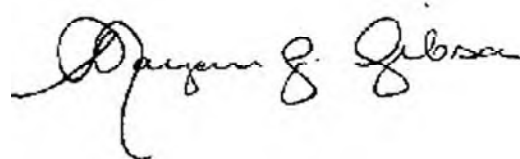
Our Wildlife Rehabilitator's Code of Ethics is a part of these *Minimum Standards* and is based on the principles of honesty, integrity, responsibility, and treating others as we would have them treat us. The Code of Ethics provides basic rules of conduct for each of us to incorporate into our practice. The resulting self-respect, peer respect, and community respect and credibility will increase our effectiveness in animal care, networking, fund-raising, volunteer management, educational efforts, and all aspects of wildlife rehabilitation. Ethical and professional conduct by each wildlife rehabilitator will also contribute significantly to the credibility of our field as a whole, which, in turn, will benefit all of us.

We are proud of this collaborative effort! We encourage all wildlife rehabilitators to actively use this document to help improve the care, treatment, and successful release of wildlife.



Elaine M. Thrune, President

National Wildlife Rehabilitators Association



International Wildlife Rehabilitation Council

STATEMENT OF PURPOSE

The *Minimum Standards for Wildlife Rehabilitation (Minimum Standards)* is a document created by and for wildlife rehabilitators. This document is intended to help increase the number of rehabilitated wildlife that are successfully returned to wild populations by providing: a) standards and guidelines for care; b) a mechanism for self-evaluation; and c) recommendations and information regarding wildlife care. All rehabilitators are encouraged to explore and understand the principles underlying these standards, and to apply them in the everyday care of wild animals.

This document is not intended to be an enforcement program. Each state or province may or may not have its own requirements for rehabilitation activities and facilities. Permit requirements vary and are not necessarily related to this document. Some state and provincial agencies, however, use this document when establishing permit programs. The U.S. Fish and Wildlife Service uses the information contained in this document as part of the Standard Conditions attached to rehabilitation permits for migratory birds and endangered species.

The *Minimum Standards* is not a static textbook, but a living document that changes constantly as the field of wildlife rehabilitation grows and improves, and as the needs of individual animals demand. The procedures and cage sizes described herein have been developed by experienced wildlife rehabilitators, and are considered to be **MINIMUM** standards - i.e., more detailed procedures or larger cages are certainly acceptable and encouraged! Because wildlife patients undergoing rehabilitation are individuals, each with different injuries and unique behaviors, recommended cage sizes and techniques may not apply to every case. The wildlife rehabilitator is encouraged to alter techniques for housing, pre-release conditioning and other aspects of the rehabilitation process, so long as basic natural history, comfort, and hygiene needs are met. Cage dimensions can be modified to accommodate special needs of the facility, animal or new advancements in the field.

These *Minimum Standards* do **NOT** apply to animals kept beyond the normal scope of wildlife rehabilitation. Animals that are kept for educational, display, or captive breeding purposes have different housing requirements based on the needs of the individual. Those specific needs are not addressed in this document.

Chapter 1 - MINIMUM STANDARDS FOR REHABILITATION PROCESS

Minimum Standards for Wildlife Rehabilitation is a joint effort of the National Wildlife Rehabilitators Association (NWRA) and the International Wildlife Rehabilitation Council (IWRC). The objectives of this document are to establish professional standards for wildlife rehabilitation, to encourage the development of improved wildlife rehabilitation programs, and to improve care for all wild animals in rehabilitation.

Complying with *Minimum Standards* requires self-examination by the rehabilitator. Improvements in care and treatment protocols can be made and better facilities can be planned for using the information set forth in this publication. These minimum standards have been formulated by committee members, with extensive input from IWRC and NWRA members, and approved by the board of directors of both of these wildlife rehabilitation organizations.

This document has been designed to accommodate both the individual rehabilitator and the rehabilitation organization.

1.1 Background

The need for minimum standards for wildlife rehabilitation only became apparent in the past 15 years or so. Wildlife rehabilitation on the other hand, in one form or another, has existed for many years; it has ranged from the good-hearted individuals who first applied improvised methods for returning injured or orphaned wildlife to their native habitat, to the dedicated individuals and institutions that today continue this tradition with the increased knowledge, resources and support that results from decades of collective experience. Organized wildlife care programs originated as an outgrowth of nature and science centers and humane societies in response to public concern for injured wildlife. Some of these programs are now over thirty years old.

The field of wildlife rehabilitation experienced rapid growth beginning in the early 1970s as people became more environmentally aware of the limits of our natural resources. Oil spills triggered large scale attempts to save thousands of oiled water birds and helped raise the consciousness of industry, government and the public about the multiple hazards faced by wildlife. Programs were organized to address the impacts of human populations on native wildlife. Most of these efforts were accomplished with few funds, volunteer assistance, pre-existing facilities, and without government support.

In the early 1980s, financial support for these endeavors came mainly from private sources and, in a small part, from government sources. The numbers of paid staff positions began to increase as newly established organizations developed fund-raising abilities and benefitted from the support of the public. During the 1980s and 1990s, there was an increase in the development of entirely new wildlife care facilities to replace the makeshift facilities used in the 1970s.

Concurrent with these growth trends in the field, the Boards of Directors of the NWRA and the IWRC saw a need to establish basic minimum standards for both the individual rehabilitator and rehabilitation centers. This was partly due to the difference in willingness among participants to continually upgrade their programs, a step deemed necessary in a field with rapidly changing information and techniques.

1.2 Minimum Care Requirements

This chapter of the *Minimum Standards* walks the wildlife rehabilitator through a series of steps specifically designed to increase the chance of a successful release. The information in this first chapter will orient the rehabilitator to basic protocols and familiarize her/him to the information in the following chapters.

The goal of this chapter is to provide a blueprint for successful rehabilitation and guide the rehabilitator through the care and clinical protocols. An example of an information form is found in Appendix A. Using forms ensures that vital information is gathered for each patient. Written records are important in measuring how rehabilitation affects wildlife; therefore, a section describing statistical standards is provided. Many rehabilitation permits require a cooperating veterinarian as a condition for legitimate operation of a wildlife care facility (of any size), and a veterinary policy is provided to clarify how this relationship is intended to work. A facilities review checklist at the end of this chapter is a useful self-evaluation tool.

Minimum standards for wildlife rehabilitation apply not only to the facilities used for rehabilitation, but to all aspects of the work involved. The outline in Table 1 is meant to serve both as guidance for the rehabilitator, and as an explanation of the rehabilitation process for the non-rehabilitator.

Various steps of the process will change from one patient to another, depending on the species, the condition of the individual animal, and other conditions specific to that case. In all cases, additional steps may certainly be added; however, the rehabilitator should try to include these basic steps for each patient. The order of the steps taken and the specifics involved in each step (for example, the type and quantity of fluids) will depend on each animal, its condition, and the materials and experience available to the rehabilitator. The initial treatment will vary the most, depending again on the nature of the injury, the individual animal, the overall condition of the animal, and the materials and experience available to the rehabilitator.

**Table 1: Chronologic Outline of the Rehabilitation Process - Minimum Care
Procedures For Wildlife Rehabilitation**

- 1) Admission of the animal
 - a) Gather history from the person presenting the animal
 - b) Record all information (see Form 2, Appendix A)
 - c) Provide relevant educational material to the presenter
- 2) Stabilization of the animal
 - a) Evaluate the animal quickly when transferring to a holding pen/cage/etc.
 - b) Examine for critical conditions and administer emergency care as needed
 - c) Provide warmth (unless hyperthermic)
 - d) Provide quiet rest space
 - e) Prepare materials needed for exam
- 3) Initial Examination
 - a) Weight
 - b) Temperature (as able)
 - c) Visual exam
 - d) Palpate limbs
 - e) Examine orifices
 - f) Assess nutritional status and condition
- 4) Initial Treatment
 - a) Provide fluids
 - b) Clean and treat any wounds
 - c) Stabilize fractures
 - d) Administer medications (antibiotics, steroids, etc.)
 - e) Provide appropriate, palatable nutrition for species and status
 - f) Conduct or schedule any ancillary diagnostics (radiographs, bloodwork, fecals, etc.) and any additional treatments (surgeries, follow-up wrap changes, etc.)
- 5) Intensive Rehabilitation
 - a) Monitor weight
 - b) Provide ongoing, appropriate nutrition
 - c) Treat medical problems as needed
 - d) Provide comfortable, appropriate housing and habitat, minimize interaction with human activity
- 6) Intermediate Rehabilitation (restricted activity)
 - a) Monitor weight
 - b) Provide ongoing, appropriate nutrition
 - c) Treat medical problems as needed (should be minimal)
 - d) Provide comfortable, appropriate housing and habitat with mental stimulation, minimize interaction with human activity
 - e) Provide manual physical therapy as needed

- 7) Pre-Release Conditioning (unlimited activity)
 - a) Provide larger, outdoor housing
 - b) Monitor weight and general condition
 - c) Provide ongoing, appropriate nutrition, introducing a more natural diet
 - d) Treat any primary or secondary medical problems as needed (should be minimal)
 - e) Exercise daily, as appropriate for that species
- 8) Release Evaluation (some exceptions for each category)
 - a) Ability to self-feed (perhaps catch live prey)
 - b) Normal mobility and function, reasonable level of physical fitness and stamina necessary for foraging, breeding, or territory defense behavior if predicted
 - c) No evidence of disease
 - d) Normal weight for that species/sex/season
 - e) Normal blood values (where appropriate/feasible and known)
 - f) Suitable release sites available (see Section 7.2)
 - g) Normal behavior (the animal exhibits reasonable responses to human activity, exhibits normal socialization with both same and other species)
- 9) Release
 - a) Provide proper/safe transportation
 - b) Choose appropriate season/time of year (migration, breeding season, etc.)
 - c) Choose appropriate time of day
 - d) Provide food if appropriate
 - e) Monitor post-release if possible

1.3 Recording & Reporting Requirements

Records are a vital part of any rehabilitation program, and are particularly important when an individual or an organization is trying to learn from previous work in an effort to improve the care given to wildlife. Record keeping has been placed in two categories: required information and recommended information. Records should be kept on all animals. Formats may vary. Records can be consolidated for healthy litters or clutches of animals raised for release. Daily forms for animals by pen, enclosure, or cage are required to verify that food, medications, and care are being provided.

Statistics should conform to specifications listed in Section 1.4. Annual statistics and, in some cases, individual case information are required to be reported to U.S. Fish and Wildlife Service and many state and provincial agencies.

All birds (dead or alive) that indicate suspected poisoning or other criminal activity must be reported to the U.S. Fish and Wildlife Service Law Enforcement Office immediately upon acquisition. All threatened or endangered species (dead or alive) and all bald or golden eagles must be reported to the permit-issuing office within 48 hours.

Required Information

- Species
- Date admitted
- When and where found
- Name/address/phone number of finder
- Presenting injury/problem
- Initial weight
- Case or acquisition number
- Record of notifying U.S. Fish and Wildlife Service Regional Permit office in cases of endangered or threatened species, or bald or golden eagles
- Record of notifying U.S. Fish and Wildlife Service Law Enforcement in cases of birds being shot, poisoned or victims of other illegal activity
- Final disposition (i.e., released, transferred, placed, died, euthanized), including date, and location of release where applicable
- Recipient information if transferred or placed (name, address, permit number and purpose of transfer), including the transfer or placement of carcasses for educational purposes
- Type and amount of euthanasia drug if a controlled substance was used
- Federal band number, where applicable
- Completed daily care forms
- Any additional information required by state or provincial permitting agency

Recommended Information

- Any additional history that might be provided by the presenter (regarding cause of injury, severity or time of injury/problem, any care given by the presenter, etc.)
- Physical examination data
- Daily treatment information and efficacy
- Data regarding surgery, clinical pathology, necropsy, histopathology (where applicable)
- Release weight
- In suspected poisoning cases, any additional information describing the site where the animal was found, weather, other species present, etc.

See Appendix A for a sample form used to collect information from the person presenting the animal, and a sample examination form for collection of the other data. The sample forms were designed for use with birds, but could be easily adapted for use with other wildlife.

1.4 Statistical Standards

Definitions

The code letters used by wildlife rehabilitators and rehabilitation centers can vary, but should be strictly defined for comparison purposes. Referenced categories should correspond to the following:

R (RELEASED): Any healthy, recovered animal that is returned to its natural, wild habitat

T (TRANSFERRED):

1) Any animal transported to another facility or wildlife rehabilitator for further rehabilitation efforts. (Note: if the animal is known to have been released by the receiving facility, it is still recorded as a 'T' by the original facility and as an 'R' by the receiving facility).

2) Any animal determined to be unreleasable while undergoing wildlife rehabilitation efforts that is placed in a non-rehabilitation situation.

NOTE: Agency permission (federal and state or provincial) is usually required prior to transfer of live animals, and the recipient must possess the proper permits.

For individual center's information, this can be further subdivided into (optional):

TR (TRANSFERRED FOR REHABILITATION)

TD (TRANSFERRED FOR DISPLAY)

TE (TRANSFERRED FOR EDUCATION)

P (PENDING): Any animal still undergoing rehabilitation efforts. These animals are only added to summary statistics after final resolution.

D (DIED): Used for any animal either received dead or which dies during the rehabilitation process. Can be subdivided into (optional):

DOA (DEAD ON ARRIVAL): Any animal that dies before any lifesaving measures or treatments can be implemented in the care facility. This assumes needed measures are undertaken immediately upon receiving the animal. Placing the animal in a quiet, dark environment is using a form of treatment.

DIC (DIED IN CARE): Any animal that dies subsequent to any handling, exam, treatment, or implementation of lifesaving measures in the care facility.

E (EUTHANIZED): Any animal that is suffering or non-releasable that is euthanized. Can be subdivided into (optional):

EOA (EUTHANIZED ON ARRIVAL): Any animal euthanized after an initial exam without further treatment measures being done.

E (EUTHANIZED): Any animal euthanized after treatment measures have been implemented.

Data Analysis for Release Rate for Releasable Animals

$$\% \text{ Released} = \frac{\# \text{ Released}}{(\text{Total} \# \text{ Received} - \text{DOA})}$$

Note: released animals do NOT include transferred, placed or pending animals.

Rehabilitators are encouraged to divide their statistics further into the categories of avian, mammalian, and herpetile species, both for their own information, and to help with comparisons with data from other individuals and centers. This will help with statistical comparisons between those that deal strictly with avian species, those that deal with both avian and mammalian species, those that may deal strictly with herpetiles, etc.

1.5 Veterinary Policy

In most states and under most circumstances, the legal prescription of medical care for wild-life patients is the responsibility of a veterinarian. The veterinarian may delegate a portion of this responsibility to a rehabilitator by means of a mutually agreeable, written protocol wherein these responsibilities are clearly defined. Such an arrangement allows the veterinarian to prescribe a specific treatment protocol for a specific type of injury without having to see each individual patient (e.g., the veterinarian may prescribe a certain antibiotic to be given at a specific dosage, frequency and duration for all cat attack victims). This type of arrangement also requires that an appropriate veterinarian-rehabilitator-wildlife patient relationship exists and has the following components:

1. The veterinarian has assumed the responsibility for any medical judgments regarding the health of wildlife patients and the need for medical treatments.
2. The veterinarian has sufficient knowledge of wildlife medicine to permit a general or preliminary diagnosis. Furthermore, the veterinarian has recently seen and is personally acquainted with the general conditions and care of the wildlife patients through medically appropriate and timely visits to the premises where the wildlife patients are kept, or timely transport of wildlife patients to the facility of the attending veterinarian.
3. If the veterinarian intends to keep and treat any animal for more than 24 hours, the veterinarian must have the appropriate wildlife rehabilitation permit(s) or be listed as a sub-permittee to the wildlife rehabilitator. Wildlife housed at a veterinary hospital must be housed in an area that is quiet and removed from domestic animals and human traffic.
4. The veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. Such follow-up should be specific in any written agreement between the rehabilitator and the veterinarian.
5. Any agreement must abide by the laws and regulations governing the practice of veterinary medicine where and if they apply to wildlife rehabilitation.

1.6 Wildlife Rehabilitation Facilities Review

Rehabilitation facilities and individual rehabilitators often benefit from doing a regular self-evaluation or self-review. A form used to assist in this type of self-evaluation is found in Appendix A (Form 1). The purpose of this form is to provide wildlife care-givers suggestions to save time (for example, keeping reference materials at the phone), to ensure wildlife receives appropriate housing and medical treatment (exam area, caging, veterinary and diagnostic), and to protect both wildlife and humans from disease and contamination (food preparation, disinfecting, housekeeping). Not all items contained in the form will apply to everyone - an individual rehabilitator probably does not require a grievance committee or Worker's Compensation Insurance - but this form does provide an easy reference to be sure important considerations are not overlooked when changes, such as facility growth, occur.

Chapter 2 - DISEASE CONTROL

2.1 Rationale for Disease Control

The safety and health of the humans caring for wildlife is a critical facet of successful rehabilitation. Many diseases are transmitted from animals to humans, and also from animal to animal. This chapter instructs rehabilitators on effective ways to prevent the spread of disease from wildlife to caretakers, domestic animals, and other wildlife patients. Proper disease control is a serious concern for rehabilitators and permit granting agencies. Adherence to the suggested protocols is highly recommended by the NWRA and the IWRC.

Facility cleanliness is an integral part of disease prevention and containment. Proper cleaning agents combined with a sensible cleaning schedule will reduce the spread of disease within a facility. Cleaning protocols vary considerably based on the species and condition of animals in care, facility type, and cage construction. Choice of cleaning agent must be made with these variables in mind. Included in this chapter are cleaning agent descriptions and a table of agent properties that will help in making appropriate selections. The timing of cleaning efforts is another important feature of effective disease prevention. Suggestions for proper and regular maintenance in this chapter will help rehabilitators prevent disease within their facility.

2.2 Prevention of Disease Transmission

Since transmissible diseases are so diverse in their origin and action, it is most useful to approach their control according to their mode of transmission. The general modes of transmission are:

1. Diseases passing directly from one vertebrate host to another via direct contact (bite, etc.)
2. Indirect transmission involving one or more intermediate hosts (vectors) such as arthropods or prey species
3. Indirect transmission involving aerosol particles or fomites (inanimate objects such as clothing, utensils, food dishes, cage bedding, etc.)

Disease organisms enter the body by one or more of six routes:

1. Inhalation
2. Ingestion
3. Inoculation (animal bite, injection, insect bite, or direct contact via a preexisting opening in the skin)
4. Genital tract via coitus or contaminated instruments
5. Transplacental (from the mother - mammals only)
6. Across the umbilicus or yolk (from the mother)

For each of these modes of transmission there must be an effective strategy to interrupt the transmission cycle. The wildlife rehabilitator's primary defense against diseases communicable from animal to humans is a high standard of personal hygiene. The primary control of diseases communicable from animal to animal is containment, with the first line of defense being the individual cage or pen.

2.3 Standards to Prevent Disease Transmission within the Facility

2.3.1 Control of Diseases Transmissible from Animals to Humans

- Clothing should be clean and changed as often as necessary. It is suggested that the facility provide lab coats or other tops to volunteers and launder them on-site.
- Shoes and boots should be kept clean of fecal matter, dirt, and cage litter.
- Disposable gloves and surgical masks must be available for use during such procedures as necropsies or cleaning contaminated animal quarters. Necropsy procedures must adhere strictly to sanitary practices including the use of surgical masks and disposable gloves, appropriate outer garments, and the use of disinfectants.
- Lavatory facilities should be accessible with hand-washing sinks and suitable washing agents.
- Eating, drinking and smoking should be restricted to designated areas free of animal waste materials.
- The supervisory staff must be given basic information on zoonoses. Personal hygiene rules should be established and the supervisory staff should set an example.
- All personnel and volunteers should be advised to seek the consent of their physicians before working in the facility. They should acquire any necessary vaccinations (especially tetanus). If working with mammals, they should inquire about the possibility of pre-exposure rabies vaccinations. Female workers who become pregnant should be advised to renew medical consent. Rehabilitators handling potential Rabies Vector Species (RVS - most adult mammals) should have pre-exposure rabies vaccinations. See Section 2.3.3.
- There must be separate refrigeration facilities for food (animal food kept separate from human food) and for carcasses and postmortem specimens.

2.3.2 Control of Diseases Transmissible from Animal to Animal

- Cages should be designed for efficient cleaning. When possible, seamless, nonporous materials (such as stainless steel, fiberglass or plastics) should be employed for cage construction and food containers.
- Animal enclosures should be kept sanitary by having an adequate and routine cleaning regimen in which responsibilities are clearly defined and assigned to personnel. While daily removal of feces and urine from mammal cages is necessary to prevent odor, parasite re-infestation, and insect overpopulation, avian, reptile, and amphibian cages usually require less frequent cleaning. Many adult birds, especially songbirds, as well as other injured wildlife, are very easily stressed during the rehabilitation process, thus daily disturbances should be minimized. Infant mammal and bird caging requires much more frequent cleaning; bedding or nest cup linings should be changed each time the animals are fed. The floors of many indoor avian cages may be lined with layers of newspaper, paper towels, or other substrates, which can be removed one layer at a time for easy disposal of urates, feces, etc. Large flight aviaries may also be cleaned on a less frequent basis, provided there is a regular schedule for cleaning. Caging for aquatic herpetiles may be kept clean primarily through the use of proper water filtration systems.

- Indoor facilities are required to have efficient ventilation and air movement with minimal recycled or reused air.
- In all circumstances, protocols for regular cleaning should be in place, and all cages should be properly disinfected between patients (when an animal or group of animals is removed, the cage should be disinfected before new animals are placed in the cage). Because of ~~the high incidence of~~ *Baylisascaris procyonis* (the intestinal roundworm of raccoons), the fatal transmission of this parasite to other species, and the high resistance of this parasite to disinfectants, caging used for raccoons should be designated as such, and should not be used to house other species. Before a newly-acquired animal is introduced into a cage or enclosure that has previously been used by another animal, the cage must be thoroughly cleaned and disinfected and the bedding material changed.
- Animals confirmed or suspected of having contagious diseases must be kept isolated from all noninfected susceptible animals. Newly acquired animals should be housed separately from in-house animals upon arrival. Animals that are presented together (littermates or nestmates) may be housed together during this period. They should not be added to a group pen until it has been established that they are in good health.
- A routine examination for parasites should be performed on new arrivals, with re-examination at intervals during protracted rehabilitation.
- Bowls, feeding utensils, medical equipment, linens used for handling animals and for animal bedding, and gloves worn while handling wildlife should also be cleaned/replaced daily and disinfected between use on different animals.
- Water bowls should be cleaned and/or changed as needed to keep them clear of algae, leaves, feces, and other debris.
- Animal diets must be prepared and foodstuffs should be stored under sanitary conditions that ensure freedom from vermin and microbial contamination.

2.3.3 Public Health Responsibilities

- All organic refuse must be collected into airtight bags or containers and stored in a safe location until it is removed from the premises. The supervisory staff is responsible to local public health officials on matters regarding waste and postmortem material disposal.
- Domestic animals should not be allowed at the rehabilitation facility. If this is unavoidable, domestic animals should be fully vaccinated and should have no direct contact with, nor direct exposure to, wildlife.
- Personnel must take care to properly wash and change clothes before coming in contact with domestic animals.
- A program for rodent and insect control is recommended for wildlife care facilities; however, if pesticides are used, care should be taken to avoid contaminating both human and animal food and housing areas with pesticides.
- The rescuer or individual presenting an animal to a rehabilitator should be questioned regarding the possibility of any contact with the animal, such as bites or scratches. If injured, the individual should immediately be referred to his/her own physician for medical attention. The rehabilitator should also notify the public health department of any such

injuries, if required by state law. If the bite or injury is from an RVS, the animal should be euthanized and tested for rabies.

- All rehabilitators handling mammals (especially adults) should have pre-exposure rabies vaccinations and be knowledgeable in the handling of these species. Any bites from an RVS should be reported to the public health department. Animals suspected of rabies and that are to be tested should be refrigerated immediately following death or euthanasia; these carcasses should NOT be frozen or the test results will often be invalid.

2.3.4 Release Considerations

Rehabilitated adult animals should be released within the animal's normal home range, or within 10 miles from point of capture, when possible and reasonable. This practice minimizes the unnatural spread of parasites, diseases, and genetic material among wild populations, and maximizes the animal's chance of survival. Exact release location and time should be chosen at the discretion of the rehabilitator, based on the appropriateness of the habitat and the condition of the animal. When circumstances allow, rehabilitated adult birds should be released in a suitable habitat as close as possible to the point of their capture except during migration. If migration has occurred while the bird has been in captivity, the bird should be released in the area of the migratory destination. Studies have shown that rehabilitated reptiles and amphibians should be released within 1/2 mile of the point of capture to maximize their chance of survival.

If information regarding the location of capture is not available, the release of the animal should be within the standards set by the state/provincial wildlife agency and should meet all habitat requirements of the animal. Intimate knowledge of the species' natural history and behavioral patterns is essential in choosing the correct habitat. Studies that examine outcomes of released animals indicate that incorrect habitat selection increases mortality.

Juvenile animals, especially those that were brought into rehabilitation as infants, do not have to be released at the site of capture to ensure survival; however, efforts should still be made to release these animals within 10 miles of the capture site, if possible. When return is not possible (retrieval area is contaminated, contains definite hazards for the animal or the individual doing the release, etc.), these animals should be released in a suitable habitat.

Some considerations when assessing what a suitable habitat constitutes for a particular species include: adequate space not occupied by territorial conspecifics; suitable shelter; proper terrain and vegetation; good food and water supply; minimal number of predators; and suitable distance from human development.

2.3.5 Disposal of Carcasses and Animal Waste Products

Each animal that dies or is euthanized while under the care of a wildlife rehabilitator should always be examined carefully to confirm that the animal really is dead (lack of pulse or heart beat). Carcasses should then be disposed of properly and in accordance with local laws and parameters set forth in individual wildlife rehabilitation permits (e.g., the rehabilitator may be required to transfer the carcasses of endangered species to a specified location). Unless otherwise directed, all bald and golden eagle carcasses and loose feathers must be sent to the National Eagle and Wildlife Property Repository (Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022, PH: 303-287-2110, EM: dennis_wiist@fws.gov).

If the rehabilitator plans to necropsy the carcass or transfer it to a diagnostic facility for the purpose of necropsy, the carcass should be wet with cold water, unless the animal is a suspected victim of pesticide poisoning (water might remove pesticides contaminating the outside of the animal). The addition of a small amount of detergent to the water will help to penetrate the fur or feathers, speeding up the process of cooling the body. If the necropsy is not performed immediately, the wet carcass should be placed in a plastic bag, sealed, labeled, and refrigerated in an ice chest or refrigerator not used for food storage. A necropsy performed shortly after death allows collection of more accurate information. This accuracy fades as more time passes due to postmortem changes which can alter or mask signs. Gloves and surgical mask must be worn while conducting necropsies. Necropsies should be performed in a well-ventilated location, separate from live animal and food preparation areas.

NOTE: Endangered or threatened species and bald or golden eagles must not be necropsied without first obtaining permission from the U.S. Fish and Wildlife Service.

Carcasses that are not necropsied may be transferred to local natural history museums, universities or other institutions for study and/or addition to their collections. The wildlife rehabilitator should contact these institutions and arrange for proper handling of the carcasses so that the institutions can gain the most benefit from them (e.g., carcasses may need to be frozen, placed in formalin, etc.). Specific data may also need to be recorded by the rehabilitator such as date and location animal was found, live body weight, etc. In many cases, the information provided by the rehabilitator can be as valuable as the specimen itself.

If the wildlife rehabilitator desires to keep specific parts or portions of avian carcasses (e.g., skeletons or skins for educational purposes, etc.), special permits must first be obtained from the U.S. Fish and Wildlife Service. Many state wildlife agencies also require special permits to possess wildlife parts. Special permits are not required for the rehabilitator to possess a limited number of feathers (excluding eagle feathers) for imping purposes.

All other carcasses and all animal waste products should be disposed of in accordance with acceptable practices as required by local ordinances as well as applicable state/provincial and federal regulations. Carcasses and organic wastes suspected of disease contamination should be either buried or incinerated. Where legal, burial of carcasses should be at a depth that will discourage scavenger species from unearthing them, and lime should be spread on top of the carcasses to assist in disease control. Incinerators are generally cost prohibitive to most rehabilitators and rehabilitation facilities, and special permits are required to operate incinerators in most areas. Many local animal control shelters or laboratories have incinerators and the rehabilitator may be able to arrange for these facilities to incinerate carcasses on a regular basis. Carcasses may be frozen for a limited period of time (in nonfood freezers) for storage prior to incineration or donation to pre-approved facilities (public institutions or individuals authorized to possess the specimens for educational purposes).

2.4 Disinfection

Disease control and prevention are the obvious “why’s” of facility cleanliness. The following information pertains to the “how’s” of creating and maintaining a clean facility.

2.4.1 Definition of Common Terms

Antiseptic:

A substance capable of preventing infection by inhibiting the growth of infectious agents (implies use on living tissue).

Bacterial spores:

The resting or vegetative stage of certain bacteria (especially *Bacillus* and *Clostridium*) characteristically very resistant to environmental changes.

Cytotoxic:

Having the characteristic of killing cells.

Diluent:

Substance used to make a concentrated solution more dilute. Sterile water and saline are common diluents for wound treatment, and tap water is a common diluent for general disinfection.

Disinfectant:

A substance that destroys microbial organisms or inhibits their activity.

Disinfection:

Destruction of vegetative forms of microorganisms (implies use on inanimate objects).

Sterilization:

The destruction of all microorganisms in or about an object (term is only used with inanimate objects). [Note: “cold sterilization” refers to the specific method of using a disinfectant solution to soak objects, rather than applying heat, pressure, or gas as used in other methods of sterilization].

Volatiles:

Agents that evaporate rapidly and pass readily in the form of a vapor. Toxic components within these vapors can be dangerous.

2.4.2 Types of Cleaning Agents

There are various disinfecting agents that should be used after regular cleaning to properly sanitize. Suggested uses are listed under each category of cleaning agent, and some products work better against specific disease entities. The rehabilitator, however, should be aware that none of these products is designed for any specific target or single use. In addition, none of these products is specifically effective against nematode eggs or larvae (intestinal worms). Most parasites are best removed from the environment by simple mechanical means (i.e., removal of feces and physical scrubbing of cages and cage contents), while other parasites, such as *Baylisascaris*, may be very difficult to completely remove from the environment. Many disinfectants emit potentially harmful volatiles; therefore, when disinfectants are used in cages, the cages should be allowed to dry thoroughly before placing animals into the cages. Some of the more common agents and methods are discussed here; additional information can be found in the references in Appendix B.

Detergents:

Detergents are cleaning compounds and include both soaps (anionic - alkali salts; negatively charged) and synthetic detergents (cationic - colloidal in solution; used as antiseptics, wetting agents, and emulsifiers; positively charged). While soaps are non-antibacterial, the physical scrubbing action of cleaning removes many of the microorganisms. Detergents alone do have minor disinfectant action against vegetative bacteria; however, they are not effective against fungi or viruses. Additionally, they lose their effectiveness in the presence of blood or tissue debris.

Examples: Dish detergents and laundry detergents.

Uses: Initial washing of cages, food bowls, etc., to remove organic matter.

Alcohols:

Solutions of 50-70% isopropyl alcohol or 70% ethyl alcohol are commonly used alone or combined with other disinfectants. Isopropyl has a wider range of antibacterial action and is less corrosive than ethyl alcohol. Alcohols act by denaturing soluble proteins, interrupting metabolism, depressing surface tension and lysing (breaking open) cells. Because it is cytotoxic, alcohol should not be used on open wounds. Alcohols inactivate phenols, so the two should not be combined. Alcohols are not effective for cold sterilization, and may damage rubber, plastic and other synthetic materials.

Example: Rubbing alcohol.

Uses: surgical preparation, antiseptic, instruments.

Use undiluted (i.e., 50-70%).

Aldehydes:

The two most common disinfectants in this group are glutaraldehydes and formaldehyde. Glutaraldehydes are often combined with a synthetic detergent. These substances are irritating and cytotoxic, so their use is limited to disinfection, and instruments should be rinsed well before use. Exposure of 3 hours is required to kill bacterial spores. Formaldehyde is considered a carcinogen.

Examples: Wavicide™, Cidex™.

Uses: Glutaraldehydes may be used for cold pack sterilization, disinfection; formalin (40% formaldehyde in water) may be used to fumigate premises.

Recommended dilution ratio: Use glutaraldehydes undiluted (i.e., 2.0%) for disinfection; use formalin at 1-10% for fumigation.

Chlorhexidine:

This bisbiguanide compound acts on bacterial cell membranes, precipitates intracellular contents, and inhibits ATP (adenosine triphosphate, an energy source for cells--in this case the energy source of the bacteria). The cell membrane damage causes leakage of potassium and pentoses, which kills the bacteria, but also harms host cells. Can dilute in water or saline. The brand name Virosan™ contains alcohol, making it effective against pseudomonads; however, once mixed with water this solution is only effective for 3-4 days.

Example: Nolvasan™(2%), Virosan™.

Uses: Surgical preparation, wound treatment, disinfection.

Recommended dilution ratio: 1ml chlorhexidine + 39ml diluent (0.5%) for wounds, and 1ml chlorhexidine + 19ml diluent (1.0%) for disinfection.

Chlorine:

Chlorine-based products are oxidizers, releasing free radicals that destroy cells. These compounds indiscriminately attack microorganisms, organic matter and living tissue. Chlorine decomposes in the presence of light and has toxic fumes that can lead to chemical pneumonia and skin and eye burns. Good ventilation, eye protection and gloves are recommended when using Chlorines.

Examples: Clorox Bleach™, Purex™ (should be 5.25% sodium hypochlorite).

Uses: Disinfection of nonmetallic objects and surfaces.

Recommended dilution ratio: 1:32 (1/2 cup of 5.25% bleach per gallon diluent).

Stabilized Chlorine Dioxides

Stabilized chlorine dioxide is an inorganic compound of oxygen and chlorine and is a powerful oxidizing agent. Chlorine dioxides stimulate an oxidation process that safely breaks and eliminates sulfur bonds responsible for organic odor. Can be safely used around birds. It will clean and provide disinfectant protection and is not harmful. For hard surfaces, the solution is sprayed on and then wiped off after a 5 minute exposure. Rinsing is not necessary. Oxyfresh Dent-a-gene™ is a full strength stabilized chlorine dioxide disinfectant that is a two-part product. The two parts are mixed (at this stage it does have toxic fumes) but once stabilized it is safe for use. A mixed solution can be used for 7 days if sealed tightly and kept out of the light.

Examples: Bio-Rite™, DioxiCare™, Oxyfresh Dent-a-gene™, Oxyfresh Cleansing Gele™

Uses: Washing/soaking solution for syringes, food dishes, feeders and water containers; general disinfection of premises.

Recommended dilution ratio: Varies with product, follow label directions.

Cresols:

Cresols are wood tar distillates that have solvent and antibacterial properties. Commercial cresols available as disinfectants usually consist of pine oils combined with soap. These substances are often difficult to remove from surfaces and may leave a slick coating to floors or other surfaces.

Examples: HexoI™, Pine-Sol™.

Uses: Disinfection of premises.

Recommended dilution ratio: None listed in literature.

Iodophores:

These compounds consist of iodine complexed with surfactants or polymers. The most common compound is povidone iodine (iodine + polyvinylpyrrolidone), available as a solution and as a scrub. The detergent used in the scrub form is cytotoxic and should not be used on open wounds. The polyvinylpyrrolidone has a high affinity for cell membranes, delivering the iodine more directly to the target cells (e.g., bacteria), but it is the free iodine that contains the disinfectant action; therefore, dilutions of povidone iodine actually disinfect or kill infectious agents better than more concentrated solutions. Iodine kills bacterial spores if contact time is greater than 15 minutes.

Example: Betadine™ Solution and Betadine™ Scrub(10%).

Uses: Surgical preparation, wound treatment, hand cleansers, foot baths, disinfection.

Recommended dilution ratio: 1ml povidone-iodine + 99ml diluent (0.1%) for surgical preparation and 1ml povidone-iodine + 9ml diluent (1.0%) for wound treatment.

Phenols:

Phenols are cytotoxic by disrupting cell walls and precipitating cellular proteins. Some phenols have been shown to cause neurotoxicity and teratogenicity (birth defects) after long dermal exposure, so animals should be removed from the quarters during cleaning; the use of goggles and gloves is recommended. Phenols are extremely toxic to cats and may be toxic to reptiles.

Examples: Avinol-3™, Lyso™, One Stroke Environ™.

Uses: General disinfection, foot baths.

Recommended dilution ratio: 1/2 ounce One Stroke per gallon diluent.

Quaternary Ammonium Compounds (QAC):

QAC's are a form of cationic detergent, but they are not compatible with other soaps or detergents, and even the residues of these substances and/or organic matter will inactivate QAC's. Activity is increased, however, by the addition of ethanol. These compounds act by direct denaturation of bacterial enzyme systems and neutralization of acidic elements in the bacterial cell walls.

Examples: Roccal D™, Parvosol™, Quintacide™.

Uses: Some wound treatment, general disinfection.

Recommended dilution ratio: 1 part QAC to 2,500 parts diluent for wounds; 1 part QAC to 200 parts diluent for disinfection.

General Comment on Potential Environmental Toxins:

Many disinfectants and their fumes, especially at full-strength, may cause skin, eye and lung irritation, and may be toxic if ingested. Care should be taken to wear gloves while using these products, and to work in a well-ventilated area. Most chemical compounds, including disinfectants, some cleansers and even some drugs, must be accompanied by a material safety data sheet (MSDS) explaining the potential health hazards and how to prevent or treat exposure. These information sheets are usually packaged with the products, or can be obtained from the manufacturer. The Occupational Safety and Health Administration (OSHA), as well as most insurance companies, require that a complete file of appropriate MSDS's be kept on scene and readily available/accessible to all employees and volunteers.

In addition to human safety, care must be taken to prevent chemical exposure to wildlife. Animals should be kept away from all volatile chemicals at all times. This includes phenols, ammonia, bleach, and most common household cleansers. If these cleansers must be used, the animals must be removed from the room they are being used in until it has thoroughly aired. If any of these chemicals are used to disinfect cages, they must be thoroughly rinsed and air-dried to prevent toxin accumulation. Cigarette smokers should not smoke near animals, particularly amphibians. Note that many pesticides will cause severe illness or even death in many birds, reptiles and nearly all amphibians.

Table 2: Properties of Disinfectants

<u>Property or Spectrum of Action</u>	<u>Phenol</u>	<u>QAC</u>	<u>Cresol</u>	<u>Alcohol</u>	<u>Iodo-phore</u>	<u>Chlor-ine</u>	<u>Alde-hyde</u>	<u>Chlor-hexi-dine</u>	<u>Chlor-ine dioxide</u>
GM ⁺ bacteria	high	high	high	high	high	high	high	high	high
GM ⁻ bacteria	high	high	high	high	high	high	high	mod*	high
Bacterial spore	none	none	none	none	mod	none	mod	none	mod
Chlamydia	none	high	none	none	?	low	?	none	?
Fungi & yeasts	low	mod	mod	mod	high	high	high	mod	high
Viruses	mod	var	mod	mod	mod	high	high	mod	high
Protozoa	low	mod	?	mod	high	none	?	low	high
Effectiveness w/organic matter	mod	low	mod	none	mod	none	var	mod	low
Residual action	high	high	high	none	low	none	low	high	low
Effectiveness in hard water	var	low	var	NA	high	high	high	none	?
Most effective PH range	acid	alk	acid	NA	acid/alk	acid	acid	alk	?
Corrosiveness	high	none	mod	low	mod	high	none	none	low
Toxicity	high	low	mod	low	low	low	var	mod	low
Biodegradable	?	no	yes	yes	yes	yes	no [#]	no	yes

KEYS

mod = moderate

var = variable with formulation

? = unknown or conflicting data published

NA = not applicable

alk = alkaline

* Virosan™ brand is effective against pseudo-monads; other chlorhexidines are **not** effective against pseudomonads.

Wavicide™ brand name product is biodegradable.

Other disinfectant notes

- Phenols and aldehydes perform better at warmer temperatures
- Iodophores are only stable as long as dark color is maintained and may stain.
- QAC destroys chlamydia but is usually expensive.
- Alcohols evaporate rapidly and may require reapplication.
- Chlorines break down in light and solutions must be fresh. Chlorines are usually inexpensive.

Chapter 3 - BASIC REQUIREMENTS FOR HOUSING WILD ANIMALS IN REHABILITATION

3.1 Overview

Wildlife rehabilitators should be able to provide enclosures or cages of appropriate size made from appropriate materials that contain appropriate furnishings for all ages of all species that they commonly treat. The cage sizes recommended in this document are minimal, and the suggested materials work well for many rehabilitators. Alternative techniques for housing and pre-release conditioning are encouraged, but must meet basic natural history, comfort, and hygiene requirements. Assigning cage size strictly by species is not always realistic; variations in an individual's size due to race or age, and variations in an individual's behavior due to age and season, will affect appropriate cage size. Dimensions can be modified to accommodate special needs of the facility or the individual animal and new advancements in the field.

Minimum standards for enclosures are based on common sense. All enclosures should be structurally sound, constructed of materials appropriate for species housed, maintained in good repair, and designed to protect the animal from injury, abuse, or harassment while containing the animal and restricting the entrance of other animals. Enclosures should provide sufficient shelter from overheating, excessive rain, snow, or cold temperatures. Each animal should be able to turn about freely, and lie or sit comfortably, unless medically restrained. The construction material should be of sufficient strength, and be of a nonporous, waterproof finish (when reasonable) to facilitate cleaning and disinfection.

The facility should have reliable and adequate potable water and electricity. Food and bedding should be stored in an appropriate manner that protects it from spoilage, infestation and contamination. Waste should be properly disposed of in accordance with all regulations, in a manner that minimizes vermin infestation, odors, and disease hazards. The facility should provide fresh air in a manner that avoids drafts, odors, and water condensation, and provides auxiliary ventilation when ambient temperature exceeds 85°F. Lighting should be adequate to allow for inspection and cleaning, while not stressing animals. Full spectrum lights may be necessary. The facility should be sufficiently drained to protect against sewage back up in traps and to rapidly eliminate water accumulation.

An effort should be made by the rehabilitator to obtain as much information as possible on each species admitted through reference and natural history literature and contact with other rehabilitators familiar with the species. Through an understanding of each species' behavior and natural history, proper choices can be made to provide suitable cage habitats.

All rehabilitators should be prepared to provide **temporary** housing for any species they are likely to encounter—including those species rarely encountered, and/or for which they are not currently licensed to treat. These animals should be transferred within 24 hours to another rehabilitator or facility that is both properly licensed and equipped for their care.

Many indoor and outdoor cages can be constructed for multispecies use. These cages can be quickly modified to accommodate different species through substituting different perches or other furnishings. Thus, a separate cage is not needed for each species the rehabilitator intends to treat, but cages should be able to be adequately disinfected and adapted to meet the minimum standards required for the species.

Many young animals (e.g., fledgling crows or infant raccoons) should be group-housed with conspecifics to avoid imprinting on and/or socialization to humans. When foster parents are available, young birds (when possible) should be transferred to facilities having those foster parents. Efforts should also be made to network with other rehabilitators to place individual (single) young animals with others of its own species.

When birds are developed sufficiently to perch or mammals to ambulate, cages meeting adult requirements are necessary. These adolescents may be more “behaviorally comfortable” being group-housed with conspecifics. Group-housing is not always feasible or the best option for adults. The natural history and seasonal behavior of the species are factors to consider before housing adult animals together.

Housing design must provide for the safety of both humans and animals. In addition to the above, some important considerations include:

- Avoid areas where animals can become tangled or trapped
- Avoid sharp edges or points (inside and outside cages)
- Allow for “running” distance for both human and animal, including hiding boxes
- Ensure proper footing by using flooring with good drainage
- Avoid ledges that can be used as unintended perches
- Secure all cages with appropriate locks
- Use food trapdoors if possible to minimize interaction

3.2 Cage Size Criteria Based on Medical Status

Appropriate cage space is conditional to the species, the behavior of the individual, the nature of the injury, and the specifics of treatment and recovery. Recommended cage dimensions are based on approximations of space requirements during three recovery periods, each defined by the activity level required of the patient(s). These levels are restricted activity/mobility, limited activity/mobility, and unlimited activity/mobility.

The following paragraphs describe the three activity levels and the caging best suited to them. Housing/caging should allow recovering animals the prescribed amount of self-imposed activity or supervised/forced activity during rehabilitation. Prescribed activity can be linked with cage size based on species and stage of recovery. Indoor caging is replaced by outdoor caging as the animal progresses through the rehabilitation process. Animals requiring large expanses of water (for example, grebes, loons, pelagic birds, and many marine mammals) present some challenges to wildlife rehabilitators and this set of activity descriptions; these descriptions may not apply directly to such species.

3.2.1 Restricted Activity/Mobility

Restricted activity/mobility means to hold an animal within a space small enough to restrict almost all movement, but to provide enough room for the animal to maintain a normal alert/upright posture and to stretch its body, limbs and tail, but not enough to leap, fly, or run. The enclosure should be small enough to facilitate easy capture, thereby minimizing capture stress and the possibility of injury during repeated periods of capture and treatment. Young mammals and birds confined to their nest prior to weaning and fledging are included in this category.

Conditions requiring restricted activity include rehydration, hypothermia, bandaged wing, or leg injury to mammals. Any animal with severely debilitating conditions such as shock, toxicity, neurological impairment, or other conditions that require close supervision and management should be considered as restricted activity patients.

Restricted activity areas are provided by incubators, veterinary cages, kennel carriers, and other small enclosures. Perches close to the cage floor (relative to the size of the bird) and/or walk-ups to perches should be provided depending on equilibrium and/or injury. Hiding areas such as boxes or towels must be provided for those species with more reclusive behavior such as raccoons, wrens, and rat snakes. Limited access to tubs or small pools might be provided to semiaquatic or pelagic species when the injury permits. Restricted activity is maintained primarily indoors in northern temperate areas.

3.2.2 Limited Activity/Mobility

Physical therapy and/or acclimatization comprise the next phase of the rehabilitation process once the anatomical and/or physiological problem has been corrected. Movement is now encouraged as part of the healing process. This physical therapy may be voluntary and/or forced by care-givers.

Limited activity/mobility is when restriction of the animal's movement is no longer necessary due to ongoing treatment, but periodic capture and medical treatment may still be necessary. These enclosures are also used for fledged birds and weaned mammals. Outdoor caging should provide the opportunity for short flights or walks/runs. Perches and walk-ups to perches (birds) or hiding areas and nest boxes (all animals) are appropriate furnishings. Semiaquatic and pelagic species should have access to tubs or pools of water for exercise. Creance flying may be appropriate physical therapy during this phase.

3.2.3 Unlimited Activity/Mobility

Unlimited activity/mobility uses large and complex outdoor caging. These enclosures provide physical and psychological conditioning or reconditioning through extended flights for birds and walks, runs and/or climbs for mammals. This housing should allow animals to improve their strength, develop stamina and coordination, restore muscle tone, and acclimate to ambient weather conditions. Physical therapy should be primarily voluntary although some may be forced by care-givers. Unlimited activity caging should be used to condition fledged birds and weaned mammals for release. At least two perches should be provided for birds. Hiding areas and nest boxes should be provided for all animals. Large pools of water should be provided for aquatic species. Creance flying may be appropriate physical therapy during

this phase as well. Please see notes on raptor housing for more specific details on how creance conditioning relates to cage size.

3.3 Natural History/Behavior

The natural history and behavior of any species must be considered in the enclosure design process. Not only does the enclosure provide for security and animal safety, it provides habitat in which the animal can learn or relearn behaviors specific to that species. Caging should provide animals undergoing rehabilitation the opportunities necessary for complete recovery from injuries and/or for learning and practicing vital behaviors such as foraging or hunting.

Cage design and furniture should address and encourage species-specific patterns of foraging, play, rest or sleep, hiding or predator avoidance, and social responses to conspecifics or cage mates. For example, many species such as crows and raccoons respond well to toys, hides, pools, climbs, and other species-appropriate enhancements. Other species, such as mourning doves and opossums seem to benefit less from such curiosity enhancements; however, even these species have been observed using these items over time. Suggestions for appropriate habitat furnishing can be found in the specific housing sections which follow, and in the reference material in Appendix C.

Animals should be fed palatable, nutritionally balanced food in a form and presentation appropriate to their natural behavior and their medical condition. Diets are highly specialized and specific dietary needs may vary from one individual to another; for this reason, a veterinarian or veterinary nutritionist should be consulted before formulating any new diets or adding vitamins or other supplements to existing diets. Some species may show strong preference to a specific food item, so efforts should be made to provide a varied diet and regularly monitor food intake and changes in body weight.

3.4 General Indoor Caging/Housing

Minimizing stress experienced by animals in rehabilitation is a key factor in the design of indoor enclosures. All indoor caging should be located in an area that provides quiet and minimal visual stimuli. Specific suggestions to minimize stressors are to cover cage doors, provide visual barriers, position cage fronts away from human activity, remove radios, and place the enclosures far from high traffic areas. When possible, natural daylight should be provided. Full-spectrum (UVB, UVA, visible light, and infrared) lighting should be used when natural lighting is not feasible. Some products are advertised as “full-spectrum” while only providing the full visible spectrum. The need for full-spectrum light can vary by species; for example, snakes do not require UVB light. Any artificial light source should be timed to mimic current seasonal daylight cycles.

3.5 General Outdoor Caging/Housing

Animals undergoing rehabilitation are generally housed in outdoor enclosures prior to release. Large, outdoor caging provides opportunities for exercise, behavioral rehabilitation, and acclimatization to weather conditions, while smaller outdoor caging may be used for short periods prior to this release conditioning.

The philosophy dictating cage size presupposes normal recovery times for the patient. None of the restricted or limited activity sizes is recommended for extended or permanent care. Housing for animals kept permanently (e.g., for educational, exhibit or captive-breeding purposes) is not addressed in this document, but can be found elsewhere (*see Appendix C*).

Special consideration must be made in the design of outdoor enclosures to provide adequate shelter, safety, and proper habitat for animals in rehabilitation. Enclosures should be made secure against local predators, including adequate perimeter control; for example, a cement floor and foundation or ½-inch galvanized hardware cloth buried under the cage floor and extending two feet up the walls may be considered adequate protective design. Enclosures and their contents should duplicate natural conditions wherever practical. Cage design should provide for ease of cleaning, proper ventilation, adequate light, and temperature control. Proper substrates and furnishings appropriate for each species should also be provided in each cage. Fresh water for drinking and/or bathing must be available in each enclosure.

Each outdoor enclosure should possess an area that provides necessary protection from the elements, yet still enables the animal to be conditioned for survival in the wild. All cages should have a roofed portion or contain a nest box or other means of protection from inclement weather. Feeding areas (and the food within) should be protected, as well. Protection from the wind and weather should also be provided on the north side of enclosures. In northern climates, roofs and doors should be constructed to withstand the weight and depth of snowfall.

Outdoor enclosures ideally protect the animal without habituating it to human activity. To avoid habituation to humans or even taming, cages should be surrounded by a fence or somehow placed out of view of the general public. As in the design of indoor enclosures, minimal human contact, both visual and auditory, is preferable. Domestic animals and other potential predators should be prevented from contacting animals in rehabilitation, as predator avoidance is an important factor in survival of rehabilitated animals. Consideration of these variables when designing outdoor enclosures is vital for proper rehabilitation of wildlife.

Outdoor caging alone may not be adequate for full conditioning of certain species and/or certain injuries; for example, the flight conditioning requirement for successful release of a peregrine falcon recovering from a shoulder fracture may exceed that provided by any caging. The large cages or deep pools necessary for proper conditioning of some species are not available to all wildlife rehabilitators. In many instances, cooperation with other rehabilitators or wildlife professionals may ultimately be the most successful strategy an individual rehabilitator can choose. Working with licensed falconers to provide pre-release training or transferring patients to other rehabilitators with more appropriate caging are suitable substitutes for the conditioning cages (unlimited activity) recommended below. The successful release and continued survival of rehabilitated animals is the goal of rehabilitators; networking to share information, skills and equipment is vital to the success of rehabilitation.

Chapter 4 - AVIAN HOUSING REQUIREMENTS

4.1 Overview

4.1.1 General Avian Housing Considerations

Enclosure dimensions are based on materials as well as species requirements. Exterior plywood is available in economical and easy-to-use 4-foot by 8-foot sheets and some caging dimensions have been calculated using numbers that are based on this material size. Maximum volume is achieved with cubic cages, and this fact is considered when determining cage dimensions. Enclosure design varies widely depending on materials used, climatic conditions, species housed, and many other considerations. While considerable thought and experience was employed to structure the cage sizes listed in Tables 3-5, it is beyond the scope of this document to list all possibilities in terms of material, design, or size.

Cage sizes specify minimums and are calculated for the species at different stages of rehabilitation. Intelligent substitution of height and ground area requirements is encouraged; for example, while pheasants and egrets are the same size, one requires ground space while the other needs height. Substitutions resulting in larger sized or differently shaped cages are encouraged.

Multiple occupancy by **compatible** species is not only acceptable but beneficial, particularly in conditioning (unlimited activity/mobility) caging for fledgling birds. Individuals of certain other species (e.g., herons, titmice, woodpeckers, etc.) may be extremely aggressive and may require individual housing.

4.1.2 Construction Materials

Many different types of construction materials for avian enclosures are used in rehabilitation. Selection of appropriate material is important for the proper construction of adequate enclosures. In general, aviaries should have a double-door entry system (not always necessary for birds less apt to fly in confined areas, such as waterfowl and seabirds). Solid walls for aviaries can be constructed of wood, fiberglass, or an equivalent. Hardware cloth, chicken wire, and chain-link fencing are not recommended if the birds can come into direct contact with them; these products may be used if appropriate netting or screening is used on the interior surface. If vertical wood lath, fiberglass screening, or netting prevent direct contact, wire can add extra security, and may be used as the external material for most cages.

4.1.3 Flooring Considerations

Flooring for aviaries varies with types of birds. Substrates, such as sand or pea gravel, should be changed as often as necessary, and biannually at a minimum. Natural flooring is acceptable in very large enclosures. This natural flooring must be turned over and disinfected on a regular basis, depending on the number and size of birds housed in the enclosure. Flooring substrates for small cages include towels, paper towels, raised netting over newspaper, newspaper alone, or dried pine needles. [Note: dried pine needles are not appropriate for ground-foraging birds such as doves, as crop rupture has been noted when these birds ingest the pine needles.] The selection of substrate is dependent on the species being housed.

4.1.4 General Avian Furnishings

Many types of cage furnishings are appropriate for birds undergoing rehabilitation. Bath pans or pools should be provided for all birds whose medical condition does not prohibit them from getting wet (e.g., bath pans are usually contraindicated for birds with wing wraps or foot bandages or for birds with neurologic deficits). When perching is required (see Tables 3-5), each cage should have a minimum of two perches for birds capable of perching. Waterfowl and seabirds will have different “perch” requirements. Perches and all surface substrates (including those on floors and perches) should be customized to the appropriate size and material for the species using them. Appropriate size and substrate will vary with the natural history of the species (e.g., limb-perchers vs. ledge perchers) and should be designed with the goal of minimizing foot damage. Outdoor caging should contain some sort of nest box for cavity nesters or sheltered area for other birds. Nest boxes and shelters provide a natural space that reduces stress and enhances security.

4.2 Housing for Songbirds

4.2.1 General Songbird Housing Considerations

The songbird (passerine or perching) group of birds includes a large number of individual species with wide ranges in size, behavior, habitat, foraging techniques, food items, and subsequent rehabilitation requirements. These requirements must be understood and addressed to ensure successful rehabilitation and eventual release of healthy, well-adapted individuals that are prepared for survival in the wild.

Understanding the natural history of any species in rehabilitation is necessary when considering caging arrangements. Songbirds have many natural predators such as hawks, owls, other birds, snakes and small mammals, as well as domestic animals associated with man (cats and dogs). Care should be taken to reduce exposure of these birds to potential predators, thereby reducing stress and/or potential injury. While some species may be housed together within this group, especially when young, some species such as jays and crows are predators of other species. Songbirds which are seed-eaters or omnivores have characteristic heavy beaks with the capacity to harm birds with much smaller insectivorous beaks. Certain other species, such as tufted titmice and vireos, can be aggressive towards other birds, including their own species.

The requirements for pre-release conditioning (unlimited activity) caging vary greatly among songbird species. White-breasted nuthatches, bushtits and titmice generally fly straight from their nests, requiring very little pre-fledge training. Larger birds, such as robins, mockingbirds and jays, leave the nest early, and spend a lot of time on the ground while developing flight feathers. During this time, the fledglings follow the adults and learn appropriate survival behaviors. Larger songbirds require exercise and practice to fly well so a larger aviary is recommended to house these species.

4.2.2 Construction Materials

External wire on outdoor caging for songbirds should be ½" x ½" galvanized hardware cloth. The use of chicken wire or chain-link is not recommended, as the large openings allow predator entry or accidental escape of cage inhabitants if the interior lining becomes torn or

loosened. Interior walls should be lined with screening or a very fine-meshed netting, such as shade-cloth. Mesh size is important, as large mesh may allow songbirds to catch toenails or even toes in the netting. Fiberglass screening is acceptable for most songbirds, but will not withstand the pecking behavior of titmice, jays, woodpeckers, and some other species. Wire screening has been used successfully without causing damage to feathers.

Selection of surface material depends on the natural history of the species being housed. No wood surfaces should be exposed in cages for Piciformes, as they will destroy these surfaces. Interior surfaces may be lined with metal or plastic siding, and may prevent the birds from climbing (thereby preventing feather damage). PVC pipe, reinforced with rebar inside, makes effective, indestructible cage framing and perches for larger woodpeckers.

Floors of both indoor and outdoor cages should be composed of or covered with appropriate substances to prevent slipping (splay leg) and/or bumblefoot. Suitable substrates to improve footing include, but are not limited to, newspaper, towels, paper toweling, foamy plastic shelf liner, sand, Astroturf™, and parasite-free dried pine needles. [Note: dried pine needles are not appropriate for ground-foraging birds such as doves, as crop rupture has been noted when these birds ingest the pine needles.]

4.2.3 Furnishings

Understanding the natural history of the species being rehabilitated, and then adapting the aviary accordingly for that species, can give the bird(s) a great advantage when released. Woodpeckers do well when raised with hollow logs for a nest; bushtits, on the other hand, are raised very well when they have a hanging sock for a nest and food is provided for them to find on tree branches and leaves throughout their aviary. Cavity dwellers/nesters should be provided with some sort of hide box or cavity-type container. Aviaries that are furnished with natural plantings help reduce stress and provide the birds with natural shading, perching, hiding, and foraging opportunities.

Table 3: Minimum Housing Guidelines for Songbirds & Misc. Avian Orders

Note: This table is not intended to be used independently; it should be used only in conjunction with the information in Chapter 4, Sections 4.1 and 4.2

<u>Order</u>	<u>Length of Bird</u>	<u>Restricted Activity</u> (WxLxH)	<u>Limited Activity</u> (WxLxH)	<u>Unlimited Activity</u> (WxLxH)	<u>Max#</u>	<u>Codes</u>
Columbiformes (Pigeons, Doves)	>9"	12"x12"x12"	12"x12"x12"	16'x8'x8'	8 12	P, Pi, Q
Cuculiformes (Cuckoos)	<12" >12"	18"x18"x18" 24"x24"x24"	24"x24"x24" 36"x36"x36"	8'x8'x8' 16'x8'x8'	4-6 4-6	P, Q P, Q
Caprimulgiformes (Nighthawks, Goatsuckers)	~9"	12"x12"x12"	12"x24"x12"	8'x16'x8'	6	C, P
Apodiformes						
Apodidae (Swifts)	<9"	12"x12"x12"	12"x12"x12"	8'x16'x8'	15-20	B, Ch
Trochilidae (Hummingbirds)	<5"	7"x11"x5"	12"x17"x7"	2'x4'x6'	4	P, Z
Coraciiformes (Kingfishers)	<9"	12"x12"x12"	18"x18"x18"	8'x16'x8'	4	C, F, Pi, S
Piciformes (Woodpeckers)	<9" >9"	12"x12"x12" 18"x18"x18"	18"x18"x18" 24"x24"x24"	4'x8'x8' 8'x16'x8'	2-4 2-4	C, D, H, W C, D, H, W
Passeriformes						
(Perching & Songbirds, Swallows)	<5" >5"	7"x11"x5" 12"x12"x12"	12"x17"x7" 18"x18"x18"	2'x4'x4' 4'x8'x8'	4 4-6	H, P, Z H, P, Z, W
Corvidae (Crows, Ravens & Magpies)	<17" >17"	14"x18"x18" 16"x22"x22"	24"x18"x24" 24"x24"x24"	8'x16'x8' 10'x30'x15'	6 6	P P
Galliformes (Quail, Pheasants)	<20" >20"	2'x2'x2' 3'x3'x3'	3'x3'x3' 4'x4'x8'	4'x4'x8' 8'x12'x8'	4 4	H H

(WxLxH) = Listed in order: Width x Length x Height

~ = approximately

< = less than

> = greater than

" = inches

' = feet

Max# = Maximum recommended number of conspecifics housed in "Unlimited Activity" enclosure; actual number will vary with season, age and temperament of the individual birds.

Codes for Special Housing Requirements Used in Table 3, Songbirds & Misc.

- B Special vertical surfaces needed for swifts. Temporary confinement and recovery housing must be lined on all sides with a snag-free fabric or other material with enough texture for the birds to cling vertically. Two or more walls of the conditioning housing must be constructed of or covered with a roughly-textured material such as cork, rough-textured siding or fiberglass window screening.
- C Birds such as woodpeckers and nuthatches require angled and/or vertical logs for climbing, and hollow logs for hiding/nesting. These logs also help to maintain beak and foot health, and allow the birds foraging experience as they hunt for ants, grubs, etc. Birds such as kingfishers and nighthawks require large, horizontally level, elevated logs for perching.
- Ch A waist-high “artificial chimney” should be located in the center of the outdoor housing as a feeding station or roost; suggestions for construction may be found in Kyle, P. and G. Kyle, 1995.
- D Birds with this designation require old logs, etc., as drumming materials.
- F Special substrate needed. These species are susceptible to foot problems. Depending on the species, padded flooring, towels, linens/sheeting, carpets, natural kitty litter (no additives), or sand may be used.
- H Hides; provide natural vegetative material or human-devised areas for cover. (All birds will benefit from an area of cover.)
- P Requires two or more perches of varied diameter; materials may be natural branches, hemp or sisal rope from ¼" to ¾" diameter, dowel rods covered with self-adhering wrap (such as Vetrap™ 3M, St. Paul, MN), or other suitable substances (such as rubber drawer-liners). Varied substrates, diameters and locations allow the bird choices and minimize captivity-related foot problems.
- Pi Piling or shelves required for perching; these should be covered with Astroturf™ or other suitable material to provide good footing and prevent bumblefoot lesions.
- Q Quiet and extreme privacy required (very prone to stress).
- S Bathing area required; “kiddie pool” size.
- W Large pan with soil, leaves, grass and/or wood chips containing live worms, grubs, mealworms and/or insects to allow the birds to forage on their own. May not be required for all species in the orders listed - check natural history requirements.
- Z Although larger conditioning cage sizes may be preferred, great care must be taken to seal off small openings or cracks that can act as traps.

4.3 Housing for Waterbirds

4.3.1 General Waterbird Housing Considerations

Waterbirds, as the name implies, are those birds that spend much of their time in, on or around the water. These birds all require some sort of pool in their outdoor (unlimited activity) caging. The size of the pool varies greatly from species to species and with the individual injury. The natural feeding, drinking, and bathing behavior of each species should be considered in the design of the pool, including depth of the water for swimming, bathing, and drinking. For example, sandhill cranes dip and scoop to drink water, so this species requires a water bowl with a minimum diameter of 12" and a minimum depth of 5".

The cage sizes recommended in this manual are minimums. Every bird would benefit from as large a flight area as possible and the rehabilitator is encouraged to construct larger cages whenever reasonable. The recommendations throughout the *Minimum Standards* have been tried by experienced rehabilitators and shown to be the minimums acceptable for safe and effective rehabilitation of the species indicated. Remember that large cages intended for animals with greater space requirements can be designed to be subdivided or furnished for other species when needed.

4.3.2 Construction Materials

Construction materials for aquatic birds are similar to those required for most other avian species. All materials should be easy to clean and disinfect. Use materials that are impervious to water or that can be sealed to become impervious. Materials utilized for walls should provide visual barriers, minimize chances of injury, provide adequate ventilation, and protect against predators and domestic animals. Pool materials include galvanized metals, plastics, fiberglass, cement and natural ponds. Any sharp or abrasive areas should be covered to prevent injury and substrates should be appropriate to prevent injuries to feet, e.g., matting, on flat surfaces such as cement, wood or fiberglass.

Most waterbirds spend the majority of their time in or near large bodies of water and are conditioned to seeing open sky overhead; thus, the majority of the roof on an outdoor cage should be open, allowing for a clear view of the sky. Netting works well for this application, and will prevent injury from collisions if the birds fly upwards. This type of construction is psychologically beneficial to the birds, and it encourages them to exercise.

Many of these birds are colonial foragers and nesters. Group housing for species that are colonial waterbirds may reduce stress while in captivity. A precise knowledge of the species' natural history will help in determining if the birds in rehabilitation are too territorial for group housing, or what the optimum number of individuals might be for any given enclosure dimensions.

4.3.3 Furnishings

Some factors in successful habitat construction are species-specific:

- Frigatebirds have some unique problems worth considering when housing them for rehabilitation. Their tail and primary feathers are long and fragile, requiring that they have tall

pens and perches that will keep their tails off the floor. In addition, although frigatebirds naturally feed and drink on the wing, if they land on the water, they are unable to take off and will drown. For this reason, pools should not be used in their cages, and long flight cages are needed for sufficient exercise.

- Gannets, loons and other diving species require deep pools and often will not even enter a shallow pool such as a kiddie pool. Rocks or short pilings for perches are required for gannets and some other divers, but should never be used for loons and grebes as these types of perches are too high and would cause keel damage if used. If waterproof, loons and grebes will remain in the water rather than perch; if not waterproof, netted floats or padded haul-out areas should be provided for these species.
- Cranes require tall cages to prevent head trauma as they tend to jump rapidly upwards. Some cranes bathe regularly, requiring pools up to 10" in depth. Because they are wading birds, the depth should be graduated.
- Terns and Oystercatchers will fly over and feed off of water, but they do not float or bathe in deep water. These species benefit from graduated pools, with the depth proportionate to their size (e.g., shallower for smaller terns).

Table 4: Minimum Housing Guidelines for Waterbirds

Note: This table is not intended to be used independently; it should be used only in conjunction with the information in Chapter 4, Sections 4.1 and 4.3

<u>Order</u>	<u>Restricted Activity</u> (WxLxH)	<u>Limited Activity</u> (WxLxH)	<u>Unlimited Activity</u> (WxLxH)	<u>Codes</u>
Gaviiformes				
Loons	15"x30"x30"	3' x 3' x 3'	Pool: 8' diam, 2' deep 2 birds maximum	N, PT, PP, SO
Podicipediformes				
Small grebes (Eared, Horned & Pied-billed)	12"x12"x12"	18" x 18" x 18"	Pool: 6' diam, 2' deep 4 birds maximum	N, H, PT, PP, SO
Large grebes (Western, Clark's & Red-necked)	18"x18"x18"	2' x 2' x 2'	Pool: 6' diam, 2' deep 4 birds maximum	N, PT, PP, SO
Procellariiformes				
Storm-petrels	12"x12"x12"	18" x 18"x 18"	Pool: 45" diam, 8" deep 5 birds maximum	N, PT, PP, SO, AG
Large petrels, Fulmar & Shearwaters	18"x18"x18"	3' x 3' x 2'	Pool: 6' diam, 12" deep 2 birds maximum	N, PT, PP, SO, AG
Albatrosses	3' x 3' x 3'	4' x 6' x 4'	Pool: 10' diam, 18" deep 2 birds maximum	N, PT, PP, SO, AG
Pelecaniformes				
Pelicans (Brown)	3' x 3' x 3'	4' x 8' x 4'	Aviary with Pool: Aviary: 12' x 30' x 10' Pool: 10' diam, 2' deep 6 birds maximum	PT, AP, SO
Pelicans (White)	4' x 4' x 4'	4' x 8' x 4'	Aviary with Pool: Aviary: 12' x 30' x 10' Pool: 10' diam, 2' deep 4 birds maximum	PT, AP, SO
Gannets, Boobies, Cormorants, Anhinga, Frigatebirds & Tropicbirds	3' x 6' x 3'	4' x 8' x 4'	Aviary with Pool: Aviary: 8' x 16' x 8' Pool: 8' diam, 2' deep 6 birds maximum	PT, AP, SO, ST

<u>Order</u>	<u>Restricted Activity</u> (WxLxH)	<u>Limited Activity</u> (WxLxH)	<u>Unlimited Activity</u> (WxLxH)	<u>Codes</u>
Ciconiiformes Bitterns, Herons & Egrets * < 20"	18" x 18" x 18"	2' x 2' x 2'	Aviary with wading pool: Aviary: 4' x 12' x 8' Pool: 2-3' diam, 6-10" deep 2 birds maximum	AW, AG
Bitterns, Herons, Egrets, Storks, Ibis & Spoonbill * > 20"	3' x 3' x 3'	4' x 8' x 4'	Aviary with wading pool: Aviary: 10' x 25' x 10' Pool: 2-3' diam, 6-10" deep 4 birds maximum	AW
Anseriformes Swans	4' x 4' x 4'	4' x 8' x 4'	Aviary with wading pool: Aviary: 12' x 20' x 8' Pool: 8' diam, 2' deep 3 birds maximum	PT, AP
Geese	3' x 3' x 3'	4' x 6' x 4'	Aviary with wading pool: Aviary: 10' x 18' x 8' Pool: 6' diam, 2' deep 6 birds maximum	PT, AP
** Marsh Ducks & Whistling Ducks (dabblers)	18" x 18" x 12"	2' x 2' x 2'	Aviary with wading pool: Aviary: 6' x 10' x 8' Pool: 45" diam, 8" deep 3 birds maximum (up to 5 teal)	ON, PT, AP
² Bay Ducks, ³ Sea Ducks & Mergansers (divers)	18" x 18" x 12"	2' x 2' x 2'	Pool: 6' diam, 2' deep 2 birds maximum (up to 4 buffleheads)	N, PT, PP, SO
Gruiformes Cranes	3' x 3' x 4'	4' x 8' x 8'	Aviary with Wading Pool Aviary: 10' x 25' x 10' Pool: 4' diam, 4-10" deep 4 birds maximum	AW
Rails * < 10"	12" x 12" x 12"	18" x 18" x 18"	Aviary with Wading Pool Aviary: 4' x 6' x 6' Pool: 3' diam, 3-5" deep 4 birds maximum	H, AW, FP

<u>Order</u>	<u>Restricted Activity</u> (WxLxH)	<u>Limited Activity</u> (WxLxH)	<u>Unlimited Activity</u> (WxLxH)	<u>Codes</u>
Rails, Gallinules & Coots * > 10"	18" x 18" x 18"	2' x 2' x 2'	Aviary with Wading Pool Aviary: 4' x 8' x 8' Pool: 45" diam, 8" deep 3 birds maximum	H, AW, FP
Charadriiformes				
Phalaropes	12"x12"x12"	18"x18"x18"	Aviary with SMALL land area (ledge) Pool: 45" diam, 6-8" deep 5 birds maximum	FP, PT, PP, SO
Sandpipers, Plovers & Shorebirds * < 10" (excluding Phalaropes)	12"x12"x12"	18" x18"x18"	Aviary with Wading Pool Aviary: 4' x 6' x 6' Pool: 3' diam, 1-3" deep 6 birds maximum	AW, FP
Sandpipers, Shorebirds & Avocets * > 10"	12"x18"x18"	2'x2'x18"	Aviary with Wading Pool Aviary: 4' x 8' x 8' Pool: 3' diam, 3-5" deep 6 birds maximum	AW, FP
Gulls & Terns * < 14"	12"x15"x18"	18" x18"x18"	Aviary with Pool Aviary: 6' x 12' x 8' Pool: 45" diam, 10" deep 6 birds maximum	PT, AP, SO
Gulls, Terns, Skimmers, Oystercatchers, Jaegers & Skuas * > 14"	18"x18"x18"	2'x2'x2'	Aviary with Pool Aviary: 8' x 16' x 8' Pool: 45" diam, 12" deep 4 birds maximum	NO, PT, AP, SO
Auks (Alcids) * < 12"	12"x12"x12"	18"x18"x18"	Pool: 6' diam, 2' deep 4 birds maximum	N, PT, PP, SO
Auks (Alcids) * > 12"	12"x18"x18"	2'x2'x2'	Pool: 6' diam, 2' deep 4 birds maximum	N, PT, PP, SO

(WxLxH) = Listed in order: Width x Length x Height
diam = diameter

* This measurement represents the length of bird from tip of beak to tip of tail with neck fully extended

** These include: black, gadwall, mallard, pintail, wigeon, wood, shoveler, teal

☞ These include: scoters, eiders, harlequin, oldsquaw

☞ These include: canvasback, redhead, ring-necked, scaups, goldeneyes, bufflehead, ruddy

Codes for Special Housing Requirements Used in Table 4, Waterbirds

- AG Note that these birds can be extremely aggressive, even with conspecifics. Use caution and observe the birds' interactions when introduced, before housing together unattended.
- AP These birds require pre-release conditioning (unlimited activity) aviaries that contain pools to swim in and standing/perching surfaces.
- AW These birds require pre-release conditioning (unlimited activity) aviaries that contain shallow wading pools and a variety of perches, especially up high.
- FP These birds have very sensitive feet. Provide as much wading area (in addition to "swimming" pool) as possible in Limited and Unlimited Activity housing to help prevent husbandry injuries.
- H Hides; provide natural vegetative material or human-devised areas for cover.
- N Should be housed on tightly stretched, suspended netting as a substrate whenever bird is not in water.
- ON When an individual of these species is housed inside and is emaciated (pronounced keel) or not standing, it should be housed on net bottom caging to protect feathers and keel until standing normally and of normal weight. Otherwise, when standing normally and keel is not extremely pronounced, housing substrate is solid and covered with toweling or matting.
- PP These species, during pre-release conditioning, require only pool space. Prior to release, individuals must be able to stay in pool full time, without a haul-out area for a minimum of 48 hours without compromise to their waterproofing.
- PT During recovery, bird should be allowed pool time as long and as often as medical condition allows (minimum kiddie pool size). This may include cold or warm water pools as appropriate for individuals.
- SO Surface overflow of pool required to maintain water quality (this can be achieved by constantly running a hose or by overflowing pool, filtering and recirculating water).
- ST As soon as they are standing, these stiff-tail-feathered birds should have a stump or stump-like perch to avoid breakage and soiling.

4.4 Housing for Raptors

4.4.1 General Raptor Housing Considerations

Sizing for raptor housing is based on a combination of the size and flight styles of the bird. While the cage information states a minimum rectangular size (Table 5), it has been found that an L-shaped enclosure will often be better to evaluate flight and angling abilities. As with other caging, the rehabilitator is encouraged to expand and enhance these minimum requirements, and create caging most suitable to their location, facility, caseload, and experience, keeping in mind the natural behavioral and physical needs of the birds.

The needs of raptors present several challenges to achieve successful release. Generally, these birds are large predators that hunt on the wing. Appropriate conditioning is crucial not only for foraging, but for territory defense and other behaviors. Thus, it is strongly recommended that the cage dimensions listed be followed or increased. Certain species, such as the bird-catching peregrine falcon, may require additional care. Hacking for nestlings, falconry exercise for better evaluation after injury, hunt training and conditioning may be necessary for some species. Creance flying may be used for evaluation and conditioning. Hunt training or live prey testing should be arranged when hunting ability is questionable, except for those birds hacked out or fostered into nests. Creance flying should not take the place of hunt training. Guidelines found in "Reconditioning Raptors: A Training Manual For The Creance Technique" (Arent, L., University of Minnesota Raptor Center, 2000) are recommended.

Rehabilitators using a flight cage, creance flying, or evaluating a patient's progress throughout its exercise program, should apprentice under an experienced rehabilitator or falconer. A minimum of six months is recommended for apprenticeship; also recommended is attendance at a skills seminar on the proper use of each technique and methods for evaluating flight parameters. The wildlife rehabilitator should be aware that not all falconers will be able to provide useful instruction in the use of creance flying, as it is used very differently in rehabilitation than in falconry. Even if creance flying is being used, it is strongly recommended that conditioning cages of the referenced size either be used on-site or be found through networking with other rehabilitators or rehabilitation facilities. Raptors in stages immediately prior to release often need more exercise than can be provided on a creance. Movements up to perches, down to feed or water, or across to another perch also provide important exercise.

4.4.2 Construction Materials

Outdoor raptor facilities are most commonly constructed of wooden slats and/or solid sheets of wood. Chain link has been used successfully as roofing material, and can be used as an outer wall (outside of vertical barring) as a predator double wall. Other wire should only be used as a double wall outside of vertical slats; no wire should be used on walls where the bird might be able to cling or climb.

High stress raptors such as kites and accipiters should be housed in facilities adequate to the climate and that eliminate or minimize visual and auditory stress. Solid-sided walls and/or vertical slats with no more than one-inch gaps may be advisable. When secluded cages are not available, or when additional visual occlusion is necessary, translucent material (e.g., bed linens/sheets) may be hung on the outside of the slatted cage. These materials allow some

light to enter the enclosure, and slits or holes in the material allow for better ventilation than solid-sided cages.

4.4.3 Furnishings

Raptors require furnishings that are exceptionally sturdy and easily cleaned. All perching substrates must be chosen carefully based on the natural history and size of the species as well as the climate of the area (e.g., hemp or sisal rope rots very quickly in humid environments). Natural limbs (with bark), bow, block, and ring perches are appropriate for certain species of raptors. At least two perches should be placed in each cage, preferably at different heights and different angles. More than one surface substrate should be offered on the perches in each cage. Perches can be wood doweling or plastic piping (or the equivalent) covered by ¼-inch-pile AstroTurf™, hemp, cocomat, or indoor/outdoor carpeting. Perches should have some degree of “give” for landings. Platforms, such as those used for peregrines, can be covered with ½-inch-pile AstroTurf™, cocomat, or indoor/outdoor carpeting.

As for all animals in rehabilitation, adequate drinking water must be provided. Provide drinking/bathing water in unlimited activity flight enclosures or even in all cages if appropriate for the bird's medical condition (e.g., a bird with foot wraps or a wing-wrap should not have a bathing/water pan in any cage). Birds without access to drinking water should receive additional water injected into their food. Drinking water, when available, should be easily accessible to minimize disturbance. Pools must be a minimum of 2-6 inches deep and wider than the length of the raptor.

Table 5: Minimum Housing Guidelines for Raptors

Note: This table is not intended to be used independently; it should be used only in conjunction with the information in Chapter 4, Sections 4.1 and 4.4

<u>Species*</u>	<u>Restricted Activity</u> (WxLxH)	<u>Limited Activity</u> (WxLxH)	<u>Unlimited Activity</u> (WxLxH)
BOOW, BUOW, EASO, ELOW, FEPO, FLOW, NOPO, NSWO, PRSO, WESO, WHSO	12" x 17" x 16"	3' x 6' x 8'	8' x 8' x 8'
AMKE, APFA, EUKE, GRHA, HBKI, MERL, MIKI, **NOHO, NHOW, ROHA, SNKI, SSHA, STHA, WTKI	16" x 23" x 19"	6' x 6' x 8'	8' x 16' x 8'
BNOW, BWHA, COHA, HWWA, LEOW, RSHA, SEOW	16" x 27" x 22"	6' x 8' x 8'	10' x 30' x 12'
BDOW, CBCA, CRCA, GHOW, HRLH, HRSH, NOGO, NOHA, RLHA, RTHA, SPOW, STKI, SWHA, WTHA, ZTHA	16" x 27" x 22"	6' x 8' x 8'	10' x 50' x 12'
BAEA, BLVU, FEHA, GGOW, GOEA, GYFA, OSPR, PEFA, PRFA, **SEEA, SNOW, TUVU **WTEA	3' x 3' x 3'	8' x 10' x 8'	20' x 100' x 16'

(WxLxH) = Listed in order: Width x Length x Height

*Most species are listed using the four letter AOU code (American Ornithologists' Union) defined on page 39

**Indicates that the codes used for these species are not official AOU codes

Codes for Table 5, Raptors

Accipiters

COHA - Cooper's Hawk
NOGO - Northern Goshawk
SSHA - Sharp-shinned hawk

Medium Buteos

BWHA - Broad-winged Hawk
GRHA - Gray Hawk
ROHA - Roadside Hawk
STHA - Short-tailed Hawk

Large Buteos

CBHA - Common Black Hawk
FEHA - Ferruginous Hawk
HRLH - Harlan's Hawk
HRSB - Harris' Hawk
HWHA - Hawaiian Hawk
RSHA - Red-shouldered Hawk
RTHA - Red-tailed Hawk
RLHA - Rough-legged Hawk
SWHA - Swainson's Hawk
WTHA - White-tailed Hawk
ZTHA - Zone-tailed Hawk

Eagles

BAEA - Bald Eagle
GOEA - Golden Eagle
**WTEA - White-tailed Eagle
**SSEA - Steller's Sea Eagle

Small Falcons

AMKE - American Kestrel
EUKA - Eurasian Kestrel
**NOHO - Northern Hobby
MERL - Merlin

Medium Falcons

APFA - Aplomado Falcon
PEFA - Peregrine Falcon
PRFA - Prairie Falcon

Large Falcons

CRCA - Crested Caracara
GYFA - Gyrfalcon

Harriers

NOHA - Northern Harrier

Kites

HBKI - Hook-billed Kite
MIKI - Mississippi Kite
SNKI - Snail Kite
STKI - Swallow-tailed Kite
WTKI - White-tailed/Black-shouldered Kite

Osprey

OSPR - Osprey

Vultures

BLVU - Black Vulture
TUVU - Turkey Vulture

Small Owls

BOOW - Boreal Owl
BUOW - Burrowing Owl
EASO - Eastern Screech Owl
ELOW - Elf Owl
FEPO - Ferruginous Pygmy Owl
FLOW - Flammulated Owl
NOPO - Northern Pygmy Owl
NSWO - Northern Saw-whet Owl
PRSO - Puerto Rican Screech Owl
WESO - Western Screech Owl
WHSO - Whiskered Screech Owl

Medium Owls

BNOW - Barn Owl
LEOW - Long-eared Owl
NHOW - Northern Hawk Owl
SEOW - Short-eared Owl

Large Owls

BDOW - Barred Owl
GGOW - Great Gray Owl
GHOW - Great Horned owl
SNOW - Snowy Owl
SPOW - Spotted Owl

Chapter 5 - MAMMAL HOUSING REQUIREMENTS

5.1 Overview

General guides for mammal housing are difficult to define due to the variation in size, temperament, and life history in mammals. Obviously, a “one-size- or style-fits-all” approach fails when you are housing mammals from bats to bears. Some principles do apply to all mammal housing, however. For example, double door or similar construction is effective in preventing escapes. Wooden cage framing material should be placed on the outside of the enclosure with suitable wall material such as wire, wood, or netting on the inside surface. Visual barriers between cages and between humans and cages provide stress relief to all animal patients. Pre-release cages should be isolated and placed in an area similar to release habitat, if possible.

Most small mammals under four weeks of age can be housed in incubators or aquaria. Screen lids with a heavy object placed on top prevent escapes. Heating pads or hot water bottles, suitably insulated, should be used to provide heat. A source of humidity and cloth or other suitable materials for nesting areas should be provided. A rolled sock or toy stuffed animal of appropriate size, with all movable parts removed, can provide security for infants, especially single animals. Juveniles of the same species can usually be housed together if they are no more than one week apart in age, with appropriate increases in housing size.

5.2 Special Considerations for Selected Mammals

Since most small mammal young can be housed in the same general manner described above, this section addresses the special housing needs for juvenile and adult mammals (except where noted otherwise). Please refer to Table 6 for specifics regarding cage size.

The order in which the groups of mammals appear below and in Table 6 is based on the standard scientific “evolutionary order” as presented in *A Field Guide to the Mammals of America North of Mexico* (see Appendix B, Burt/Grossenheider).

Marsupialia (Opossums):

Hammocks made of one-inch square wire mesh or from burlap sacks, attached to wall or roof (and removable for cleaning); tree limbs and logs at various heights to promote climbing. Plastic barrels for hiding or other things to hide in (logs, boxes, etc.). Large (ferret-sized) exercise wheels may be used to keep young opossums active.

Chiroptera (Bats):

For bats under rehabilitation, many different considerations are important to proper enclosure construction. Security is of top concern regardless of cage size. For example, most bats can easily escape through a 1/2" x 1" crack. Two different types of caging are necessary to accommodate the differences in the roosting behavior of crevice-dwelling and foliage-roosting bats. Crevice-dwelling bats (free-tailed bats, pallid bats, big browns, Myotis bats, evening bats, big-eared bats and pipistrelles) roost in rock crevices, hollow trees, under bridges, beneath bark and in caves and buildings. Foliage-roosting bats (red bats, Seminole bats, yellow bats and hoary bats) roost in the open in trees and other vegetation.

Appropriate temperatures for adult bats receiving rehabilitation and infant bats being hand-raised are very important considerations. These temperatures are generally between 90°F - 100°F. A heating pad, set to low, can be attached to one side of the cage to create a temperature gradient. Do not place heating pads on the floor of the container. A bird brooder or a 25-watt red light bulb may be used instead of a heating pad. Place the brooder or light at the top of the cage on the outside. Incubators are inappropriate for bats, as a temperature gradient is needed rather than a constant temperature. Humidity should be provided by use of a humidifier or by keeping a small, damp sponge inside the cage. Padding should be placed on the floor of the cage to protect injured adults and/or infant bats. Soft fabric allows the bat(s) to climb and hide. Terrycloth is inappropriate due to risk of entanglement.

Caging for crevice-dwelling bats (restricted/limited activity):

All walls and floor of an aquarium or plastic cage should be lined with a soft, snag-resistant fabric such as t-shirt or flannel material. Environmental enrichment can include items made from fabric such as roosting pouches, or ramps and bridges made from plastic mesh craft sheets.

Caging for foliage-roosting bats (restricted/limited activity):

Foliage-roosting bats should be housed in a frame cage. The cage should be covered with soft, lightweight 1/6" plastic mesh to avoid toe and foot injuries. Environmental enrichment should be provided by securely attaching small branches with silk leaves against the ceiling of the cage.

Unlimited activity/mobility flight cages:

Outdoor flight cages should be double enclosed or have a double entry system similar to aviaries. An 8'x8'x10' screened tent with an extra door flap works well for outdoor housing if the area is secure from predators. If a double enclosure is used, the inside cage should be constructed of a frame covered with soft, lightweight 1/6" plastic mesh, netting or nylon screening. One side can be covered with 1/4" plastic mesh to allow insects to enter the enclosure. The outside of the enclosure should be covered with sturdy 1/4"-1/2" metal screening (hardware cloth or hail wire) to protect from predators.

Roosting pouches or boxes should be placed inside flight cages along the ceiling for crevice-dwelling bats. Small branches with silk leaves should be secured along the ceiling for foliage-roosting bats. Hanging plants also work well for shelter and resting areas. A tarp should be placed over a section of the cage to shade the roosting area and to provide shelter against inclement weather.

Water dishes should be small and can be made from baby food jar lids that are placed on the cage floor or film canisters that are cut to one inch high and hung on cage walls (Velcro™ works well to attach these canisters). Small cups can be hung from the sides of the cage for foliage roosting bats; however, marbles or small stones should be placed inside the cup to prevent the bat from falling in and drowning. Food dishes should be placed against cage walls and should be shallow enough to allow bats that self-feed to easily climb in and out, but deep enough to prevent mealworms from escaping. For certain species, such as western pallid bats, food and water should be provided on the ground. Internal light sources used to attract insects should have covered bulbs (plastic, not metal) to prevent bats from having contact with hot light fixtures.

Environmental enrichment should be included in all caging to provide mental stimulation. Items that are placed into cages to provide diversity should be free of sharp surfaces, easily cleaned and appropriate for the species.

Transport cages for bats:

Transport carriers should be ventilated, well padded and covered so they protect and provide a sense of security for the bat inside. They should also be constructed so that they can be secured inside a vehicle with a seat belt. For example, a screen window can be sewn or glued into a cloth compact-disk carrier (with the plastic insert removed). A seat belt can then be slipped through the handle to secure the carrier during transport.

Ursids (Bears):

Den should be made of solid wood, concrete blocks or bricks, 8'x8'x6'. This will house one adult or two juveniles. Flooring substrate should be natural (dirt and grass) in order to avoid damage to the foot pads. Heavy logs and a large indestructible tub for bathing are also necessary.

Procyonids (Raccoons):

Special cage furnishings for this group include hammocks made of one-inch square wire mesh or from burlap sacks, attached to walls or the roof that are removable for cleaning, and plastic barrels or other things in which to hide (e.g., logs). Additionally, tree limbs and logs at various heights to promote climbing should be in enclosures. A wading pool or container applicable to the animal's size should be provided to allow bathing and food handling. Outdoor enclosures should allow 30 square feet per animal when raccoons are group housed. An enclosure which is 12'x18' (216 square feet) could house seven raccoons, and an enclosure which is 40'x20' (800 square feet) could house 26 raccoons. Cages used for raccoons should not be used for other species due to possible parasitic infection.

Mustelids (Badgers, Weasels, Skunks, etc.):

This group contains ambitious diggers. The bottom of the cage must be secured so that the animal cannot dig out. A metal garbage can turned on its side and lined with tree trimmings or shavings can be used as a den. A large wooden box with at least a three-foot depth of pesticide-free soil should be provided for digging.

Felids (Cats):

Large branches and logs (some hollow) should be provided for climbing, along with high platforms for resting above the cage floor. Other furnishings are plastic barrels or other things to hide in (logs, boxes, etc.).

Marine Mammals:

Shall be housed in accordance with Animal and Plant Health Inspection Service (APHIS) Standards. (see Appendix B)

Rodentia (Mice, Rats, Squirrels, etc.):

Generalizations are difficult to make for such a large and diverse group, so refer to the natural history of the species undergoing rehabilitation for a better understanding of appropriate habitat requirements. Placing a heavy object on top of the lid of indoor caging prevents escapes. Paper towel rolls can be used as hiding places. Many small rodents require sand for burrowing and some species may utilize dirt for burying food, dust baths, or other

behavioral activities. Burrowing can be a very important behavior in this group. Plant material and soil are important habitat requirements for many small mammals.

Outdoor caging should be made of material such as hardware cloth to prevent escape. Dirt or sand floors should have hardware cloth or plywood buried along the interior sides of the cage, approximately 12" below the surface to prevent escape. Roofing may be constructed of hardware cloth stapled to wood slats using heavy staples. Branches for gnawing should be included for juveniles five weeks of age and older. Gnawing curbs tooth growth and is essential; bark on any branches or logs must be edible. Tree squirrels and other climbers require vertical height more than horizontal space. Branches, nestboxes, and/or platforms should be provided for climbing enhancements.

Semi-aquatic Mammals (Muskrats, River Otters, Nutria, Beavers):

This group has obvious special needs. Animals must have water containers that are large enough to swim in and are at least two feet deep. Examples include bathtubs, metal troughs, metal or concrete pools (plastic kiddie pools are not deep enough and will be destroyed by the animal). Deep, heavy rubber pans work well for water containers in inside housing. Containers of soil at least one foot deep should be provided for digging, with plastic barrels or other things to hide in (logs, boxes, etc.) that are attached to the wall of the cage.

Lagomorpha (Rabbits, Hares, Pikas):

Special construction materials are needed for this group. Avoid using wood in cage construction as these animals will chew through the wood. Avoid using chain link, wire mesh, or hardware cloth as the sole materials in construction of cage walls; these animals do not have good depth perception and will not "see" the fencing. "Sight barriers" at the height of the adult animal's ears (12"-24") made of shade cloth or mesh screening may be used to line the exterior. Do not place cloth or screening on the interior as animals will chew this material. Indoor housing must also be covered to provide visual barriers as a means of reducing stress. If raised, above-ground enclosures are used, the bottom should be constructed of 1/4-inch mesh for drainage, and covered with hay to prevent foot trauma. No protruding objects should be present along the interior surface of cage walls as these animals will usually run the perimeter of their enclosure.

All enclosures should contain a freestanding shelter, facing away from the entrance. Branches or logs with edible bark for gnawing to curb tooth growth should be readily available. Rabbits will need soft earth or mounds of hay to burrow into. Natural desert shrubs or bales of hay can be used to provide shade and shelter for jackrabbits as they do not burrow. Jackrabbits grow rapidly in size and strength, requiring large caging by six weeks of age, although they do not wean until 8-12 weeks of age.

Artiodactyla (Hoofed Animals):

Outdoor enclosures are most appropriate when constructed of wood; however, if chain link is used for the walls, drapes must be hung over the inside of the chain link to avoid injury to the animal and to keep it from climbing out (i.e., blankets or tarps tied securely). Circular enclosures work well as animals will be encouraged to run along walls rather than run into a corner and injure themselves. General practice is to take deer and pronghorn directly from injured adult caging to release in an effort to prevent cage trauma. Bighorn sheep jump high while pronghorn will jump long distances but not as high.

Table 6: Minimum Housing Guidelines for Selected Mammals

Note: This table is not intended to be used independently; it should be used only in conjunction with the information in Chapter 5, Sections 5.1 and 5.2

<u>Order/ Family</u>	<u>Infant Care</u> (WxLxH)	<u>Nursing/ Pre-weaned</u> (WxLxH)	<u>Juvenile or Adult Outside</u> (WxLxH)	<u>Initial Injured Adult Inside</u> (WxLxH)
Marsupialia				
Opossum	(L) 10GAL.	(L) 3x3x3	(1) 4x4x8	(1) 2x2x2
Insectivora				
Shrews & Moles	10 GAL / 1 adult or 1 litter			
Chiroptera (Bats)				
Little Browns & Pipistrelles	18"x12"x12"	18"x12"x12"		18"x12"x12"
Evening, Red, Myotis			6x8x8 8x12x8	
Big Browns, Free-tails, Hoary, Pallid & Yellow			10x20x8	
Carnivora				
Bears				
Black Bear	(L) 20GAL.	(L) 3x6x3	(L) 20x36x16*	(1) 8x12x8
Raccoons, Coatis & Ringtails				
	(L) 10-20GAL.	(3) 3x3x3	(4) 6x8x6*	(1) 2x3x3
Mustelids				
Marten	(L) 10GAL.	(1) 3x3x3	(1) 4x8x6	(1) 2x2x2
Fisher	(L) 10GAL.	(1) 3x3x3	(1) 6x8x6	(1) 4x3x3
Weasel	(1) 10GAL.	(1) 10GAL.	(1) 3x3x3	(1) 3x3x3
River Otter	(L) 20GAL.	(L) 6x12x6	(1) 6x12x6*	(1) 6x12x6*
Sea Otter	(L) 20GAL.	(L) 6x12x6	(1) 6x10x6	(1) 6x8x6
Wolverine	(1) 10GAL.	(1) 3x3x3	(1) 8x12x6	(1) 4x3x3
Badger	(L) 20GAL.	(L) 3x3x3	(1) 8x8x6*	(1) 3x3x3
Skunk	(L) 20GAL.	(L) 2x4x3	(1) 6x8x6	(1) 3x3x3
Canids				
Coyote	(L) 30GAL.	(1) 3x3x3	(1) 8x8x6	(1) 3x3x3
Wolf	(L) 30GAL.	(1) 3x3x3	(1) 8x8x6	(1) 4x3x3
Fox	(L) 30GAL.	(L) 3x3x3	(1) 4x4x8	(1) 3x3x3
Felids				
Mountain Lion	(L) 10GAL.	(L) 3x6x3	(L) 6x24x8*	(1) 4x3x3
Bobcat	(L) 10GAL.	(2) 3x3x3	(1) 8x8x6*	(1) 3x3x3
Rodentia				
Aplodontia	(L) 10GAL.	(1) 3x3x3	(1) 8x8x6	(2) 2x2x2

<u>Order/ Family</u>	<u>Infant Care</u> (WxLxH)	<u>Nursing/ Pre-weaned</u> (WxLxH)	<u>Juvenile or Adult Outside</u> (WxLxH)	<u>Initial Injured Adult Inside</u> (WxLxH)
Rodentia (cont'd.)				
Squirrels				
Woodchuck & Marmots	(L) 20GAL.	(L) 2x4x3	(1) 6x8x6	(1) 3x3x3
Prairie Dogs	(L) 20GAL.	(L) 2x4x3	(1) 6x8x6	(1) 3x3x3
Ground Squirrel & Rock Squirrel	(L) 10GAL.	(L) 4x6x2	(1) 4x6x6	(1) 2x2x2
Mojave Ground Sq.	(L) 15GAL.	(L) 15GAL.	(L) 2x2x2	(1) 2x2x2
Golden-mantled Sq. & Chipmunk	(L) 10GAL.	(L) 10GAL.	(L) 2x2x2	(1) 2x2x2
Tree Squirrel	(L) 10-20GAL.	(L) 20GAL.	(L) 4x4x8	(1) 4x6x4
Pocket Gophers	(L) 15GAL.	(L) 15GAL.	(L) 15GAL.	(1) 15GAL.
Kangaroo Rats & Mice & Pocket Mice	(L) 15GAL.	(1) 15GAL.	(L) 4x6x2	(1) 4x6x2
Beaver	(L) 10GAL.	(1) 3x3x3	(L) 8x12x6	(1) 4x3x3
Mice, Rats, Voles				
Mice	10 GAL / 1 adult or 1 litter			
Wood Rat	(L) 15GAL.	(L) 15GAL.	(1) 4x6x2	(1) 4x6x2
Muskrat	(L) 15GAL.	(L) 20GAL.	(2) 4x6x2*	(1) 4x6x2
Porcupine	(L) 15GAL.	(L) 3x3x3	(1) 6x8x6	(1) 3x3x3
Nutria	(L) 20GAL.	(L) 2x4x3	(1) 6x8x6	(1) 3x3x3
Lagomorpha				
Jackrabbit (2-6wks)	(1) 10GAL.	18"x18"x12"	(1) 20x20x8	(1) 18"x36"x12"
(6-12wks)		10'x10'x4'		
Cottontail Rabbit	(1) 10GAL.	(1) 10GAL.	(1) 6x6x4	(1) 12"x18"x12"
Artiodactyla				
Wild Pig	(L) 2x2x2	(L) 10x15x8	(L) 10x15x8	(1) 6x8x8
Elk	(1-2) 6x6x2	(4) 12x20x6	(6) 30x50x6 (+)	(1) 8x8x8
Deer	(1-2) 4x4x2	(4) 10x15x6	(6) 30x50x6 (+)	(1) 8x8x8
Pronghorn	(1-2) 4x4x2	(4) 10x15x6	(+)	(1) 8x8x8
Bighorn Sheep	(1-2) 4x4x2	(4) 10x15x6	(6) 30x50x6 (+)	(1) 8x8x8
Xenarthra				
Armadillo	(L) 15GAL.	(L) 3x3x3	(1) 6x8x4	(1) 3x3x3

(WxLxH) = Listed in order: Width x Length x Height, in feet (unless otherwise indicated)

* = See specific species requirements

(+) = See specific species requirements for hooved stock

GAL. = Gallons (e.g., aquarium or hard plastic pet kennels)

(#) = Number of animals

(L) = Litter - Note: occasional large litters (8-10 animals) may require larger housing

Chapter 6 - REPTILE HOUSING REQUIREMENTS

6.1 General Reptile Housing Considerations

These guidelines have been developed by zookeepers and breeders as minimums to keep an animal healthy and reasonably content in captive surroundings and are suitable for animals undergoing rehabilitation.

The cage sizes listed in Table 7 are minimum sizes that are acceptable for most circumstances. Some animals may have special keeping requirements that these recommendations will not cover adequately. Learning the habits of a particular species and applying that knowledge to the housing, both in terms of size and substrate, is essential for proper care. For example, a snake species that ambushes prey would require less space than one that pursues prey. In addition, a four-foot iguana can be suitably housed in a six-foot high cage, not the 8-12 feet suggested in the table. The minimum standard is to provide adequate space for the animal to move and hunt (if necessary), and to provide an appropriate area to hide and/or bask, depending on the needs of that species.

Fresh water needs to be regularly available. Water dishes should be kept clean and disinfected. Some animals require misting to drink - they will not drink from standing water.

The animals should be kept in environmental conditions (heat and humidity) similar to the ones in which they are found. If air conditioning is used to keep temperatures down during hot summers, cages may require misting or other measures to raise the humidity to a level similar to that found outdoors. If forced-air heat is used in the winter, similar measures will be necessary to provide adequate humidity. Checking humidity once per day prevents possible problems. The natural history of each species will help to determine their preferences for microhabitat, thereby influencing housing practices.

6.2 Construction Materials

Aquaria/terraria work well for housing most reptile species, depending on the size of the animal. Security of the caging, in order to prevent injury to the animal or to other animals in the facility, is a minimal requirement. The cage must be free of rough surfaces on the interior walls and roof, and must be furnished appropriately for the species.

6.2.1 Substrates

Selection of an appropriate substrate is extremely important to the long-term health of any reptile. Some reptiles must be able to burrow successfully in their substrate.

Aspen - recommended. The shredded type is absorbent and nonabrasive. It also lacks the volatiles that make so many tree-chip products unsuitable.

Astroturf™ - acceptable for snakes. Several pieces, cut to fit the enclosure should be kept at all times. Since it is not absorbent, it should be changed when soiled. Lizards and turtles may catch and tear their claws in the fabric.

Carefresh™ - while not aesthetic, it is absorbent, allows tunneling, and does not swell up with the addition of liquids, making it reasonably safe to ingest. Terrestrial snakes do well on it.

Cedar - **not** recommended. It contains volatile oils that will kill many invertebrates and cause respiratory problems (if not worse) with most reptiles.

Clay - often used for “kitty litter”, it should **never** be used as a substrate. It is extremely dehydrating and can cause respiratory problems, skin problems, and prevent snakes from shedding properly.

Corncob - **not** recommended. It is easily ingested and may cause intestinal impaction.

Gravel - **small gravel should not** be used. It is easily ingested by reptiles and may cause serious impactions. Large gravel is safer, but should be smooth, such as the quartz types. It can be washed, disinfected with bleach, rinsed well, sun-dried and reused.

Kitty Litter - see Clay

Mulch - may be used to hold moisture if the bark is not made from cedar. Fir is relatively low in volatiles. Check the bark before buying - if it smells ‘piney’ it contains potentially harmful volatiles.

Newspaper - recommended. Safe, hygienic, easy to clean, absorbent.

Paper Toweling - recommended. Safe, hygienic, easy to clean, absorbent.

Peat - **not recommended**, as it is dusty, dries easily and may irritate reptile mucosa; can also cause respiratory ailments.

Pine - **chips not generally recommended**, due to volatile chemicals present in the wood. Bark mulch may be used if required to hold moisture and it is not ‘piney’ smelling.

Sand - should be **limited** to those animals that habitually live in sand dunes or as a floor for aquarium dwellers such as soft-shelled turtles. Generally, sand is abrasive, and may be ingested, causing impactions.

Soil - should be sterilized before use.

Sphagnum Moss - can be used for specific applications with certain fossorial or burrowing animals. The material should be turned several times per week, unless it is placed over a gravel bed, to spread moisture that gathers underneath the moss. Replace completely every three months.

6.3 Furnishing

If an animal must be kept for a lengthy period, cage accessories may contribute to the animal's mental health. The most useful additions to most cages are a branch for climbing and a basking rock. Some snakes, such as the green snakes, are primarily arboreal and require a branch to feel secure.

All reptiles must be allowed to hide and bask as needed. Placing a suitably sized hide box at either end of their cage is usually adequate to support their need for a sense of safety. For snakes, the hide must be large enough for the snake to coil up inside. A basking spot may be provided by placing a flat rock under the basking light - the rock will absorb heat during the day and allow the snake a preferred area to digest or warm itself. Supplemental under-tank heating is a good idea if the animal is from the southern United States or a similar hot area.

Table 7: Minimum Housing Guidelines for Reptiles

Note: This table is not intended to be used independently; it should be used only in conjunction with the information in Chapter 6, Sections 6.1 through 6.3

<u>Type</u>	<u>Length</u>	<u>Width</u>	<u>Height</u>
Snakes			
Burrowing	3/4 animal's length	1/3 animal's length	1/2 animal's length, add 6" to 12" for substrate
Terrestrial and Semi-Aquatic	3/4 animal's length	1/3 animal's length	1/2 animal's length, not less than 12"
Arboreal types	3/4 animal's length	1/3 animal's length	animal's length, not less than 12"
Lizards			
Burrowing	3 x animal's length	1/3 animal's length	1/2 animal's length add 6" to 12" for substrate
Terrestrial	3 x animal's length	2 x animal's length	animal's length with cover, or high enough to prevent escape
Semi-Aquatic	3 x animal's length	2 x animal's length	animal's length with cover, or high enough to prevent escape, plus 12" - 24" for water depth
Arboreal types	3 x animal's length	2 x animal's length	2 - 3 x animal's length with cover
Crocodilians	5 x animal's length	2 x animal's length	high enough to prevent escape
Turtles			
Terrestrial	5 x animal's length	5 x animal's length	high enough to prevent escape
Aquatic and Semi-Aquatic	5 x animal's length	3 x animal's length	high enough to prevent escape, plus water to a depth 3 x animal's width

Chapter 7 - FINAL DISPOSITION

7.1 Overview

Once an animal comes into rehabilitation, it is faced with one of four fates; death from its injuries, permanent confinement as an education or placed animal due to factors preventing release, successful rehabilitation and release, or euthanasia. This chapter addresses the last two outcomes - release and euthanasia. Both are complex tasks for the rehabilitator. Successful release of a rehabilitated animal is predicated on an understanding of biological and non-biological factors. These include medical and physical readiness of the animal, life stage, release strategy, and release habitat.

Euthanasia is the hardest task a rehabilitator has to perform. Animals should not be considered for release that have vision impaired in both eyes, have amputated wings or legs, are imprinted, have a high likelihood of infecting wild animals with disease, or are rabies vector species from an area in which rabies is endemic (unless dictated otherwise by a local RVS rehabilitation program). Other reasons exist that animals should not be released, as well. These animals may find freedom through euthanasia.

7.2 Minimum Standards for Release of Wildlife Following Rehabilitation

Establishing and following set guidelines for release condition will aid in initial decisions for treatment, husbandry care protocols, and evaluation of readiness for release. For all wild animals undergoing rehabilitation, the following criteria must be met prior to release.

A brief physical exam should be performed to ensure that the patient is healthy and ready for release. In general, candidates for release must:

- Exhibit full recovery from the original injury or from injuries incurred while in care.
- Be no longer in need of medical care.
- Exhibit no signs of active disease.
- Have normal laboratory values, if tested (PCV, TS, BUN, etc.).
- Possess pelage or plumage that is adequate for that species to survive.
- Possess adequate vision to find/catch food and maneuver in a normal manner.
- Exhibit locomotive skills necessary for that species to survive.
- Demonstrate the fight or flight behavioral response.
- Demonstrate proper foraging behavior (self-feeding if raised in captivity).
- Demonstrate proper species behavior (not improperly imprinted).
- Be of correct age for independent survival.
- Be of correct weight for that sex, species, age and season.
- Exhibit waterproof pelage/plumage sufficient for that species.

In addition to the above parameters for the condition of the animal, many other considerations must be made. Suitable habitat with an adequate food supply, appropriate weather, season, and time of day are necessary for a successful release. Releases must occur within the parameters of local, state, and federal regulations or laws. The proximity of busy roadways, the presence of natural or introduced predators (e.g., domestic cats), human developments, existing populations of that species, and long term food sources should always be factored into determining the suitability of a release site.

7.3 Acceptable Euthanasia Methods

Definition

Euthanasia is defined as the induction of death with minimal pain, stress or anxiety. Wildlife rehabilitators who direct the operation of a facility must make these decisions, as well as supervise the euthanasia procedures. They must also exhibit understanding and compassion for those who have been involved with the terminal case.

Criteria

While no ideal euthanasia agent exists, the procedure of choice should approach as closely as possible the following criteria:

- Produces rapid loss of consciousness and death
- Exhibits consistent and predictable action
- Is easily and safely administered by properly trained personnel
- Causes minimal psychological stress to the animal
- Causes minimal emotional effects to observers and participants
- Is not subject to abuse by humans
- Interrupts consciousness and reflexes simultaneously
- Is not a sanitation or environmental problem
- Results in no tissue changes that would affect a postmortem diagnosis
- Is economical and readily available

The method of euthanasia is only as humane as the knowledge and skill of the operator performing it. The safety of the operator shall be given as much consideration as humaneness of the method.

7.3.1 Acceptable Euthanasia Methods

Below is a brief description of some methods of euthanasia recommended for use in wildlife. None of these methods should be used without proper training and, in the case of some of the regulated substances, without proper licensing. The *1993 Report of the AVMA Panel on Euthanasia* provides additional information on methods of euthanasia for wildlife. Please note: The IWRC and the NWRA do not condone all of the methods in the *2000 Report of the AVMA Panel on Euthanasia* as being appropriate for use in wildlife. Each wildlife rehabilitator is urged to seek and learn to use those methods which s/he feels are humane and within their legal and practical limits.

Physical Methods:

Cervical luxation/dislocation:

Causes death by severing the spinal cord and destroying ascending sensory (pain) pathways, resulting in depression of central nervous system (CNS), respiratory and cardiac functions. Grasping the body of the animal and the base of the skull, the neck of the animal is hyper-extended. The neck is rotated in a down-and-away motion relative to the body position using the thumb and forefingers, separating the first cervical vertebra from the base of the skull and severing the spinal cord.

Advantages: Clean; safe to perform; moderately rapid; special equipment not required.

Disadvantages: Must be performed by skilled personnel. May be aesthetically objectionable to staff/volunteers/public. Should only be performed on small birds and mammals; animal may remain conscious for a brief period following dislocation (may convulse prior to death).

Decapitation:

Causes death by severing the spinal cord and destroying ascending sensory (pain) pathways, resulting in depression of CNS, respiratory and cardiac functions.

Advantages: Moderately rapid; effective in reptiles, though movement may continue following decapitation; therefore, the brain of reptiles must also be pithed or otherwise destroyed to ensure that there is no residual brain activity.

Disadvantages: Must be performed by skilled personnel. May be aesthetically objectionable to staff/volunteers/public. Should only be performed on small animals; animal may remain conscious for a brief period following decapitation (may convulse prior to death).

Exsanguination:

Laceration of a major vessel (usually the jugular vein) results in rapid blood loss and decrease in blood pressure.

Advantages: Moderately rapid death; better if done on sedated, stunned or anesthetized animals.

Disadvantages: May cause anxiety and pain in a conscious animal; requires skill and training; may be aesthetically unappealing.

Gunshot

Causes immediate unconsciousness by direct and rapid destruction of brain tissue when positioned properly.

Advantages: Rapid; can be used on most species.

Disadvantages: Must be performed by skilled personnel. Requires special equipment and may require firearm permit. May be aesthetically objectionable to staff/volunteers/public.

Potential for human injury. Cannot be used for animals suspect of rabies unless a portion of the brain is left intact for lab testing, and care should be taken if using in rabies vector species to avoid accidental exposure to rabies-infected brain tissues via aerosolized particles.

Penetrating captive bolt:

Causes immediate unconsciousness by direct and rapid destruction of brain tissue when positioned properly. Bolt is positioned properly against the skull and fired. This is one of the few options for euthanizing large ruminants or carnivores; has also been used on small ruminants.

Advantages: Rapid.

Disadvantages: Must be performed by skilled personnel. Requires special equipment and may require permit. May be aesthetically objectionable to staff/volunteers/public. Must be done at close range (nearly direct contact to the animal's skull) and the animal must be properly restrained or sedated to insure accuracy.

Adjunct Physical Methods (should not be used as sole method):

Pithing:

Causes direct destruction of brain and spinal cord as a needle or probe is inserted into the base of the skull.

Advantages: Rapid; one of the few methods effective in many reptiles.

Disadvantages: Must be done on an unconscious animal; requires skill and training; may be aesthetically unappealing.

Stunning (blunt force trauma):

Striking of the skull, resulting in unconsciousness of the animal.

Advantages: Rapid unconsciousness.

Disadvantages: Not a sole method of euthanasia - usually followed by exsanguination; requires skill to be done properly; may be aesthetically unappealing; should not be used if the brain must be examined (as with suspect rabies cases).

Inhalation Agents:

Care should be taken when using chambers to contain animals for euthanasia because overcrowding or mixing of species can cause severe apprehension and psychological stress prior to death.

Halothane, isoflurane, enflurane, sevoflurane and methoxyflurane:

Cause direct depression of CNS; should be done in a chamber in a well-ventilated area to reduce human exposure.

Advantages: Useful when venipuncture is difficult as with small animals such as birds, bats, rodents, and small carnivores; some of these agents are nonflammable and nonexplosive under ordinary conditions; generally aesthetic; causes very little change that interferes with necropsy results.

Disadvantages: Some agents can be injurious to personnel and must be used in well-ventilated areas or with gas-scavenging devices; very young, old and/or respiratory impaired animals may be resistant to the effects and struggle for a period of time; diving birds and mammals may require a considerable length of time to reach respiratory arrest.

Carbon dioxide (CO₂):

Useful for small animals in chambers. The animal is placed into the chamber prior to the addition of the carbon dioxide; once the animal is in the chamber, CO₂ is added to the chamber, sinks to the bottom and displaces the ambient air. Death is caused by direct depression of CNS, respiratory and cardiac functions. Concentrated CO₂ gas is noxious and irritating, and can cause a conscious animal to become distressed if placed into a chamber already filled with CO₂. Dilute CO₂ (mixed with oxygen) is not recommended either, as this mixture has been shown to actually prolong the time of death as the ambient air is displaced at a much

slower rate. If dry ice is used as a source of carbon dioxide, it should not come in contact with the animal.

Advantages: It is easily available in compressed cylinders or as “dry ice”; it is inexpensive and safe.

Disadvantages: Because it is heavier than air, incomplete filling of the chamber can permit a climbing animal to avoid a lethal dose. This method should not be used for animals with severely depressed respiratory rates (e.g., animals in hibernation). May not be effective with bats and newborn animals, as they have a very high tolerance for carbon dioxide. Beaver and other diving mammals and birds may hold their breath for extended periods of time therefore requiring longer time for the carbon dioxide to take effect.

Carbon monoxide:

Useful for small animals in chambers. Causes death by irreversibly binding with hemoglobin in the red blood cells.

Advantages: It is easily available in compressed cylinders; is rapid.

Disadvantages: Very hazardous to human health; this odorless, tasteless gas may be lethal in humans at as little as 0.4% concentration.

Ether and Chloroform:

Cause direct depression of CNS. Usually administered in a closed chamber within a well-ventilated room.

Advantages: Moderately rapid; inexpensive; most effective when used on small animals.

Disadvantages: Ether is explosive and can be irritating to the animal; chloroform is a known liver toxin and carcinogen; potential human health hazard if used in poorly ventilated area.

Adjunct Inhalant Agents (should not be used as sole method):

Nitrous oxide:

Nitrous oxide alone is inadequate, but when used as a carrier gas, it speeds up the uptake of other volatile gases (halothane, isoflurane, enflurane, and methoxyflurane).

Non-inhalant pharmacologic agents:

Barbiturates:

(Pentobarbital) Intravenous or intra-cardiac injection results in direct depression of CNS, respiratory and cardiac functions. Intra-abdominal injection may be acceptable in mammals when a vein is not accessible. Intramuscular injection will result in extensive tissue necrosis and pain.

Advantages: Rapid and smooth induction of unconsciousness; usually aesthetically acceptable to staff/volunteers/public.

Disadvantages: Intravenous administration is necessary for best results; requires Drug Enforcement Administration registration, record-keeping, and special storage conditions.

These drugs are subject to abuse by humans. They do not cause analgesia, and low doses may actually produce a hyperesthetic effect (i.e., the animal may actually become more sensitive to stimuli).

Preanesthetics:

(Ketamine, Xylazine and others) can be given by intramuscular injection to both mammals and birds to facilitate euthanasia by another method. These drugs should not be used as sole euthanasia agents.

Methods considered inhumane and/or unacceptable for euthanasia of wildlife

Many techniques have been used to provide death to wild animals, but many of these are also considered inhumane (therefore not true euthanasia) or extremely dangerous, and are not condoned under these *Minimum Standards for Wildlife Rehabilitation*. Methods which are not approved for use in wildlife are:

Acetone

Air embolism

Cyanide

Drowning

Electrocution

Freezing

Kill traps

Neuromuscular blocking agents used alone (succinylcholine, potassium chloride, magnesium sulfate); may be acceptable if used in combination with a sedative

Nitrogen or argon gas

Nitrous oxide used alone

Strychnine

Thoracic compression

7.3.2 Disposal of Carcasses and Animal Waste Products

Proper methods for disposal of animal carcasses and waste products should be followed as described in section 2.3.5.

Appendix A - Form 1: Facility Review

INTRODUCTION

The information and questions contained in this form are a means for rehabilitation facilities and individual rehabilitators to do a self-evaluation or self-review. The purpose is to provide wildlife care-givers suggestions to save time (for example, keeping reference materials at the phone), to ensure wildlife receives appropriate housing and medical treatment (exam area, caging, veterinary and diagnostic), and to protect both wildlife and humans from disease and contamination (food preparation, disinfecting, housekeeping). Not all items contained in the form will apply to everyone - an individual rehabilitator probably does not require a grievance committee or Worker's Compensation Insurance - but this form does provide an easy reference to be sure important considerations are not overlooked when changes, such as facility growth, do occur.

Facility Review

I. RECEIVING AREA

A. Public Information

1. Are there written policies or procedures for staff and volunteers dealing with wildlife problems?
2. Does the organization have information available to the public on the services it provides for wildlife?

B. Procedures: Does the organization have operational policies available to staff members and volunteers (e.g., operations manual, rules derived from Board decisions, or training materials)?

C. Records

1. Is there a medical record for each animal that has a medical problem?
2. Do animals without medical problems have records (e.g., orphans)?
3. Are the records legible?
4. Are records adequately completed (i.e., can the progress of the animal be followed by reviewing the record)?
5. Is there a system to identify each animal to its record?

D. Facilities

1. Is the reception area neat and presentable?
2. Is it organized so that resident patients are not subject to stress during the intake of new animals?

- E. Telephone Services: For those providing help, assistance, and directions to the public, are protocols established to provide assistance in the following areas:
1. Humanely preventing or reducing wildlife problems, conflict situations, and injury?
 2. Determining if animals in fact need to be rescued?
 3. Providing strategies and techniques to give opportunities for mother animals to retrieve temporarily displaced young or to re-nest?
 4. Suggesting safe capture, restraint and transport techniques to minimize risk of injury to animals and to humans?

II. INTAKE/EXAM AREA

- A. Is the area clean?
- B. Is the area set up so that animals can be examined safely?
- C. Are first-aid supplies available?
- D. Are there scales available to weigh animals as part of intake and assessment?
- E. Are animals awaiting exam/treatment provided a warm, quiet and dark place?
- F. Are facilities arranged and/or constructed to minimize stress on the animals?
- G. Are the sound and activity levels minimized to reduce stress on the animal?
- H. Are capture and handling equipment easily accessible and in good working order?
Are they used safely?
- I. Are capture, handling, and restraint procedures safe for animals and humans?
- J. Are the people handling wildlife trained in safe handling techniques?

III. FACILITIES FOR INTENSIVE NURSING CARE

- Available at a veterinary facility Available on-site

- A. Are the following available for use when necessary?
- Incubators Heat sources (lamps, pads)
- B. Is the area clean?
 - C. Is it a low-use area?

IV. SURGERY

- Available at veterinary clinic/hospital Available on-site

- A. Is the area aseptic?
- B. Is there resuscitative equipment available?
- C. Is there a pre-surgical prep area?
- D. Is the surgical equipment in good working order?
- E. Is an anesthetic maintained?

V. RADIOLOGY SERVICES

- Available at veterinary clinic/hospital Available on-site

VI. INITIAL CARE FACILITIES

- A. Do the cages meet caging standards for the species handled?
- B. Are they constructed so that they can be cleaned and disinfected (e.g., stainless steel, fiberglass, sealed wood, coated port-a-pets)?
- C. Are the cages cleaned regularly (as appropriate for the species and cage type)?
- D. Is the area adequately ventilated in an appropriate manner?
- E. Is there adequate lighting (full-spectrum light at the appropriate hours)?
- F. Are isolation facilities available (on-site, at a veterinary clinic, elsewhere)?
- G. Is the area away from the main flow of human activity?
- H. Is there access to the area by domestic pets?

VII. PRIMARY EXERCISE CAGING

- A. Do they meet caging standards for the species being handled?
- B. Are they cleanable?
- C. Is there a regular cleaning schedule?
- D. Are they safe to the handlers and animals being held (e.g., no loose or sharp wires or nails, double doors, etc.)?
- E. Are they secure (e.g., locking, sturdy, safe from predators)?

VIII. PHARMACY

- A. Is the area clean and organized?
- B. Are needed medications on hand? Are other medications available by prescription or through sponsoring organizations?
- C. Are controlled drugs (schedules II, III, IV) kept in locked, secure location?
- D. Is there a log for controlled drugs?
- E. Are antibiotics, parasiticides, vaccines, etc., available either in the pharmacy or on a prescription basis?
- F. Are emergency medications available?

IX. DISINFECTING

- A. Is there a standard procedure and schedule for cleaning and disinfecting cages, feeding utensils, syringes, food storage containers, and food, water, and bathing bowls?
- B. Are cleaning and disinfecting supplies available and stored properly?
 - 1. Is human protective gear (gloves, masks, goggles) available?

- 2. Are instructions on the proper use of disinfectants displayed?
- C. Is there a designated area for storage, cleaning and disinfecting of dirty items?
- D. Is there a designated area for storage of clean and disinfected items?

X. PATHOLOGY SERVICES

- Available on-site Available through veterinarian Commercial account

Can the following services be provided to wildlife when necessary?

- A. Hematology (PCV, Diff., Hb, WBC, Clot Time, ESR, Serum Chemistries)?
- B. Parasitology?
- C. Microbiology?
- D. Necropsy Services?

If done in shelter:

- 1. Are separate instruments used for tissue gathering and necropsy?
- 2. Are dead animals disposed of in accordance with applicable ordinances or regulations?

XI. FOOD PREPARATION & STORAGE

- A. Is the area clean, orderly?
- B. Are adequate foodstuffs and supplies available?
- C. Are foodstuffs (chicks, rats, fish) stored separately from dead (rehabilitation) animals?
- D. Are perishable foodstuffs dated (open formula)?

XII. HOUSEKEEPING & MAINTENANCE

- A. Is there a reasonable schedule for:
 - 1. Daily cleaning?
 - 2. Weekly cleaning?
 - 3. Seasonal cleaning?
- B. Is there a continuing program for repair and upkeep of the facility?

XIII. LIBRARY

- A. Is there a continuing program for acquisition of pertinent publications on wildlife rehabilitation?
- B. Are manuals/books available on providing humane solutions to human/wildlife conflicts?
- C. Are publications available which describe each species and its natural history?

XIV. SAFETY

- A. Is there a fire alarm?
- B. Is there a fire extinguisher(s)?
- C. Are eating, drinking, smoking, etc., restricted to designated areas?
- D. Is there a first-aid kit available for staff/volunteers?
- E. Are material data safety sheets (MSDSs) readily available/easily accessible for those chemicals used at the facility (disinfectants, cleansers, certain drugs, etc.)?

XV. ORGANIZATIONAL STANDARDS

- A. Does the individual or organization comply with local ordinances and have current state/provincial/federal permits for the work being done?
- B. Is there a grievance policy for staff/volunteers?
- C. Is there a training policy for staff/volunteers?
- D. Are there continuing training opportunities for staff (paid and volunteer) who have completed basic skills training (staff training sessions, IWRC and NWRA programs, etc.)?
- E. Is there a liability insurance policy for volunteers to protect the facility and/or organization?
- F. Is there a workers compensation policy for employees?
- G. What after-hours services are available for emergency cases (on-call person, emergency veterinary clinic services, etc.)?
- H. Are there written policies to instruct the volunteers regarding rules of the organization as they relate to animal care, reporting procedures, rules on conduct?

XVI. CONTINUING EDUCATION

- A. Is pertinent information collected on wildlife rehabilitation?
- B. Does the permittee's organization collect such information and share it with other members?
- C. Does the permittee and/or others in the organization attend continuing education classes or conferences on wildlife rehabilitation?

Appendix A - Form 3: Sample Patient Examination Form

PHYSICAL EXAM

DATE: ___/___/___ SPECIES: _____ CASE #: _____ - _____

TIME: _____ INITIALS: _____ WEIGHT: _____ TAG #: _____

BODY CONDITN: emaciated underweight normal overweight AGE/SEX: _____

HYDRATION: good fair poor TEMP: _____

ATTITUDE: BAR Remarks: _____

NARES: Clear Remarks: _____

BEAK/MOUTH: WNL Remarks: _____

RESPIRATION: WNL Remarks: _____

CROP: full empty Remarks: _____

GI TRACT/ABDM: WNL Remarks: _____

DROPPINGS: WNL none Remarks: _____

EYES: WNL Remarks: _____

EARS: WNL Remarks: _____

FEATHERS: WNL Remarks: _____

ECTO-PARASITES: none Remarks: _____

SKIN: WNL Remarks: _____

FEET: WNL Remarks: _____

NERVOUS SYSTEM: WNL Remarks: _____

MUSCULOSKELETAL: WNL Remarks: _____

INJURIES/PROBLEMS (wounds, etc.): _____

Note: BAR = Bright, Alert, Responsive

WNL = Within Normal Limits

On Entry: Dexamethasone _____ D2.5LRS (SQ/IV/IO) _____ Antibiotics _____ PO _____ Fecal Exam Results _____	Other:	PCV: _____ %
		BC: _____ %
		TS: _____ g/dL
		Initial Location

Appendix B - References

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Burt, W.H. and R.P. Grossenheider. 1976. *A Field Guide to the Mammals of America North of Mexico, 3rd edition*. Houghton Mifflin Company, Boston, MA.

9 CFR Ch. 1 (1-1-95 Edition), Part 3, Subpart E, "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals", USDA-APHIS.

Forness, M. 1984. Raising White-tailed Fawns "Wild". *Journal of Wildlife Rehabilitation*, 7 (4):5+.

Lollar, A., B. Schmidt-French, and P. Winters. 1998. *Captive Care and Medical Reference for Rehabilitation of Insectivorous Bats*. Bat Conservation International.

Chapter 7: Final Disposition

Report of the AVMA Panel on Euthanasia. 1993. *Journal of the American Veterinary Association*, 202(2):229-249.

Appendix C - Suggested Reading

Avian Caging

Arent, L. 2000. *Reconditioning Raptors: A Training Manual for the Creance Technique*. The Raptor Center at the University of Minnesota.

Arent, L. and M. Martell. 1996. *Care and Management of Captive Raptors*. The Raptor Center at the University of Minnesota.

Chaplin, S.B. 1990. Guidelines for Exercise in Rehabilitated Raptors. *Wildlife Journal*, 12(2):17-20.

Gibson, M.J. 1996. The ABC's of Housing Raptors. *Journal of Wildlife Rehabilitation*, 19(3): 23-31.

Gibson, M.J. 1999. Yours to Protect. *Journal of Wildlife Rehabilitation*, 22(1):18-26.

Heinemann, J. 1995. Housing Guidelines for Songbirds. *Wildlife Rehabilitation*, 13:45-66.

Kyle, P. and G. Kyle, 1995. Hand Rearing Chimney Swifts (*Chaetura pelagica*): A 12-Year Retrospective. *Wildlife Rehabilitation*, 13:95-121.

McKeever, K. 1987. *Care and Rehabilitation of Injured Owls*, 4th ed. The Owl Rehabilitation Research Foundation.

Orendorff, B. 1997. Hand-rearing Songbirds. *Wildlife Rehabilitation*, 15:3-40.

Pittel, H. 1994. Care of Adult Songbirds. *Wildlife Rehabilitation*, 12:83-94.

Professional Standards for the Use of Live Animals in Environmental Education. 1994. Iowa Association of Naturalists.

Rule, M. 1996. Nutritional Considerations for Captive Songbirds. *Wildlife Rehabilitation*, 14:75-94.

Smisko, G. 1996. Portable and Permanent Passerine Housing. *Wild Today, Wild Tomorrow, Proceedings of the 1996 Conference*, 27-31.

Definitions/Terminology

Patton, S. 1998. *Wild Words: A Glossary for the Wildlife Rehabilitator*, 2nd ed.

Pierce, G. and L. Wolf (eds.) 1993. *NWRA Quick Reference*. National Wildlife Rehabilitators Association, Minnesota.

Disease Control

Calman & Murray. 1965. *Antibacterial Properties of Chlorhexadine*. ICI.

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Clipsham, R. 1990. Environmental Preventive Medicine: Food and Water Management for Reinfection Control. *1990 Proceedings Association of Avian Veterinarians*, 87-105.

Davis, L. 1998. Do You Know How to Disinfect? *The NWRA Quarterly Journal*, 16(3):10-12.

Gaunt, A.S. and L.W. Oring (eds). 1999. *Guidelines to the Use of Wild Birds in Research*. The Ornithological Council, Washington, D.C. <http://www.nmnh.si.edu/BIRDNET>

Lawrence, C.A. 1960. Antimicrobial Activity, *In Vitro*, of Chlorhexadine, *Journal of American Pharmaceutical Association*, 49(11).

Lemarje, R.J. and G. Hosgood. 1995. Antiseptics and Disinfectants in Small Animal Practice. *Compendium on Continuing Education*, 17(11):1339-1351.

Over 8,000 Material Safety Data Sheets (MSDS), explaining product toxicity, antidotes and disposal are listed at <http://siri.uvm.edu/msds/>.

Final Disposition

Report of the AVMA Panel on Euthanasia. 1993. *Journal of the American Veterinary Association*, 202(2):229-249.

Martell, M. 1994. Analyzing Habitat for Release of Rehabilitated Animals. *Wildlife Rehabilitation*, 12:191-197.

General Housing Requirements for Wildlife

Education and Training in the Care and Use of Laboratory Animals: A Guide for Developing Institutional Programs. 1991. Committee on Educational Programs in Laboratory Animal Science, Institute of Laboratory Animal Resources Commission on Life Sciences.

Guide for the Care and Use of Laboratory Animals. 1996. Institute of Laboratory Animal Resources Commission on Life Sciences National Research Council. National Academy Press, Washington, D.C.

Heyn, S. 2000. Behavioral Enrichment for Mammals. *Wildlife Rehabilitation*, 17:105-112.

Mammal Caging

Barnard, S. 1995. *Bats in Captivity*. Wild Ones Animal Books, Springfield, CA.

9 CFR Ch. 1 (1-1-95 Edition), Part 3, Subpart E, "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals", USDA-APHIS.

Forness, M. 1984. Raising White-tailed Fawns "Wild". *Journal of Wildlife Rehabilitation*, 7(4):5+.

Lollar, A., B. Schmidt-French, and P. Winters. 1998. *Captive Care and Medical Reference for Rehabilitation of Insectivorous Bats*. Bat Conservation International.

Taylor, P. 1995. *Opossum Care Training Manual*. Huntington Beach, CA.

Reptiles

Barnard, S. 1996. *Reptile Keeper's Handbook*. Krieger Publishing.

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Mader, D.R. (ed.) 1996. *Reptile Medicine and Surgery*. W.B. Saunders, Philadelphia, PA.

Mattison, C. 1982. *The Care of Reptiles and Amphibians in Captivity*. Poole: Blandford Press.

Rossi, J.V., and Rossi, R. 1992. *Snakes of the United States and Canada*. Krieger. (2 Vols.)

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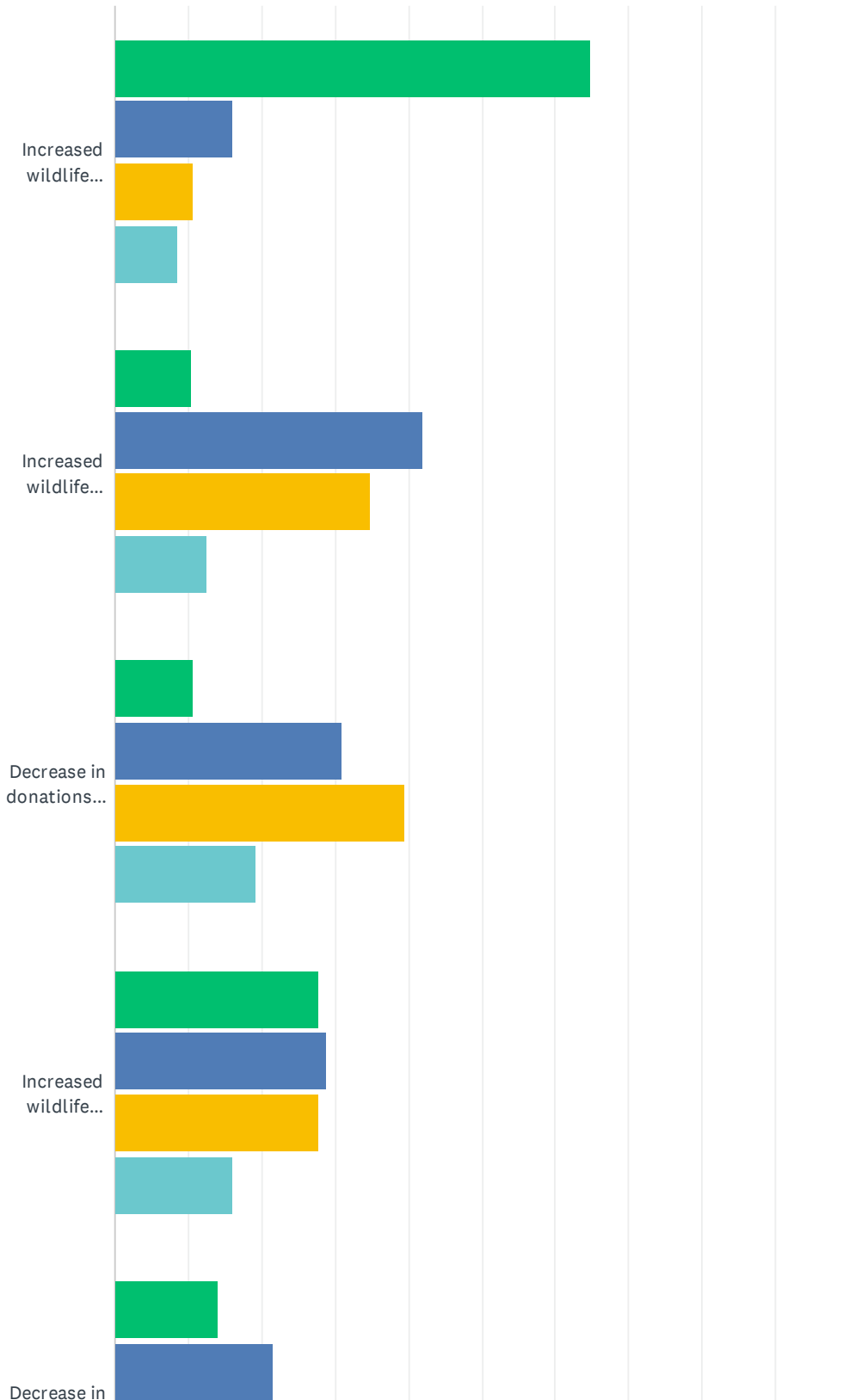
Appendix D - Unit Conversion Table

<u>To change</u>	<u>To</u>	<u>Multiply by</u>
centimeters	inches	.3937
centimeters	feet	.03281
feet	meters	.3048
gallons (U.S.)	liters	3.7853
grams	ounces	.0353
grams	pounds	.002205
inches	millimeters	25.4000
inches	centimeters	2.5400
kilograms	pounds	2.2046
liters	gallons (U.S.)	.2642
liters	pints	2.1134
liters	quarts	1.0567
meters	feet	3.2808
meters	yards	1.0936
milliliters	tablespoons	.0667
millimeters	inches	.0394
ounces	grams	28.3495
ounces	milliliters	30
ounces	pounds	.0625
pints	liters	.4732
pounds	kilograms	.4536
pounds	ounces	16
quarts	liters	.9463
square feet	square meters	.0929
square meters	square feet	10.7639
square meters	square yards	1.1960
square yards	square meters	.8361
tablespoon	milliliters	15
yards	meters	.9144

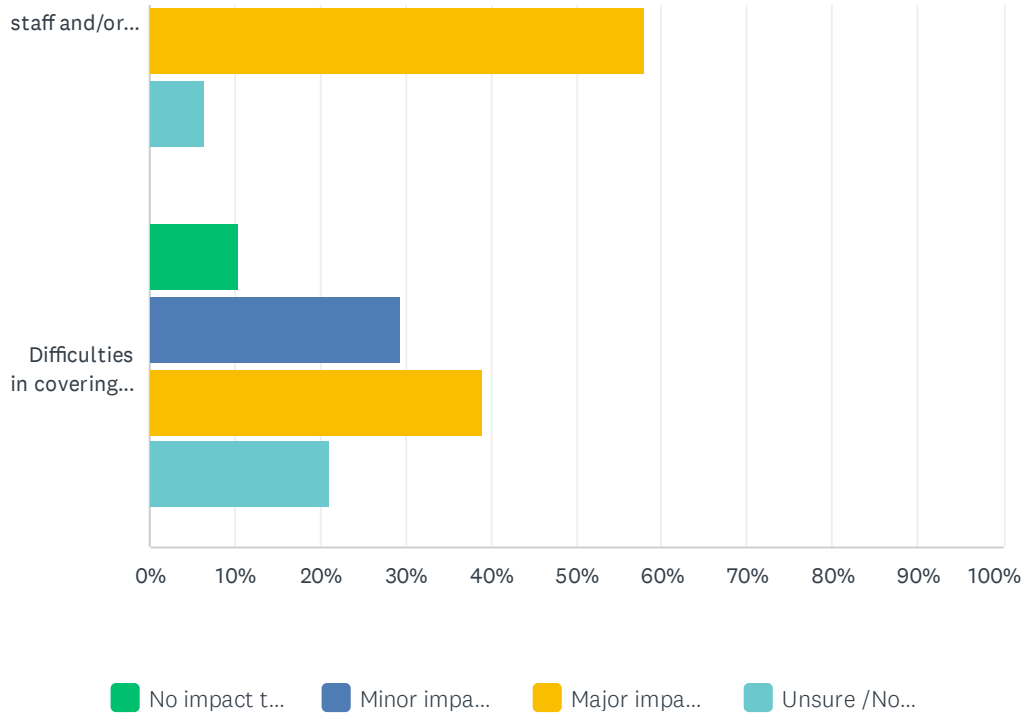
<u>To change</u>	<u>To</u>	
Celsius	Fahrenheit	multiply by 1.8 and add 32
Fahrenheit	Celsius	subtract 32 and multiply by 0.55

Q1 How has your facility has been impacted by different challenges in the past 5 years?

Answered: 95 Skipped: 0



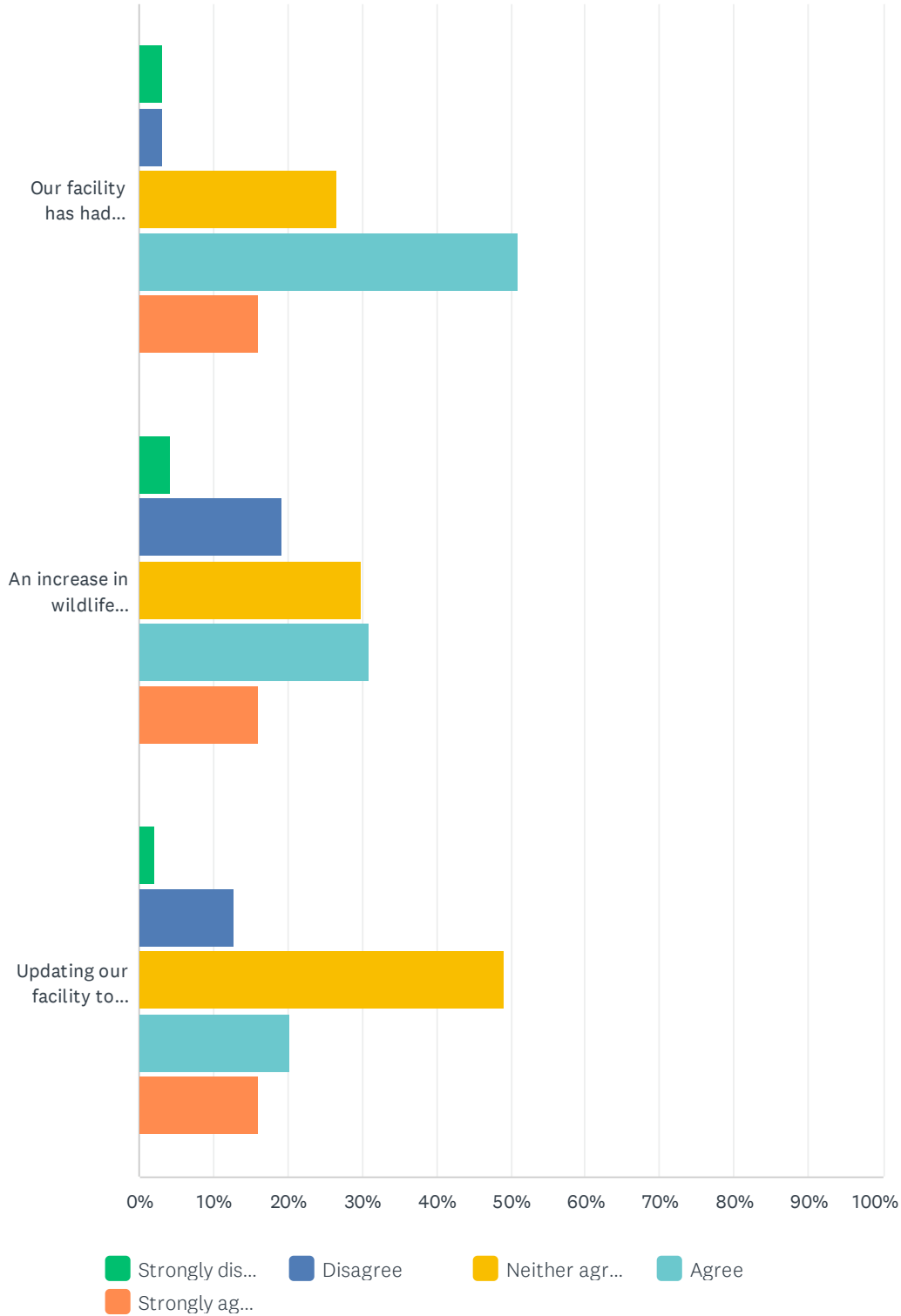
California Wildlife Rehabilitation Survey



	NO IMPACT TO FACILITY	MINOR IMPACT TO FACILITY	MAJOR IMPACT TO FACILITY	UNSURE /NO OPINION	TOTAL	WEIGHTED AVERAGE
Increased wildlife intakes due to oil spills	64.89% 61	15.96% 15	10.64% 10	8.51% 8	94	1.63
Increased wildlife intakes due to wildfire or drought	10.53% 10	42.11% 40	34.74% 33	12.63% 12	95	2.49
Decrease in donations and/or funding due to COVID-19	10.64% 10	30.85% 29	39.36% 37	19.15% 18	94	2.67
Increased wildlife intakes due to diseases of concern (e.g., Highly Pathogenic Avian Influenza, Rabbit Hemorrhagic Virus)	27.66% 26	28.72% 27	27.66% 26	15.96% 15	94	2.32
Decrease in staff and/or volunteers due to COVID-19	13.98% 13	21.51% 20	58.06% 54	6.45% 6	93	2.57
Difficulties in covering current operating expenses due to increasing costs, requirements, or intakes	10.53% 10	29.47% 28	38.95% 37	21.05% 20	95	2.71

Q2 Please rate how strongly you agree or disagree with the following statements.

Answered: 94 Skipped: 1

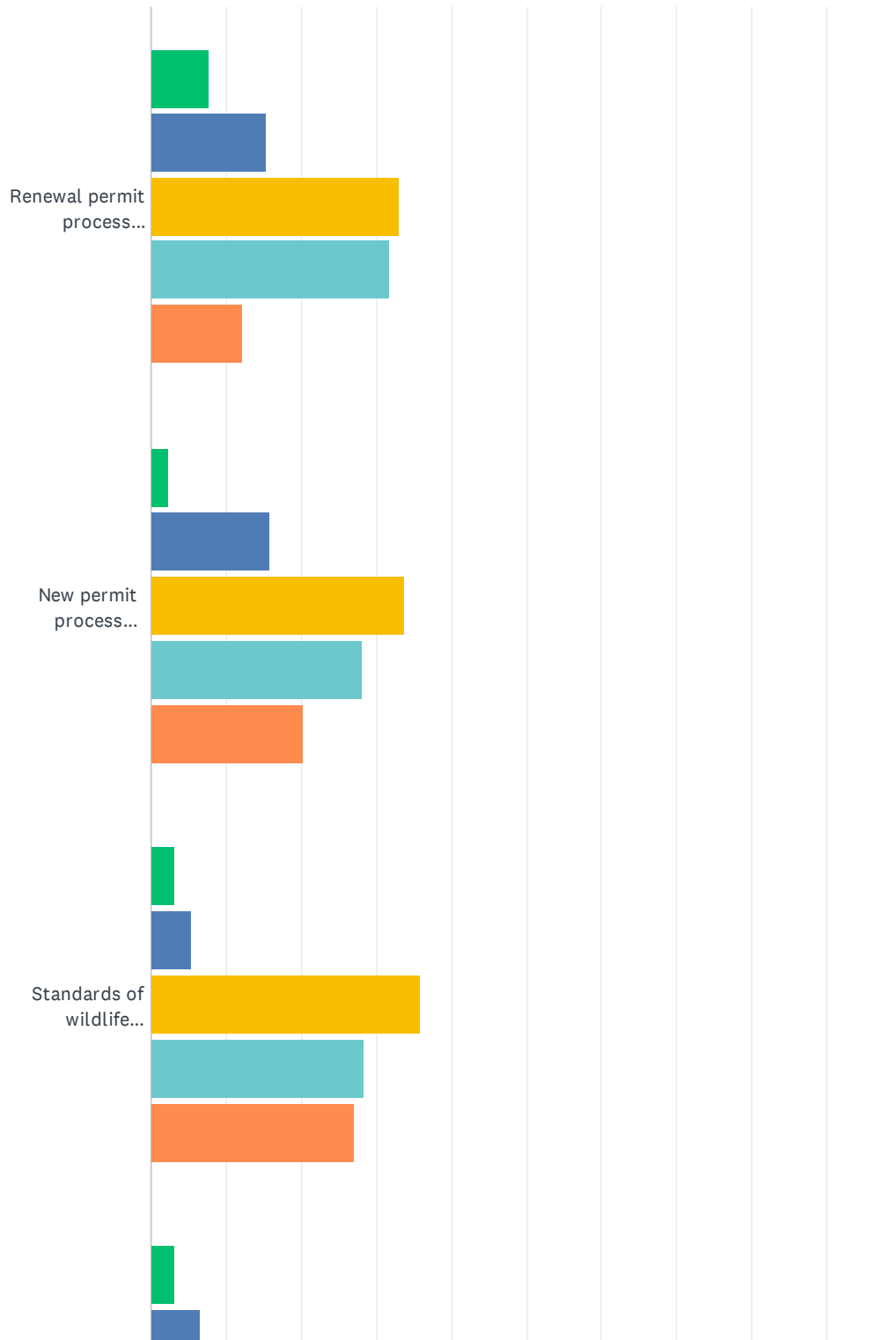


California Wildlife Rehabilitation Survey

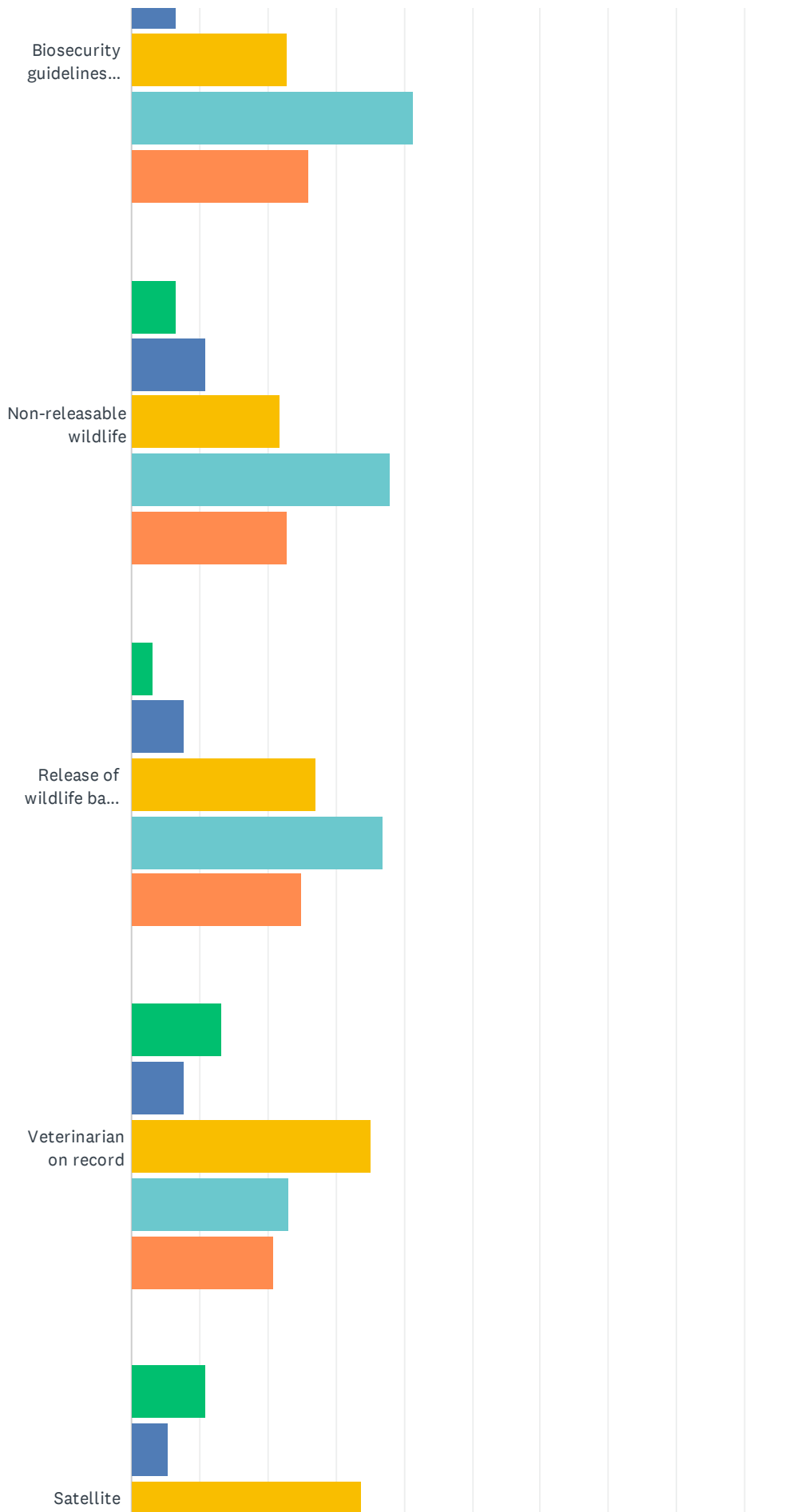
	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
Our facility has had difficulty in purchasing food, supplies, and equipment due to rising inflation and chain supply issues	3.19% 3	3.19% 3	26.60% 25	51.06% 48	15.96% 15	94	3.73
An increase in wildlife intakes have reduced our facility's finances	4.26% 4	19.15% 18	29.79% 28	30.85% 29	15.96% 15	94	3.35
Updating our facility to meet new regulations for wildlife rehabilitation would cost too much money	2.13% 2	12.77% 12	48.94% 46	20.21% 19	15.96% 15	94	3.35

Q3 CDFW is in the process of updating the guidelines for wildlife rehabilitation outlined in California Code of Regulations, Title 14 section 679. In your opinion, what topics are most important to update and/or clarify for us to better support rehabbers?

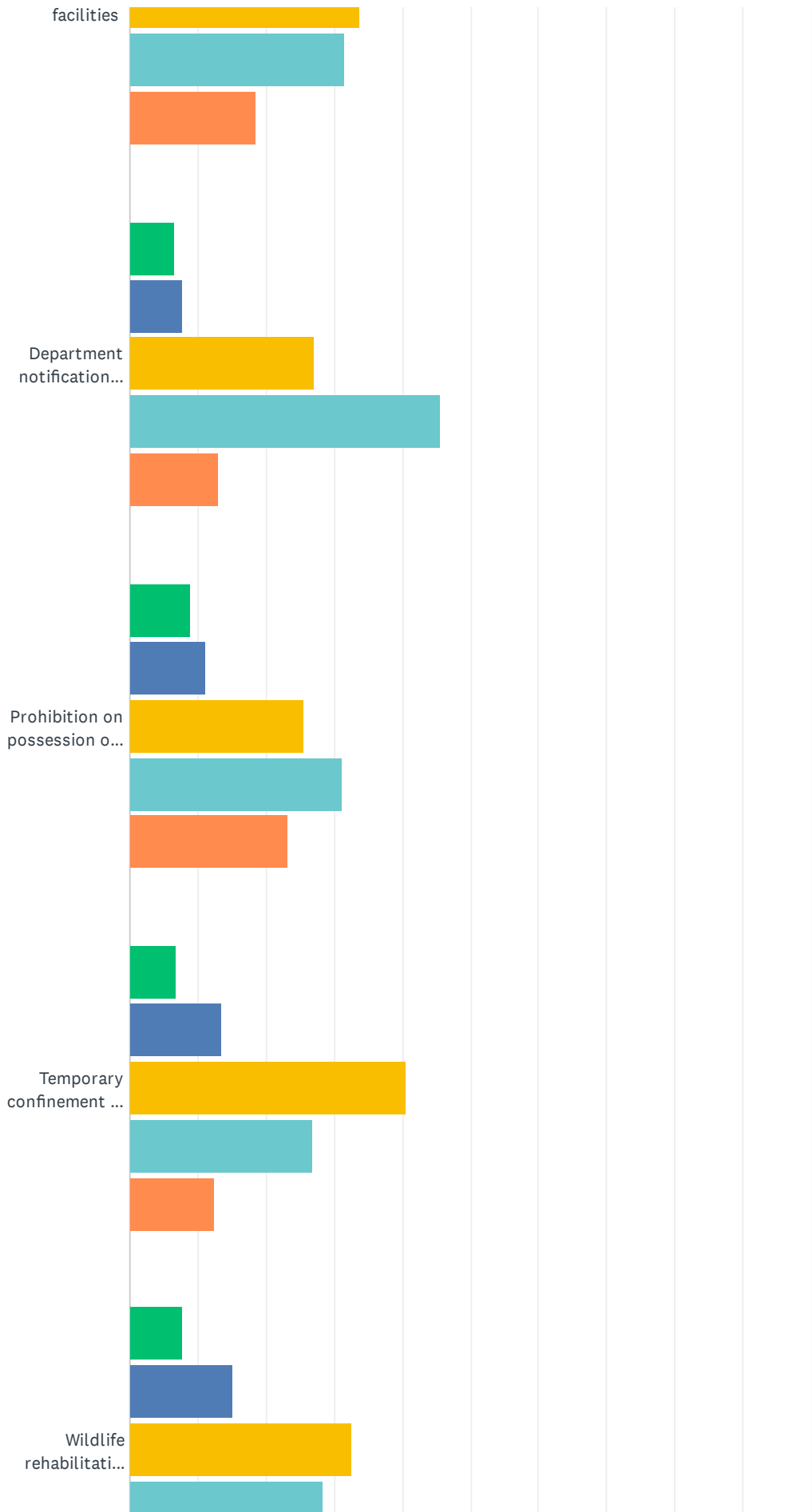
Answered: 93 Skipped: 2



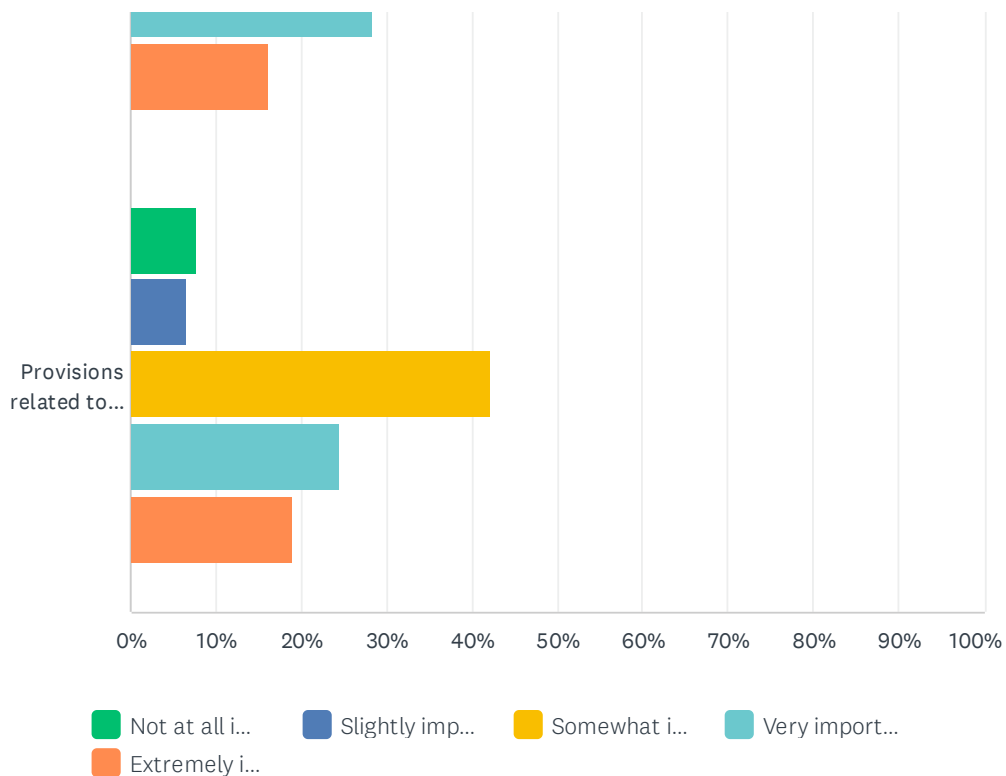
California Wildlife Rehabilitation Survey



California Wildlife Rehabilitation Survey



California Wildlife Rehabilitation Survey



California Wildlife Rehabilitation Survey

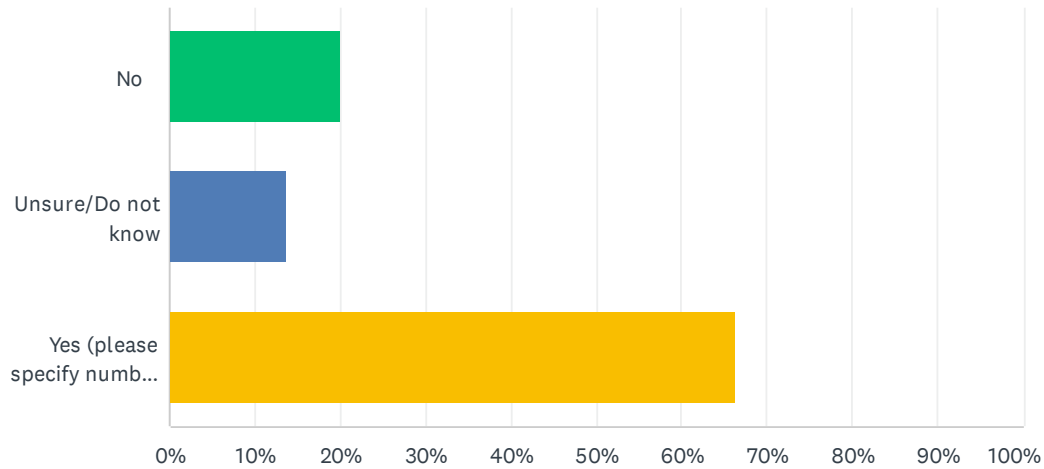
	NOT AT ALL IMPORTANT	SLIGHTLY IMPORTANT	SOMEWHAT IMPORTANT	VERY IMPORTANT	EXTREMELY IMPORTANT	TOTAL
Renewal permit process (Approval of wildlife rehabilitation facility)	7.69% 7	15.38% 14	32.97% 30	31.87% 29	12.09% 11	91
New permit process (Approval of wildlife rehabilitation facility)	2.25% 2	15.73% 14	33.71% 30	28.09% 25	20.22% 18	89
Standards of wildlife rehabilitation (i.e., currently references 2000 Minimum Standards)	3.26% 3	5.43% 5	35.87% 33	28.26% 26	27.17% 25	92
Biosecurity guidelines (i.e., disease prevention)	3.26% 3	6.52% 6	22.83% 21	41.30% 38	26.09% 24	92
Non-releasable wildlife	6.52% 6	10.87% 10	21.74% 20	38.04% 35	22.83% 21	92
Release of wildlife back to the wild	3.26% 3	7.61% 7	27.17% 25	36.96% 34	25.00% 23	92
Veterinarian on record	13.19% 12	7.69% 7	35.16% 32	23.08% 21	20.88% 19	91
Satellite facilities	10.87% 10	5.43% 5	33.70% 31	31.52% 29	18.48% 17	92
Department notification requirements (e.g., written records, diseased wildlife, annual reports)	6.52% 6	7.61% 7	27.17% 25	45.65% 42	13.04% 12	92
Prohibition on possession of certain native wildlife (e.g., big game mammals, fully protected species)	8.89% 8	11.11% 10	25.56% 23	31.11% 28	23.33% 21	90
Temporary confinement of wildlife	6.74% 6	13.48% 12	40.45% 36	26.97% 24	12.36% 11	89
Wildlife rehabilitation facility definition	7.61% 7	15.22% 14	32.61% 30	28.26% 26	16.30% 15	92
Provisions related to facility operations (e.g., emergency preparedness)	7.78% 7	6.67% 6	42.22% 38	24.44% 22	18.89% 17	90

Q4 Are there other updates or changes to California Code of Regulations, Title 14 section 679 that you would like to recommend?

Answered: 29 Skipped: 66

Q5 CDFW defines a satellite facility as “a location where rehabilitation is performed other than at the address listed” on the Department permit and memorandum of understanding. Does your facility use satellite facilities?

Answered: 95 Skipped: 0



ANSWER CHOICES	RESPONSES	
No	20.00%	19
Unsure/Do not know	13.68%	13
Yes (please specify number of satellite facilities)	66.32%	63
TOTAL		95

Q6 In your opinion, what are the minimum number of hours experience/training needed to become a skilled wildlife rehabilitator in California?

Answered: 86 Skipped: 9

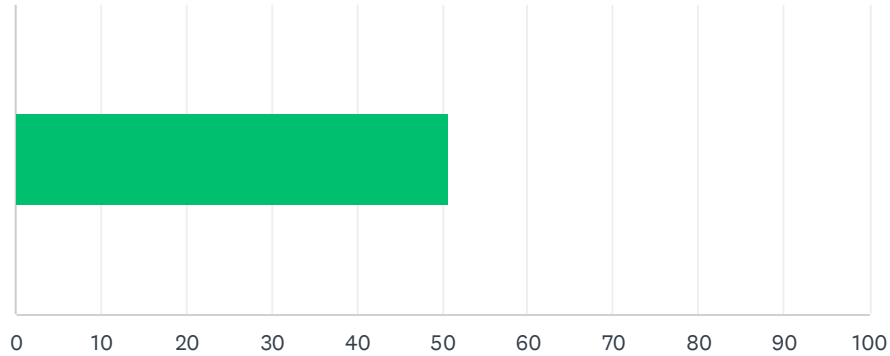
Q7 In your opinion, what are the minimum number of hours experience/training needed to become a skilled wildlife rehabilitator for each of the “specialty rehab” species listed below?

Answered: 78 Skipped: 17

ANSWER CHOICES	RESPONSES	
Black bear cubs	91.03%	71
Deer fawns	92.31%	72
Raptors	98.72%	77

Q8 How familiar are you with CDFW assisted placement of confiscated animals, restricted species, and/or non-releasable wildlife?

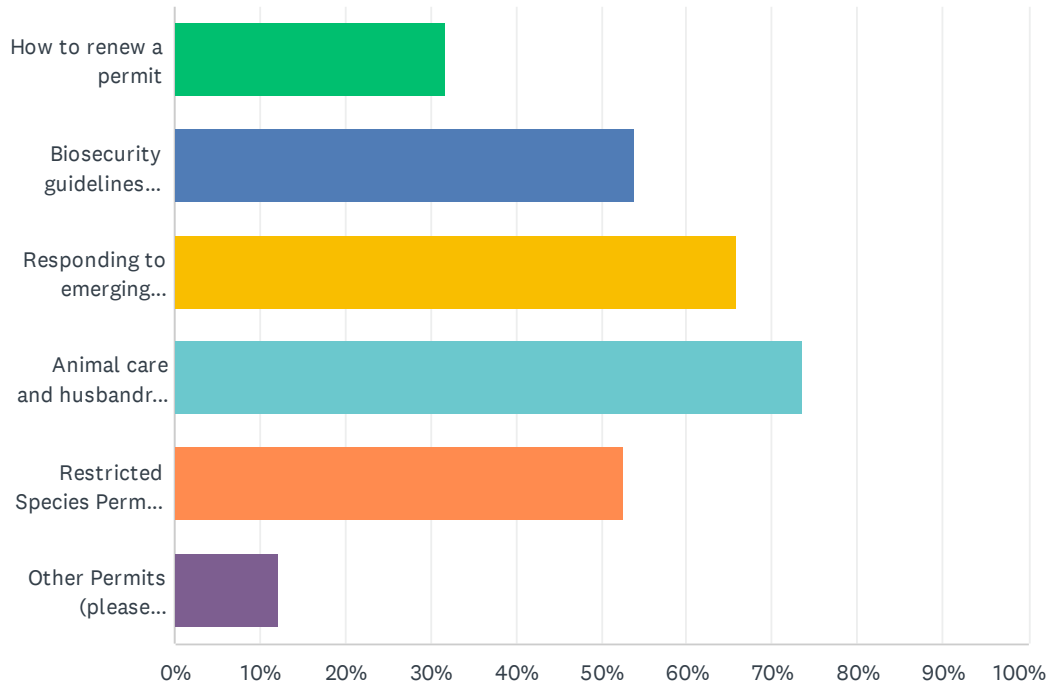
Answered: 91 Skipped: 4



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	51	4,621	91
Total Respondents: 91			

Q9 What Department guidance and/or resources would you find most useful?

Answered: 91 Skipped: 4



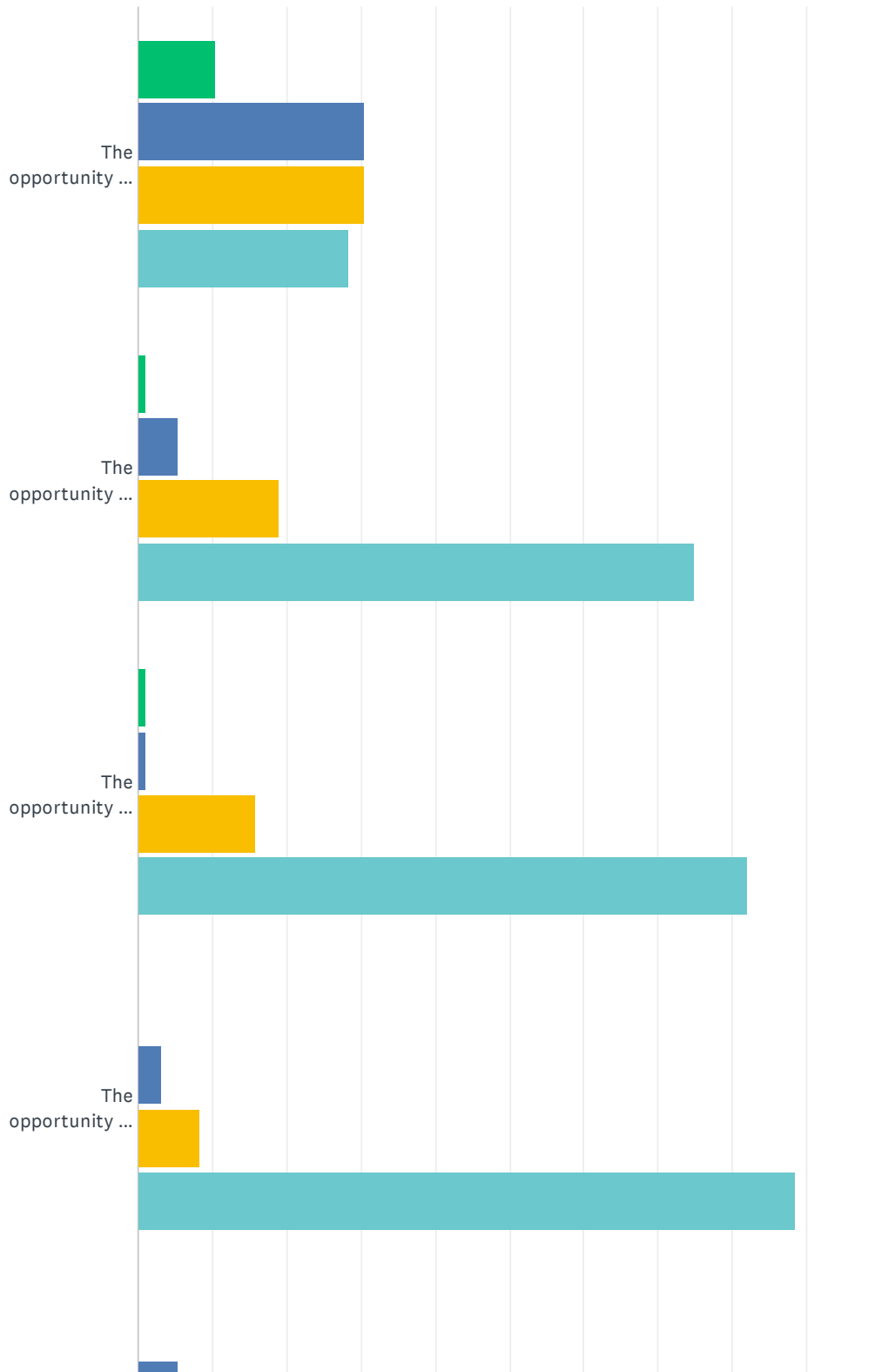
ANSWER CHOICES	RESPONSES	
How to renew a permit	31.87%	29
Biosecurity guidelines (preventing zoonotic disease)	53.85%	49
Responding to emerging diseases	65.93%	60
Animal care and husbandry (best practices)	73.63%	67
Restricted Species Permits (education animals)	52.75%	48
Other Permits (please specify)	12.09%	11
Total Respondents: 91		

Q10 Lastly, we are interested in learning more about your experiences with wildlife rehabilitation. How many years have you been working or volunteering with a rehabilitation facility?

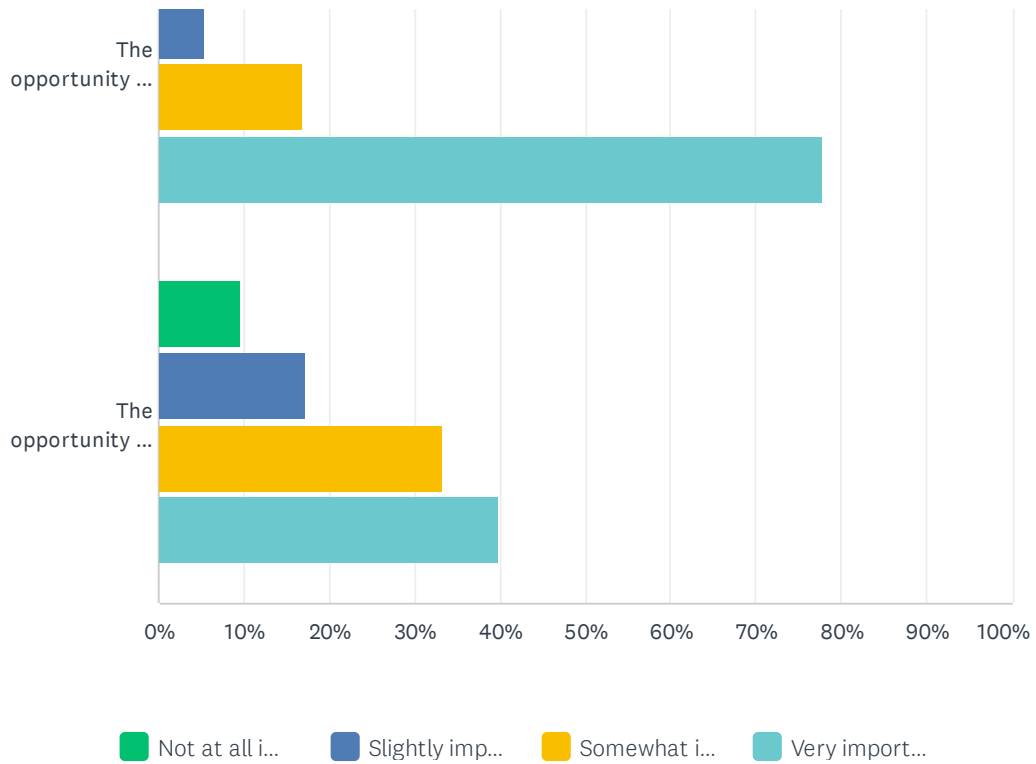
Answered: 93 Skipped: 2

Q11 Please take a moment to think about the reasons why you choose to conduct wildlife rehabilitation. How would you rate the importance of the following opportunities to your decision to conduct wildlife rehabilitation?

Answered: 95 Skipped: 0



California Wildlife Rehabilitation Survey



	NOT AT ALL IMPORTANT	SLIGHTLY IMPORTANT	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
The opportunity to spend time with others who share my interests	10.53% 10	30.53% 29	30.53% 29	28.42% 27	95	2.77
The opportunity to learn about wildlife (or specific species)	1.05% 1	5.26% 5	18.95% 18	74.74% 71	95	3.67
The opportunity to gain "hands-on" experiences	1.05% 1	1.05% 1	15.79% 15	82.11% 78	95	3.79
The opportunity to care for wildlife	0.00% 0	3.16% 3	8.42% 8	88.42% 84	95	3.85
The opportunity to contribute to wildlife conservation efforts	0.00% 0	5.26% 5	16.84% 16	77.89% 74	95	3.73
The opportunity to volunteer in my local community	9.68% 9	17.20% 16	33.33% 31	39.78% 37	93	3.03

Q12 Thank you. Please use the space below if you have any additional thoughts or comments you would like to share.

Answered: 29 Skipped: 66

Q1 Please review the proposed text of CCR §679.1 which covers the definitions used for 679.1-679.9. If you have comments or feedback on this section, please use this comment box.

Answered: 25 Skipped: 43

Q2 Please review the proposed text of CCR §679.2 which covers the transportation and confinement of live wildlife for wildlife rehabilitation. If you have comments or feedback on this section, please use this comment box.

Answered: 54 Skipped: 14

Q3 Please review the proposed text of CCR §679.3a which covers the issuance of wildlife rehabilitation permits. If you have comments or feedback on this section, please use this comment box.

Answered: 30 Skipped: 38

Q4 Please review the proposed text of CCR §679.3b which covers specialty rehabilitation authorization. If you have comments or feedback on this section, please use this comment box.

Answered: 44 Skipped: 24

Q5 Please review the proposed text of CCR §679.3c, CCR §679.3d, and CCR §679.3e which cover wildlife rehabilitation sub-permits, long-term possession of animals, and the transition period clause. If you have comments or feedback on this section, please use this comment box.

Answered: 46 Skipped: 22

Q6 Please review the proposed text of CCR §679.4 which covers the provisions related to the operation of a wildlife rehabilitation facility. If you have comments or feedback on this section, please use this comment box.

Answered: 32 Skipped: 36

Q7 Please review the proposed text of CCR §679.5a which covers the care of wildlife in possession. If you have comments or feedback on this section, please use this comment box.

Answered: 33 Skipped: 35

Q8 Please review the proposed text of CCR §679.5b and CCR §679.5c which covers the treatment of wildlife in possession. If you have comments or feedback on this section, please use this comment box.

Answered: 18 Skipped: 50

Q9 Please review the proposed text of CCR §679.5d and CCR §679.5e which cover animals not returned to the wild. If you have comments or feedback on this section, please use this comment box.

Answered: 22 Skipped: 46

Q10 Please review the proposed text of CCR §679.6 which covers the release of animals to the wild. If you have comments or feedback on this section, please use this comment box.

Answered: 13 Skipped: 55

Q11 Please review the proposed text of CCR §679.7 which covers the inspection of rehabilitation facilities. If you have comments or feedback on this section, please use this comment box.

Answered: 17 Skipped: 51

Feedback on Proposed Changes to Wildlife Rehabilitation Regulations-July Survey

Monday, April 15, 2024

72

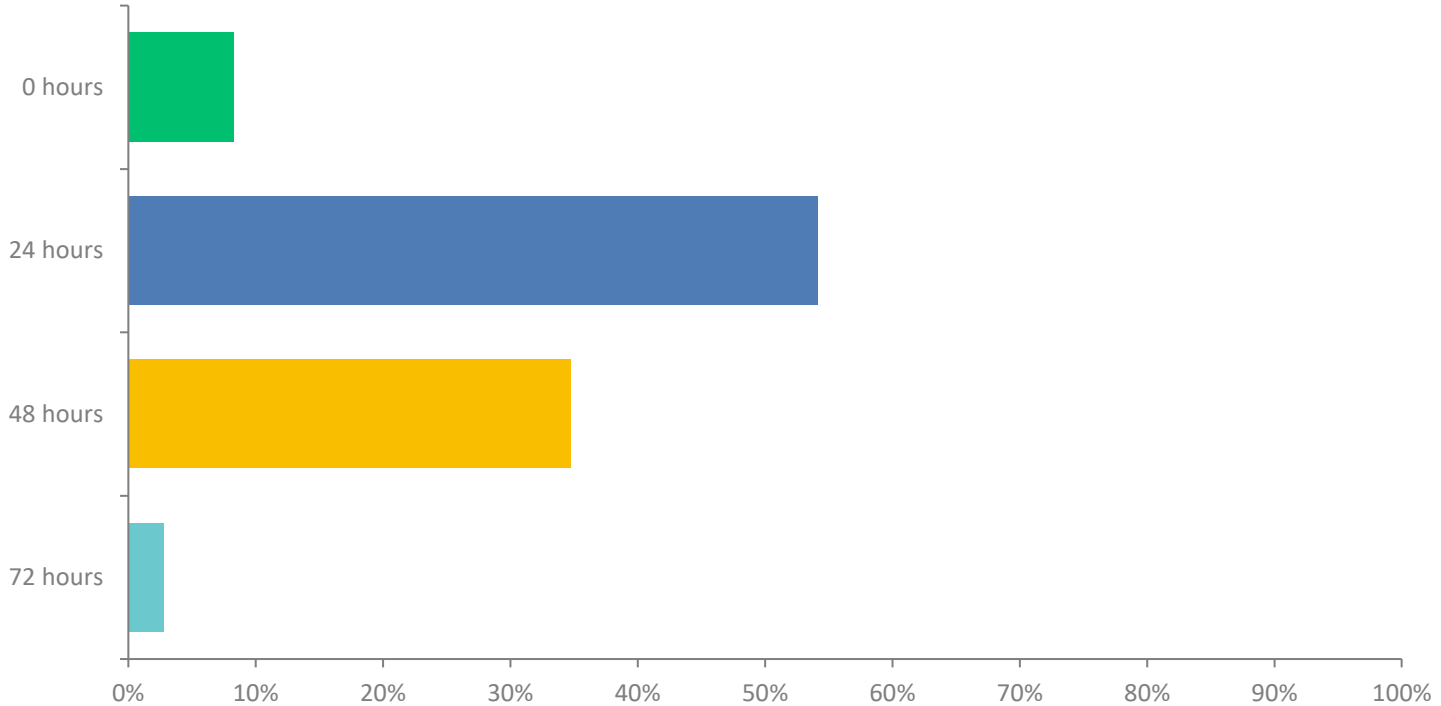
Total Responses

Date Created: Thursday, July 06, 2023

Complete Responses: 72

Injured, sick, or orphaned wildlife - for the purposes of transporting for rehabilitation (good Samaritan) - before bringing it to a permitted wildlife rehabilitator?

Answered: 72 Skipped: 0



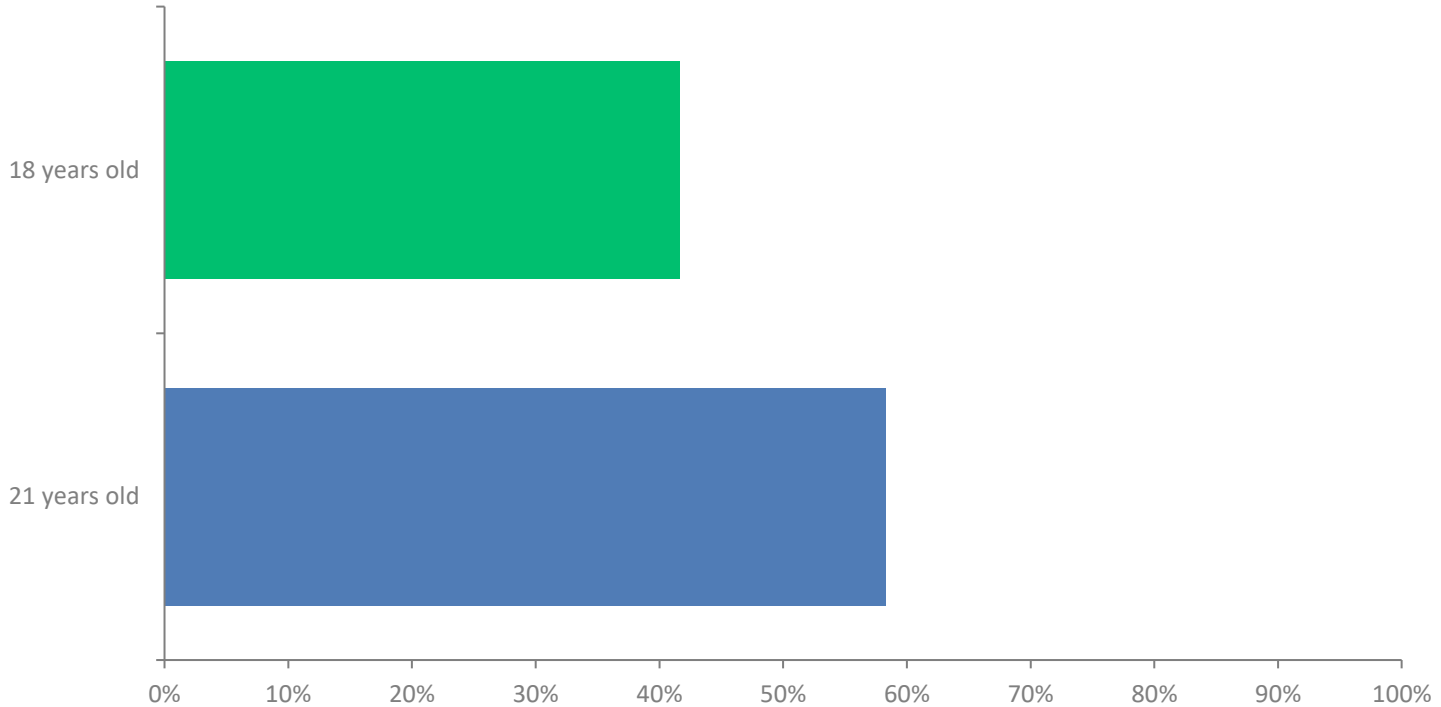
Injured, sick, or orphaned wildlife - for the purposes of transporting for rehabilitation (good Samaritan) - before bringing it to a permitted wildlife rehabilitator?

Answered: 72 Skipped: 0

ANSWER CHOICES	RESPONSES	
0 hours	8.33%	6
24 hours	54.17%	39
48 hours	34.72%	25
72 hours	2.78%	2
TOTAL		72

Q2: What should the minimum age be for an individual to apply for a CDFW Native Wildlife Rehabilitation Permit?

Answered: 72 Skipped: 0



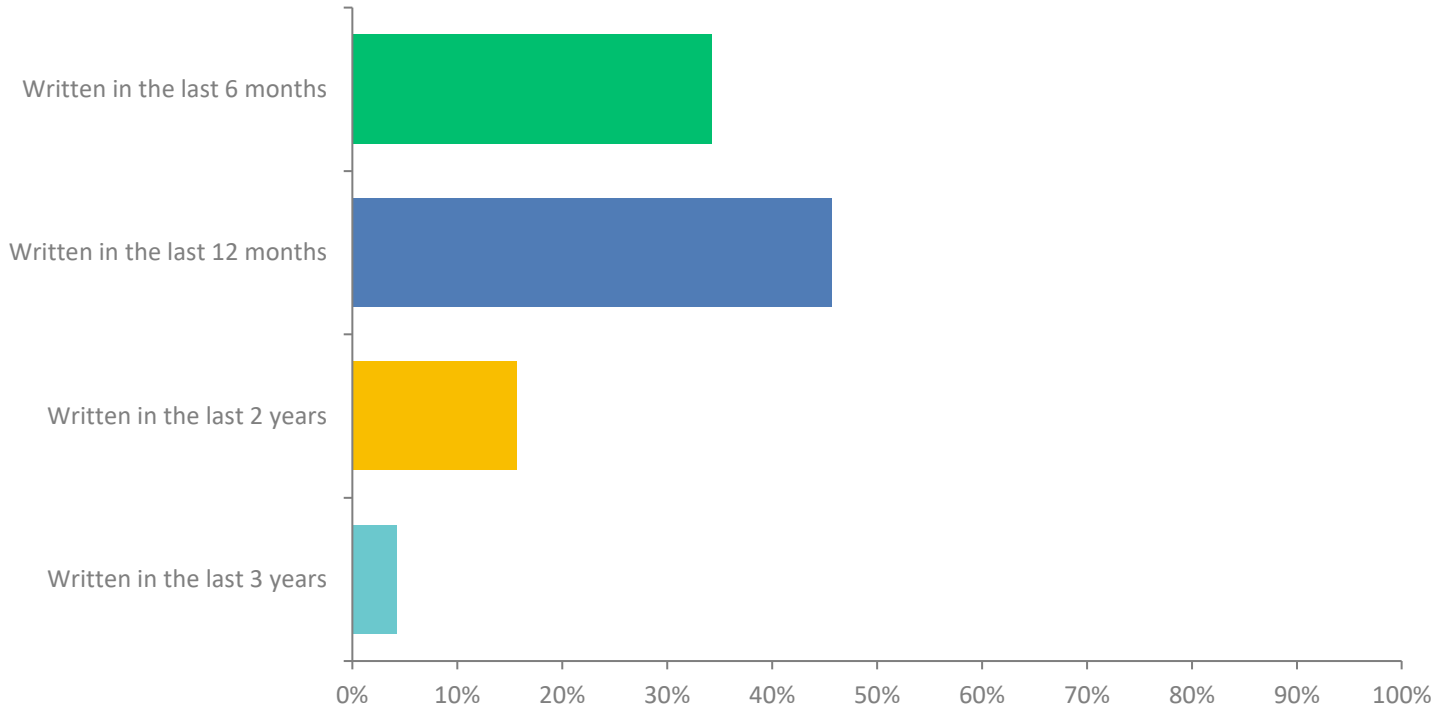
Q2: What should the minimum age be for an individual to apply for a CDFW Native Wildlife Rehabilitation Permit?

Answered: 72 Skipped: 0

ANSWER CHOICES	RESPONSES	
18 years old	41.67%	30
21 years old	58.33%	42
TOTAL		72

Must provide 2 letters stating there is a need for a new facility in that area. Within how many months or years - from the date of the application - should these letters be written?

Answered: 70 Skipped: 2



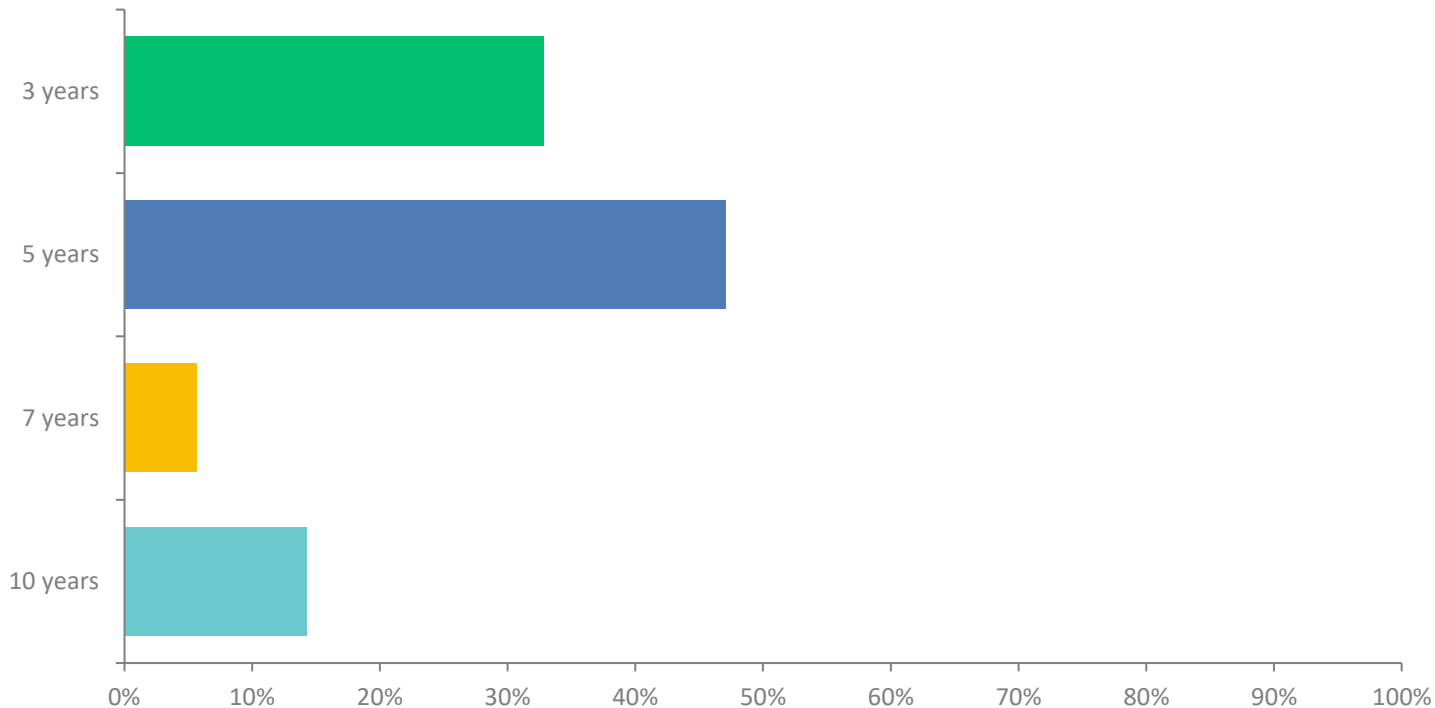
Must provide 2 letters stating there is a need for a new facility in that area. Within how many months or years - from the date of the application - should these letters be written?

Answered: 70 Skipped: 2

ANSWER CHOICES	RESPONSES	
Written in the last 6 months	34.29%	24
Written in the last 12 months	45.71%	32
Written in the last 2 years	15.71%	11
Written in the last 3 years	4.29%	3
TOTAL		70

Q4: An individual applying for a CDI W Native Wildlife Rehabilitation Permit must have 1,000 hours of experience with wildlife rehabilitation. Within how many years should this experience be gained?

Answered: 70 Skipped: 2



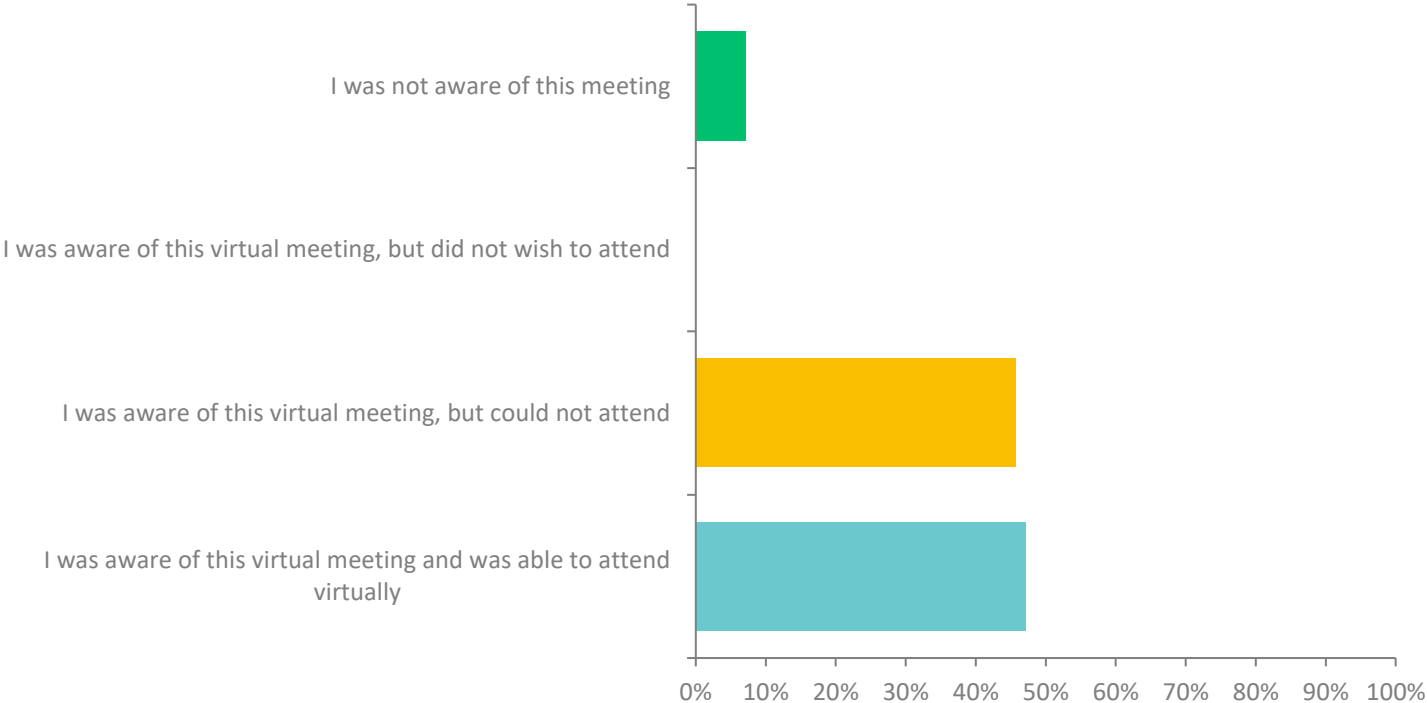
Q4. An individual applying for a CDI w/ Native Wildlife Rehabilitation Permit must have 1,000 hours of experience with wildlife rehabilitation. Within how many years should this experience be gained?

Answered: 70 Skipped: 2

ANSWER CHOICES	RESPONSES	
3 years	32.86%	23
5 years	47.14%	33
7 years	5.71%	4
10 years	14.29%	10
TOTAL		70

Q5: Please select which best describes your experience with the most recent CCWR Townhall Meeting about the 679 updates?

Answered: 70 Skipped: 2



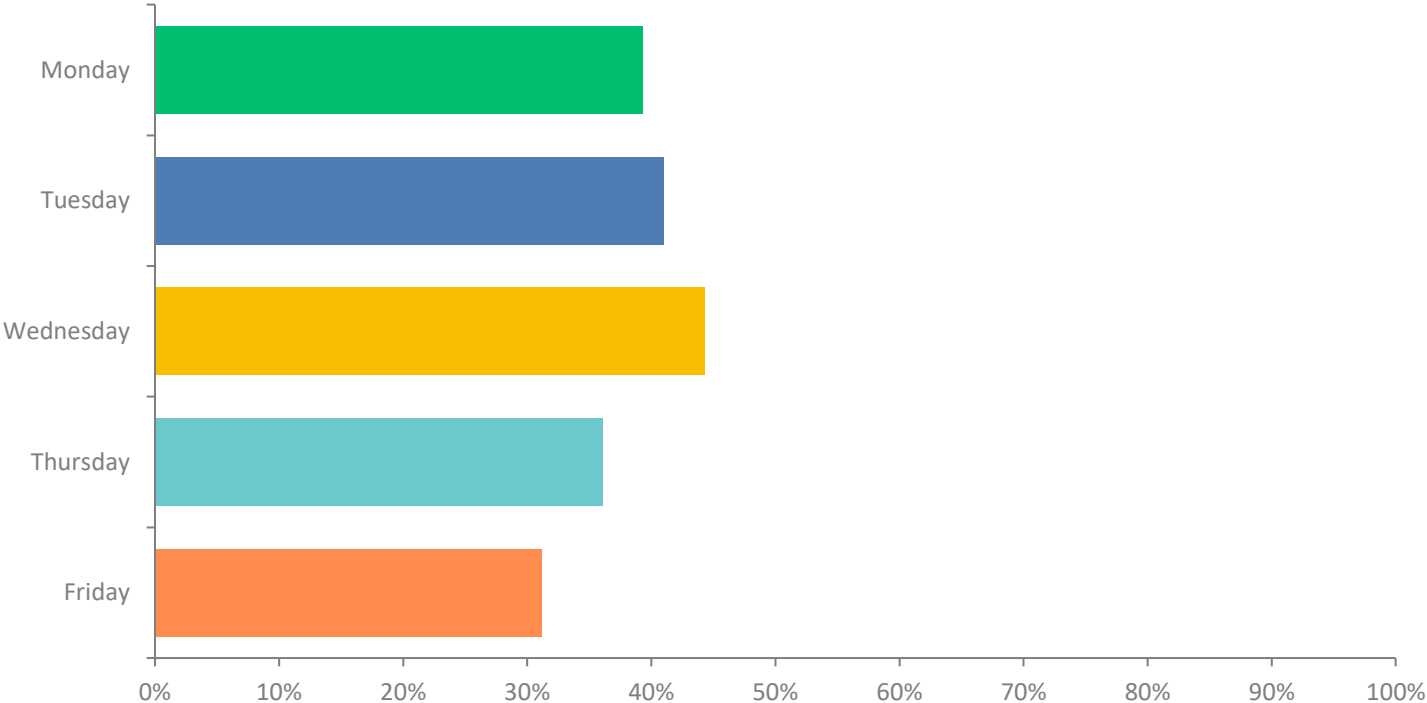
Q5: Please select which best describes your experience with the most recent CCWR Townhall Meeting about the 679 updates?

Answered: 70 Skipped: 2

ANSWER CHOICES	RESPONSES	
I was not aware of this meeting	7.14%	5
I was aware of this virtual meeting, but did not wish to attend	0%	0
I was aware of this virtual meeting, but could not attend	45.71%	32
I was aware of this virtual meeting and was able to attend virtually	47.14%	33
TOTAL		70

Q6: Which day of the week would you prefer CDFW to host future virtual webinars ('Townhall') on the 679 updates?

Answered: 61 Skipped: 11



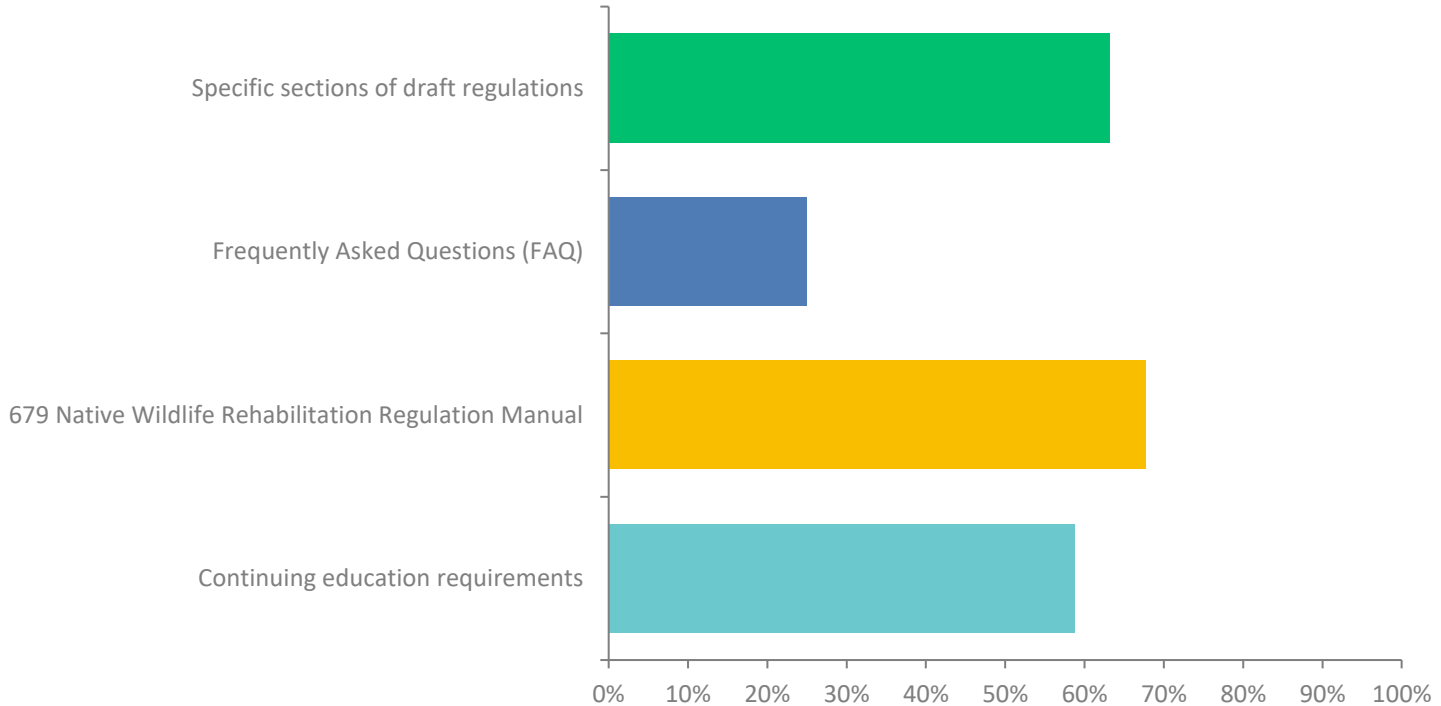
Q6: Which day of the week would you prefer CDFW to host future virtual webinars ('Townhall') on the 679 updates?

Answered: 61 Skipped: 11

ANSWER CHOICES	RESPONSES	
Monday	39.34%	24
Tuesday	40.98%	25
Wednesday	44.26%	27
Thursday	36.07%	22
Friday	31.15%	19
TOTAL		117

Q7: What topic(s) would you like CDFW to discuss at the next 679 Townhall Meeting scheduled the week of July 24th (time TBD)?

Answered: 68 Skipped: 4



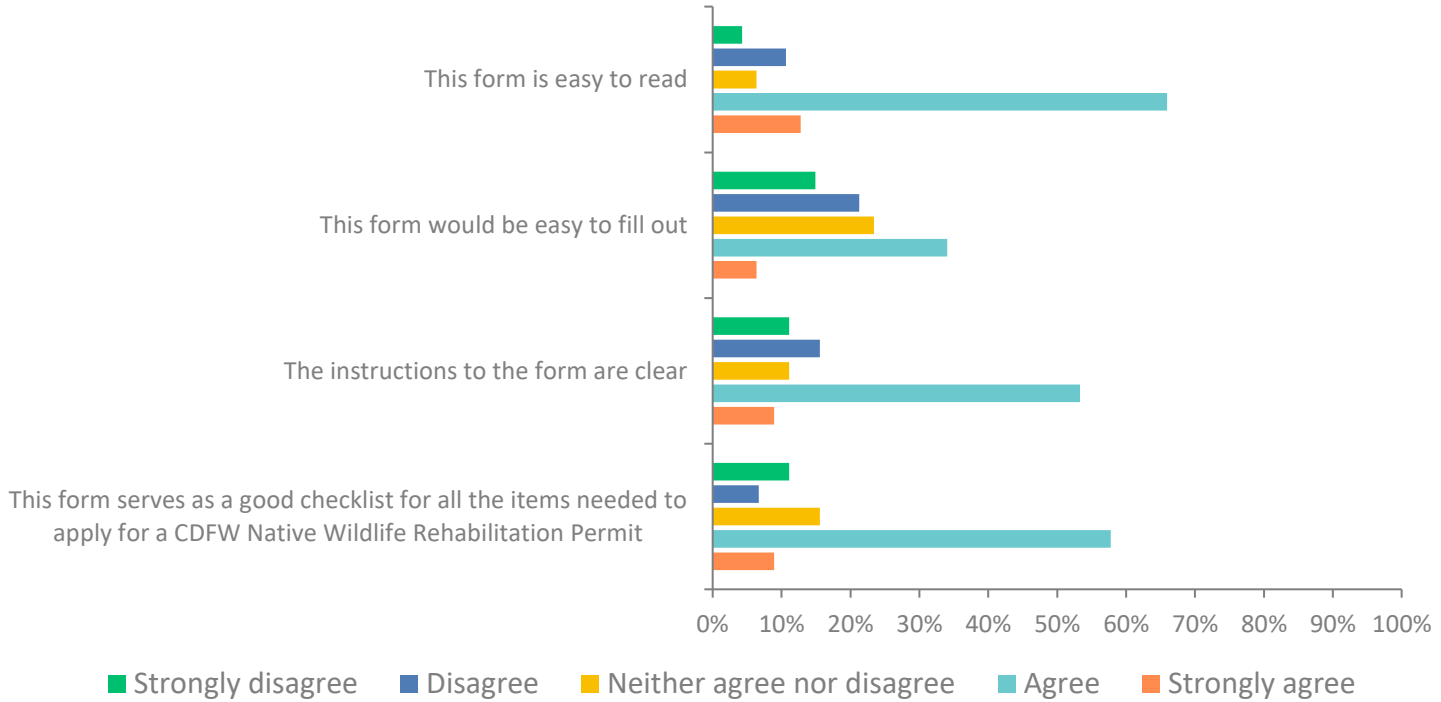
Q7: What topic(s) would you like CDFW to discuss at the next 679 Townhall Meeting scheduled the week of July 24th (time TBD)?

Answered: 68 Skipped: 4

ANSWER CHOICES	RESPONSES	
Specific sections of draft regulations	63.24%	43
Frequently Asked Questions (FAQ)	25.00%	17
679 Native Wildlife Rehabilitation Regulation Manual	67.65%	46
Continuing education requirements	58.82%	40
TOTAL		146

Q6. Looking at the draft form for individuals applying for new and renewal permits applicants (REF. § 679.3(a)), please indicate your agreement with the following statements.

Answered: 47 Skipped: 25



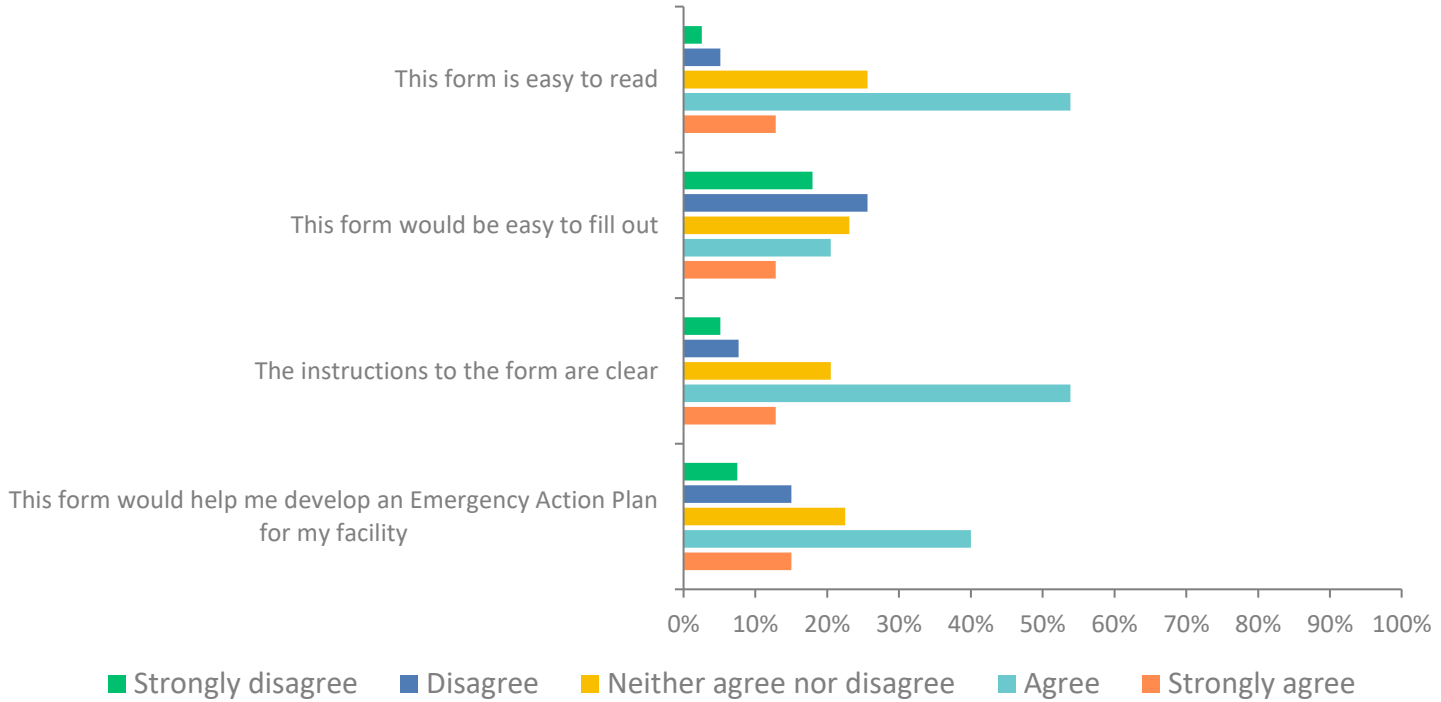
Q6. Looking at the draft form for individuals applying for new and renewal permits applicants (REF. § 679.3(a)), please indicate your agreement with the following statements.

Answered: 47 Skipped: 25

	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
This form is easy to read	4.26% 2	10.64% 5	6.38% 3	65.96% 31	12.77% 6	47	1
This form would be easy to fill out	14.89% 7	21.28% 10	23.40% 11	34.04% 16	6.38% 3	47	1
The instructions to the form are clear	11.11% 5	15.56% 7	11.11% 5	53.33% 24	8.89% 4	45	1
This form	11.11%	6.67%	15.56%	53.33%	8.89%	45	1

Q10: Looking at the draft form for creating an emergency action plan (REF. § 679.3(a)), please indicate your agreement with the following statements.

Answered: 40 Skipped: 32



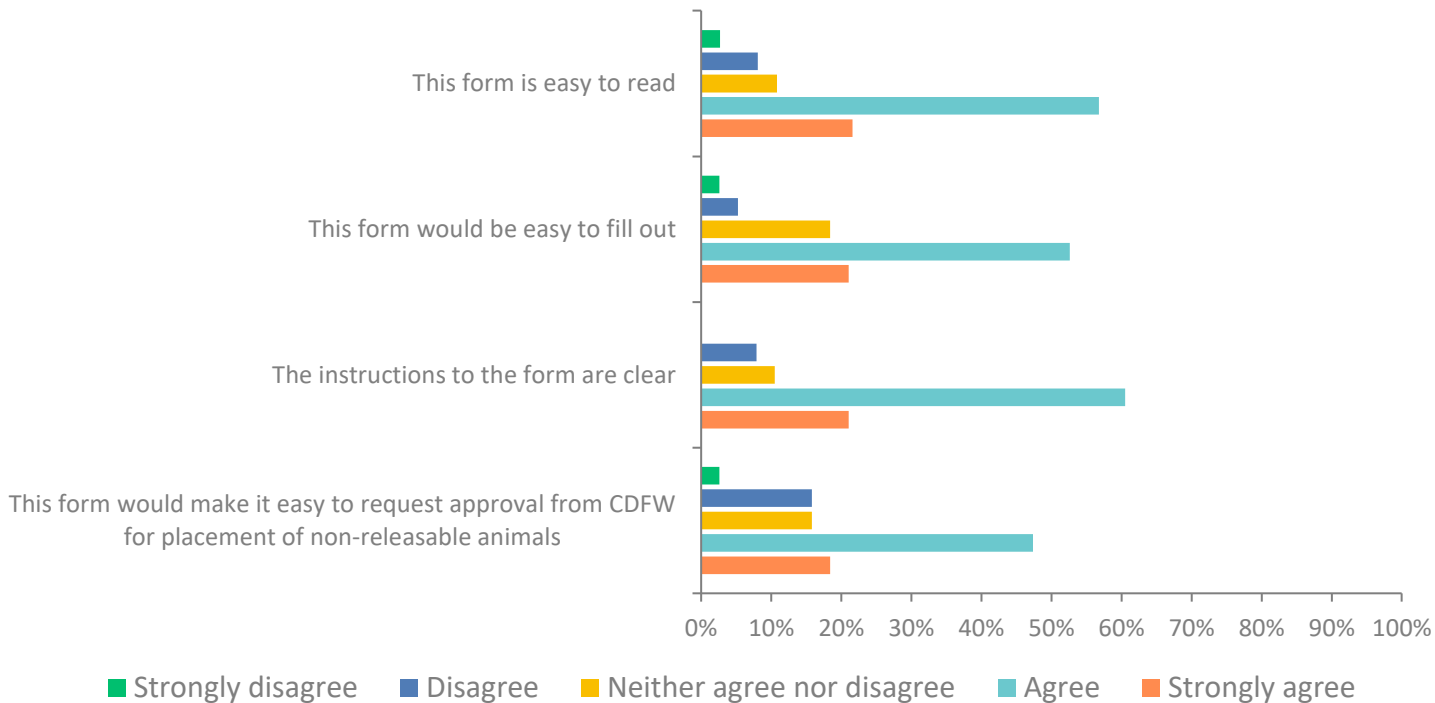
Q10: Looking at the draft form for creating an emergency action plan (REF. § 679.3(a)), please indicate your agreement with the following statements.

Answered: 40 Skipped: 32

	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
This form is easy to read	2.56% 1	5.13% 2	25.64% 10	53.85% 21	12.82% 5	39	1
This form would be easy to fill out	17.95% 7	25.64% 10	23.08% 9	20.51% 8	12.82% 5	39	1
The instructions to the form are clear	5.13% 2	7.69% 3	20.51% 8	53.85% 21	12.82% 5	39	1
This form	7.50%	15.00%	22.50%	40.00%	15.00%	40	1

Q12: Looking at the draft for certifying if a rehabilitation animal is non-releasable and a potential candidate for captive placement (REF. § 679.5(d)), please indicate your agreement with the following statements.

Answered: 38 Skipped: 34



Q12: Looking at the draft for certifying if a rehabilitation animal is non-releasable and a potential candidate for captive placement (REF. § 679.5(d)), please indicate your agreement with the following statements.

Answered: 38 Skipped: 34

	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
This form is easy to read	2.70% 1	8.11% 3	10.81% 4	56.76% 21	21.62% 8	37	1
This form would be easy to fill out	2.63% 1	5.26% 2	18.42% 7	52.63% 20	21.05% 8	38	1
The instructions to the form are clear	0% 0	7.89% 3	10.53% 4	60.53% 23	21.05% 8	38	1
This form	2.63%	15.79%	15.79%	47.37%	18.42%	38	1

679 Wildlife Rehabilitation Rule Making Survey Results, January 2024

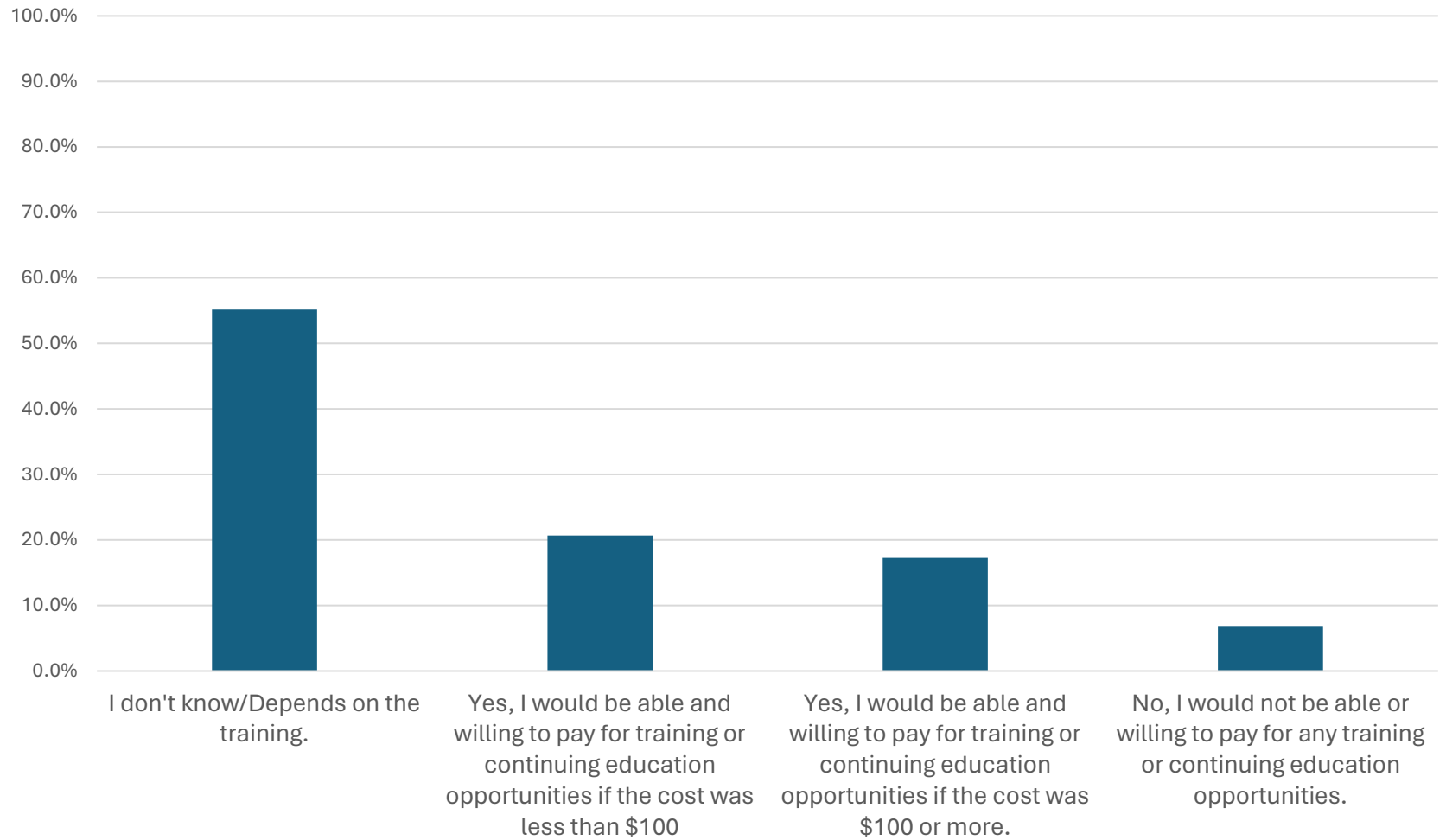
More Preferred



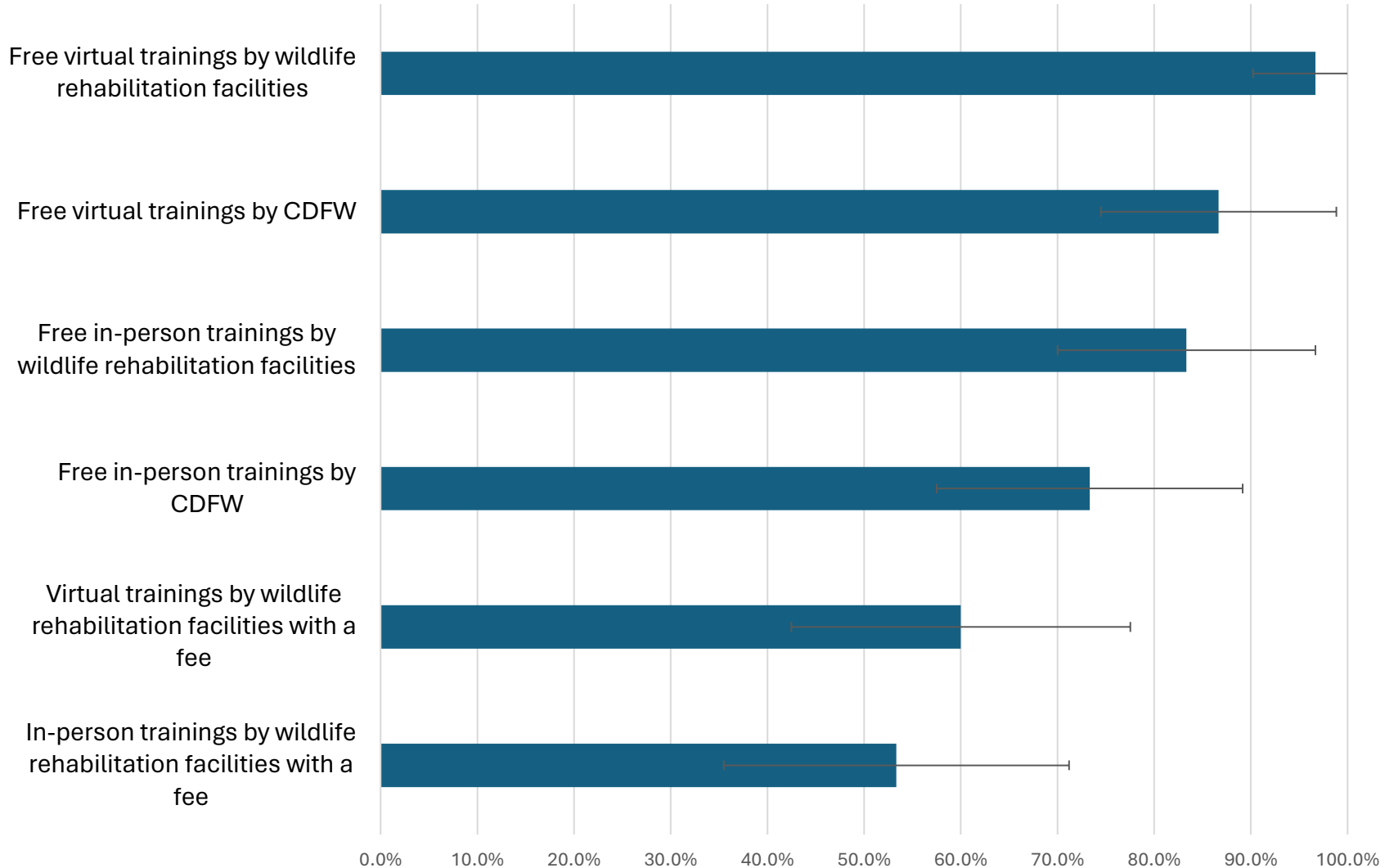
Less Preferred

Format	Score	95% Confidence Interval
Manual Review Teams (by taxa and/or sections)	3.03	0.73
Mini Review Periods (focused sections)	3.28	0.72
Virtual townhall meetings	3.86	0.83
Mini Review Periods (general)	4.31	0.57
Mini Working Groups	4.66	0.66
Online surveys	4.90	0.84
Frequently Asked Questions documents	5.93	0.87
Roundtable/Discussion Groups	6.03	0.68

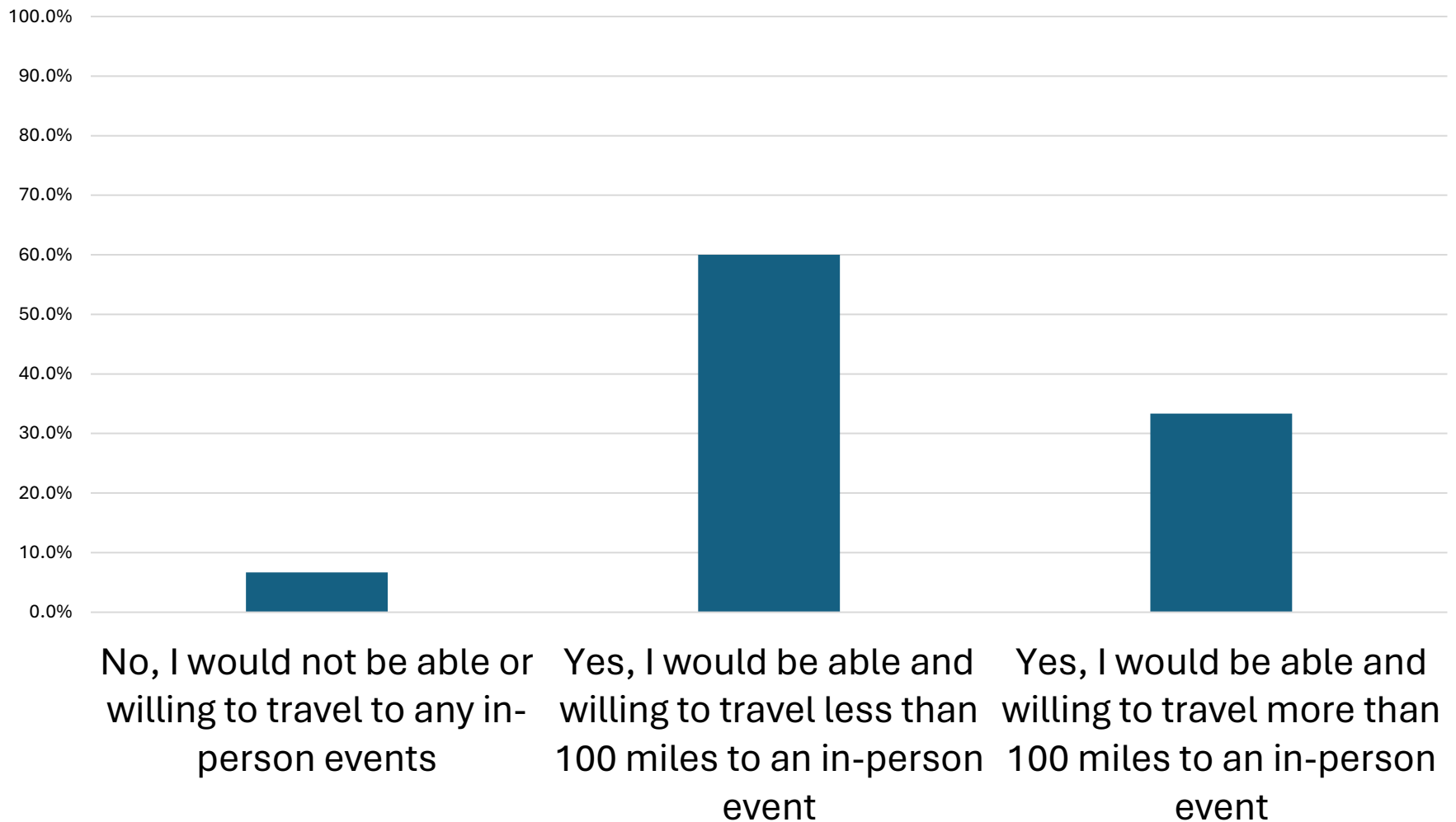
For opportunities that are not offered by CDFW, would you be able or willing to pay for the training or workshop?



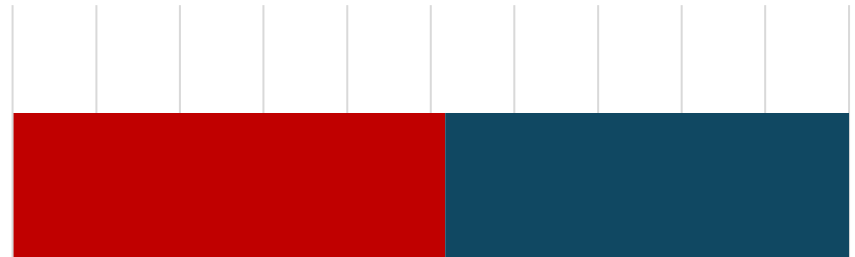
For continuing education and training, what are your preferred formats?



Whether offered by CDFW or a different organization, would you be able or willing to travel to attend an in-person event?



Are you familiar with the WIR System?



Do you know the contact information for your local CDFW Unit Bio. or HWC Specialist?



Do you know the contact information for your local CDFW LED Officer?



0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

■ No ■ No, but I know how to contact my local CDFW [LED/Regional] Office ■ Yes

State	Agency Name	Specialty Rehabilitation Requirements	Exam Required	General Eligibility Requirements	Wildlife Rehabilitation Agency Manual	NWRA/IWRC Wildlife Rehabilitation Standards (1) required by agency; or (2) Incorporated by reference?
Alabama	Department of Conservation and Natural Resources	Yes	Yes	19+ years; tetanus shot within last 10 years.	No	4th Ed. 2012 Minimum Standards
Arizona	Game and Fish Department	No	Yes	18+ years; 2 years' experience with 832 hours min (avg 8 hours /wk)	No	No
Arkansas	Game and Fish Commission	Yes	No	2 years' experience	No	No
California	Department of Fish and Wildlife	Yes	No	18+ years; 400 hours experience	--	3 rd Ed. 2000 Minimum Standards
Colorado	Parks and Wildlife	No	No	Sponsorship under a permittee with 3+ years' experience; Learning Plan prior to becoming Full Wildlife Rehabber.	<i>TBD</i>	No
Connecticut	Department of Energy and Environmental Protection	Yes	Yes	18+ years; wildlife rehabilitation seminar or training; 3 years' experience	<i>TBD</i>	<i>TBD</i>
Delaware	Division of Fish and Wildlife	No	No	100 hours within last year	<i>TBD</i>	<i>TBD</i>
Florida	Fish and Wildlife Conservation Commission	No	Yes	1000 hours, 1+ years' experience	<i>TBD</i>	<i>TBD</i>
Georgia	Wildlife Resources Division	No	Yes	Not specified	<i>TBD</i>	<i>TBD</i>
Hawaii	Department of Land and Natural Resources	No	No	18+ years	<i>TBD</i>	<i>TBD</i>
Idaho	Fish and Game	No	No	None	<i>TBD</i>	<i>TBD</i>
Illinois	Department of Natural Resources	Yes	No	Not specified	<i>TBD</i>	<i>TBD</i>
Indiana	Department of Natural Resources	No	Yes	8 hours training	<i>TBD</i>	<i>TBD</i>
Iowa	Department of Natural Resources	No	No	5 years' experience OR licensed veterinarian; local state conservation officer recommendation	<i>TBD</i>	<i>TBD</i>

State	Agency Name	Specialty Rehabilitation Requirements	Exam Required	General Eligibility Requirements	Wildlife Rehabilitation Agency Manual	NWRA/IWRC Wildlife Rehabilitation Standards (1) required by agency; or (2) Incorporated by reference?
Kansas	Department of Wildlife and Parks	No	No	18+ years; 100 hours experience	<i>TBD</i>	<i>TBD</i>
Kentucky	Department of Fish and Wildlife	No	No	18+ years; complete "Basic Rehabilitation" (IWRC) OR be a licensed veterinarian. Captive Wildlife Permitees or those possessing non-native wildlife not eligible for a permit.	No	3 rd Ed. 2000 Minimum Standards
Louisiana	Department of Wildlife and Fisheries	No	Yes	18+ years; liability release; financial responsibility statement; wildlife rehabilitation course	<i>TBD</i>	<i>TBD</i>
Maine	Department of Inland Fisheries and Wildlife	No	Yes	100 hours	<i>TBD</i>	<i>TBD</i>
Maryland	Department of Natural Resources	No	No	18+ years; sponsored as an apprentice by a licensed wildlife rehabilitator	<i>TBD</i>	<i>TBD</i>
Massachusetts	Division of Fisheries and Wildlife	No	Yes	Not specified	<i>TBD</i>	<i>TBD</i>
Michigan	Department of Natural Resources	Yes	No	30 hours experience; complete IWRC Basic Wildlife Rehabilitation course; sponsored as apprentice by a licensed wildlife rehabilitator	<i>TBD</i>	<i>TBD</i>
Minnesota	Department of Natural Resources	Yes	Yes	18+ years; training requirements vary by class of permit & type of wildlife	Yes	<i>TBD</i>
Mississippi	Department of Wildlife, Fisheries, and Parks	No	No	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Missouri	Department of Conservation	Yes	No	Licensed veterinarian OR "substantive" wildlife rehabilitation training.	<i>TBD</i>	<i>TBD</i>
Montana	Fish, Wildlife, and Parks	Yes	No		<i>TBD</i>	<i>TBD</i>

State	Agency Name	Specialty Rehabilitation Requirements	Exam Required	General Eligibility Requirements	Wildlife Rehabilitation Agency Manual	NWRA/IWRC Wildlife Rehabilitation Standards (1) required by agency; or (2) Incorporated by reference?
Nebraska	Game and Parks Commission	Yes; Skunks, Threatened/ endangered species prohibited	No	Wildlife Rescue Team (non-governmental organization) has developed requirements with the state agency	Yes	No
Nevada	Department of Wildlife	Yes	No		<i>TBD</i>	<i>TBD</i>
New Hampshire	Department of Fish and Game	Yes	No	Class I (Apprentice Permit); Class II: 200 hrs certified by a Class II sponsor, or be a licensed veterinarian	<i>TBD</i>	<i>TBD</i>
New Jersey	Division of Fish and Wildlife	Yes	No	1+ year apprenticeship under a permitted rehabilitator; 200 hours' experience	<i>TBD</i>	<i>TBD</i>
New Mexico	Department of Game and Fish	No	Yes		<i>TBD</i>	<i>TBD</i>
New York	Department of Environmental Conservation	Yes	Yes	16+ years; agency interview; Class II license requires 2 years' experience as Class I General Rehabilitator	Yes	Referenced "most current" version on agency website (broken link)
North Carolina	Wildlife Resources Commission	Yes	No		<i>TBD</i>	3 rd Ed. 2000 Minimum Standards
Ohio	Division of Wildlife	Yes	No	18+ years; wildlife rehabilitation course for Category I permit (non-rabies vector mammals); 3+ years Category I experience for Category II permit (all species except rabies-vectors, deer, coyote, bobcat, mute swans, endangered species).	Yes	No
Oklahoma	Department of Wildlife Conservation	Yes	Yes	None listed	No	No
Oregon	Department of Fish and Wildlife	Yes	Yes	18+ years old.	<i>TBD</i>	No

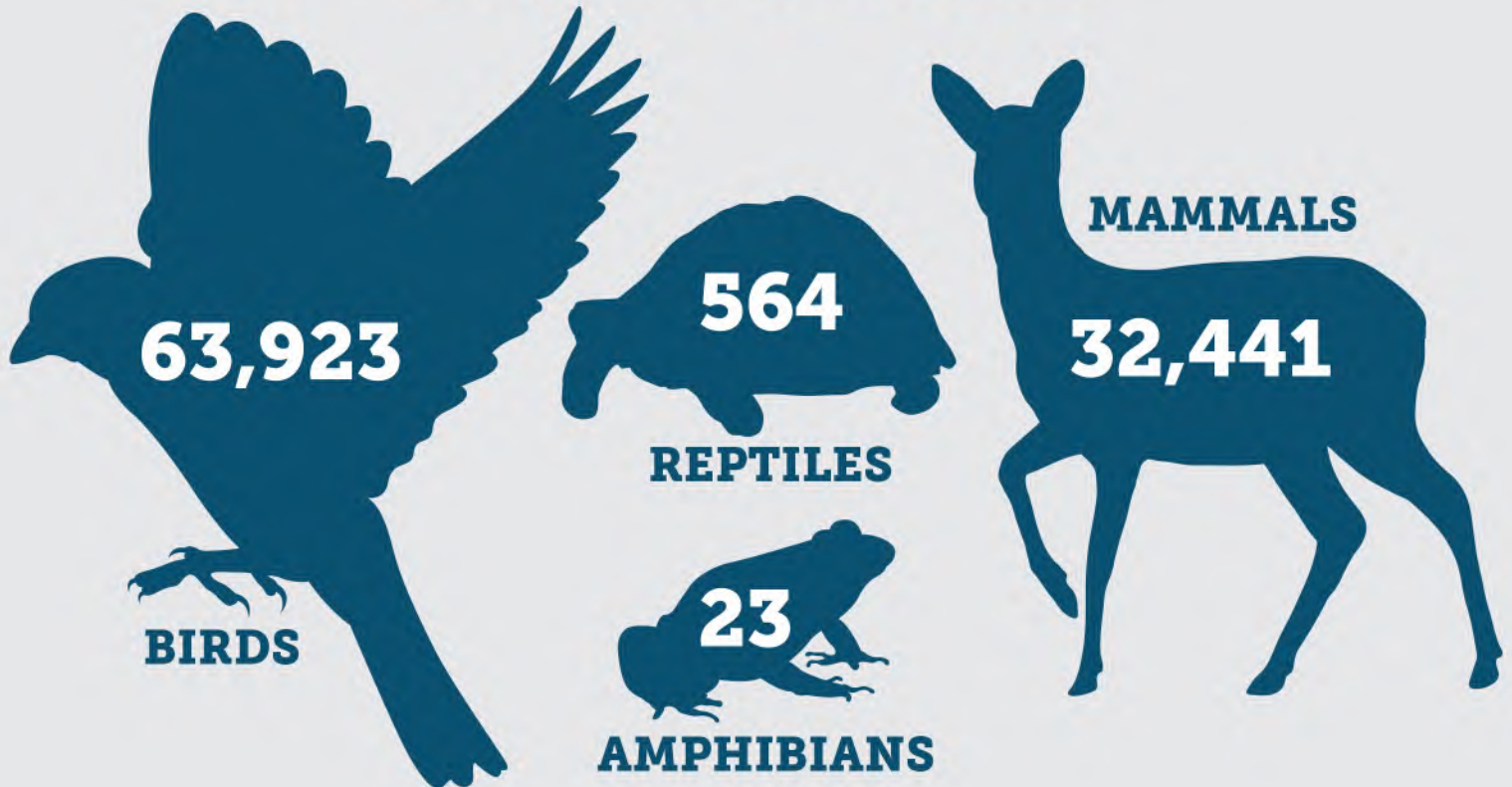
State	Agency Name	Specialty Rehabilitation Requirements	Exam Required	General Eligibility Requirements	Wildlife Rehabilitation Agency Manual	NWRA/IWRC Wildlife Rehabilitation Standards (1) required by agency; or (2) incorporated by reference?
Pennsylvania	Game Commission	Yes	Yes	Varies by permit type: Capture and transportation, wildlife rehabilitation, educational use of rehabilitation wildlife; & type of wildlife: Mammals, non-raptor avifauna, raptors.	No	No
Rhode Island	Department of Environmental Management	Yes	Yes	18+ years; IWRC Basic Wildlife Rehabilitation Course; Tetanus vaccine within last 10 yrs.	Yes	4th Ed. 2012 Minimum Standards
South Carolina	Department of Natural Resources	Yes			No	No
South Dakota	Department of Game, Fish & Parks	No	Yes	21+ years;	No	4th Ed. 2012 Minimum Standards
Tennessee	Wildlife Resources Agency	Yes (skunks prohibited)	Yes	200 hours experience, OR 1 year as Veterinary Technician, OR be a Licensed Veterinarian; OR possess valid wildlife rehab permit from another state. Captive Wildlife Permittee or person possessing non-native wildlife NOT eligible	No	References "Minimum facility guidelines of the National Wildlife Rehabilitators Association"
Texas	Department of Parks and Wildlife	No	Yes	18+ years; IWRC, NWRA, or other approved training.	No	4th Ed. 2012 Minimum Standards
Utah	Division of Wildlife Resources	Yes (coyote & raccoons require Dept of Agriculture authorization)	Yes	2 years' experience with 832 hours min (avg of 8 hrs./week) for the taxa for which applicant is applying	No	No
Vermont	Fish and Wildlife Department	Yes	No	2 years' experience as an apprentice under a wildlife rehabilitator; Game Warden interview; liability insurance.	Yes	4th Ed. 2012 Minimum Standards for Wildlife Rehabilitation
Virginia	Department of Wildlife Resources	Yes	No	Varies by Category: Category I requires an applicant be sponsored by Category II or Category III permittee	Yes	4th Ed. 2012 Minimum Standards

State	Agency Name	Specialty Rehabilitation Requirements	Exam Required	General Eligibility Requirements	Wildlife Rehabilitation Agency Manual	NWRA/IWRC Wildlife Rehabilitation Standards (1) required by agency; or (2) Incorporated by reference?
Washington	Department of Fish and Wildlife	Yes	Yes	18+ years; 1000 hours experience	Yes (2019, now archived)	References "most current minimum standards for wildlife rehabilitation" (NWRA)
Wisconsin	Department of Natural Resources	Yes	Yes	18+ years; signed sponsorship agreement (basic license); 2+ years' experience under sponsorship (advanced license)	No	References "Minimum Standards of the National Wildlife Rehabilitation Association..."
Wyoming	Game and Fish Department	No	No	18+ years; basic wildlife rehabilitation course; provisional permit applicant requires 2+ years' experience under sponsorship of a wildlife rehabilitator	No	2 nd Ed. 1993 Minimum Standards (...and which does not include any later amendments or editions)"

NOTE: Alaska, North Dakota, and West Virginia do not have state regulations to permit wildlife rehabilitation activities in their State.
Additional information required.

CDFW PERMITTED WILDLIFE REHABILITATORS 2022 ANIMAL INTAKES BY THE NUMBERS

97,756 TOTAL



81 PRIMARY FACILITIES
540 SATELLITE FACILITIES



46 GRANTS IN 2022
\$534,397 AWARDED



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Missouri	Department of Conservation	Yes	No	Licensed veterinarian OR "substantive" wildlife rehabilitation training.	<i>TBD</i>	<i>TBD</i>
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New Hampshire	Department of Fish and Game	Yes	No	Class I (Apprentice Permit); Class II: 200 hrs certified by a Class II sponsor, or be a licensed veterinarian	<i>TBD</i>	<i>TBD</i>
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New Mexico	Department of Game and Fish	No	Yes		<i>TBD</i>	<i>TBD</i>
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Oklahoma	Department of Wildlife Conservation	Yes	Yes	None listed	No	No
Oregon	Department of Fish and Wildlife	Yes	Yes	18+ years old.	<i>TBD</i>	No

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Rhode Island	Department of Environmental Management	Yes	Yes	18+ years; IWRC Basic Wildlife Rehabilitation Course; Tetanus vaccine within last 10 yrs.	Yes	4th Ed. 2012 Minimum Standards
South Carolina	Department of Natural Resources	Yes			No	No
South Dakota	Department of Game, Fish & Parks	No	Yes	21+ years;	No	4th Ed. 2012 Minimum Standards
Tennessee	Wildlife Resources Agency	Yes (skunks prohibited)	Yes	200 hours experience, OR 1 year as Veterinary Technician, OR be a Licensed Veterinarian; OR possess valid wildlife rehab permit from another state. Captive Wildlife Permittee or person possessing non-native wildlife NOT eligible	No	References "Minimum facility guidelines of the National Wildlife Rehabilitators Association"
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Virginia	Department of Wildlife Resources	Yes	No	Varies by Category: Category I requires an applicant be sponsored by Category II or Category III permittee	Yes	4th Ed. 2012 Minimum Standards

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Washington	Department of Fish and Wildlife	Yes	Yes	18+ years; 1000 hours experience	Yes (2019, now archived)	References "most current minimum standards for wildlife rehabilitation" (NWRA)
Wisconsin	Department of Natural Resources	Yes	Yes	18+ years; signed sponsorship agreement (basic license); 2+ years' experience under sponsorship (advanced license)	No	References "Minimum Standards of the National Wildlife Rehabilitation Association..."
Wyoming	Game and Fish Department	No	No	18+ years; basic wildlife rehabilitation course; provisional permit applicant requires 2+ years' experience under sponsorship of a wildlife rehabilitator	No	2 nd Ed. 1993 Minimum Standards (...and which does not include any later amendments or editions)"

NOTE: Alaska, North Dakota, and West Virginia do not have state regulations to permit wildlife rehabilitation activities in their State. Additional information required.



CCR 679 Wildlife Rehabilitation

- Attachment 9

Compilation of Photographic Evidence
of Violations or Deficiencies.

California Department of Fish and Wildlife 2024

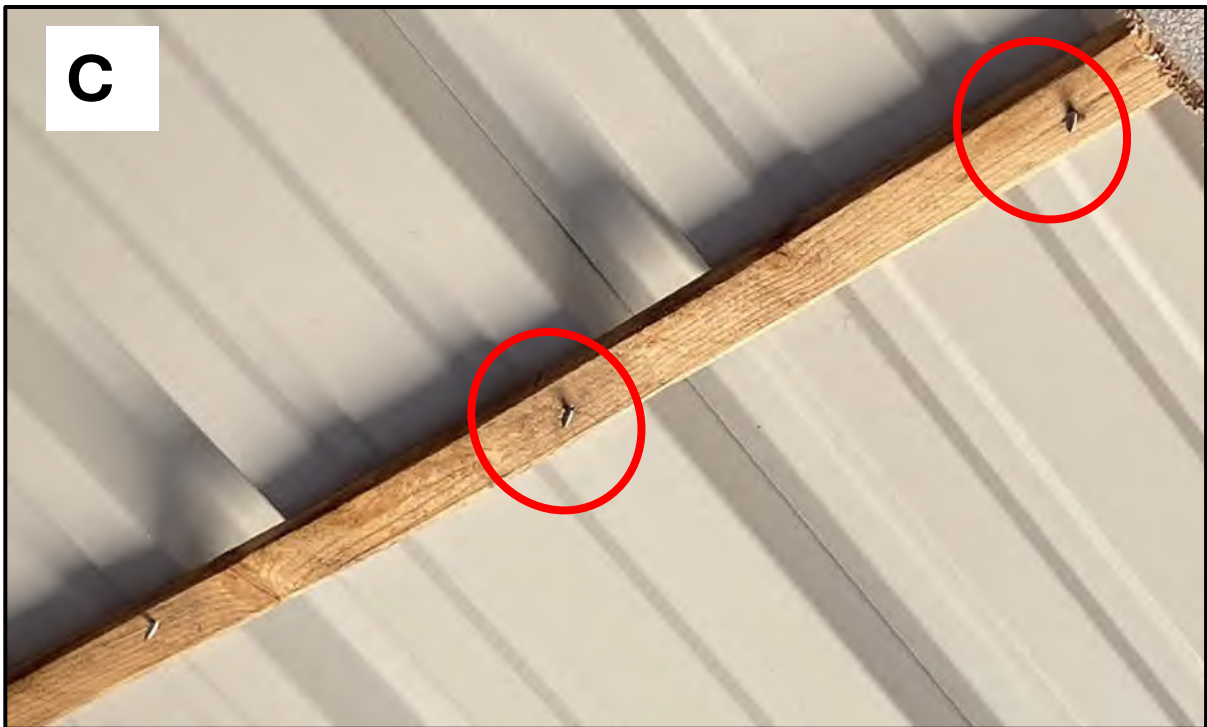
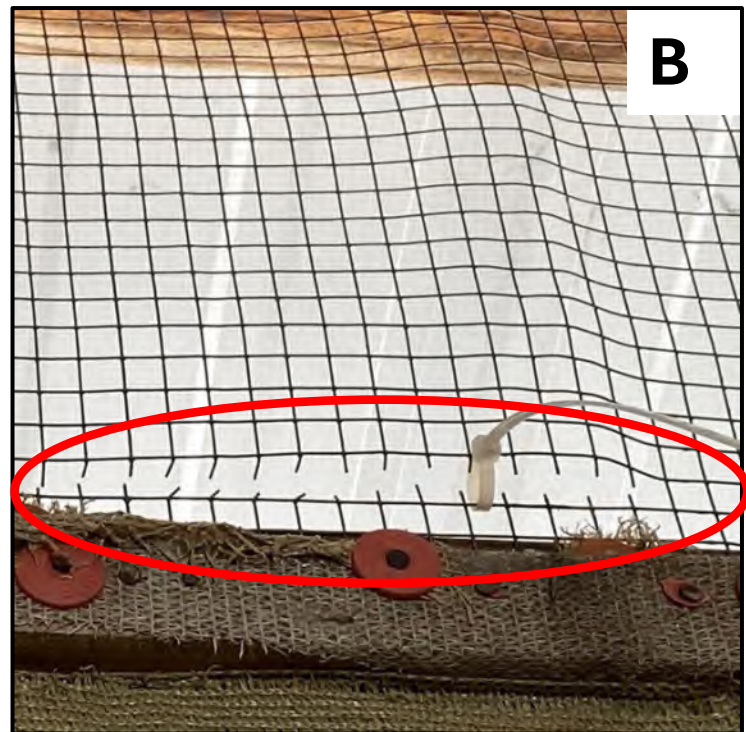
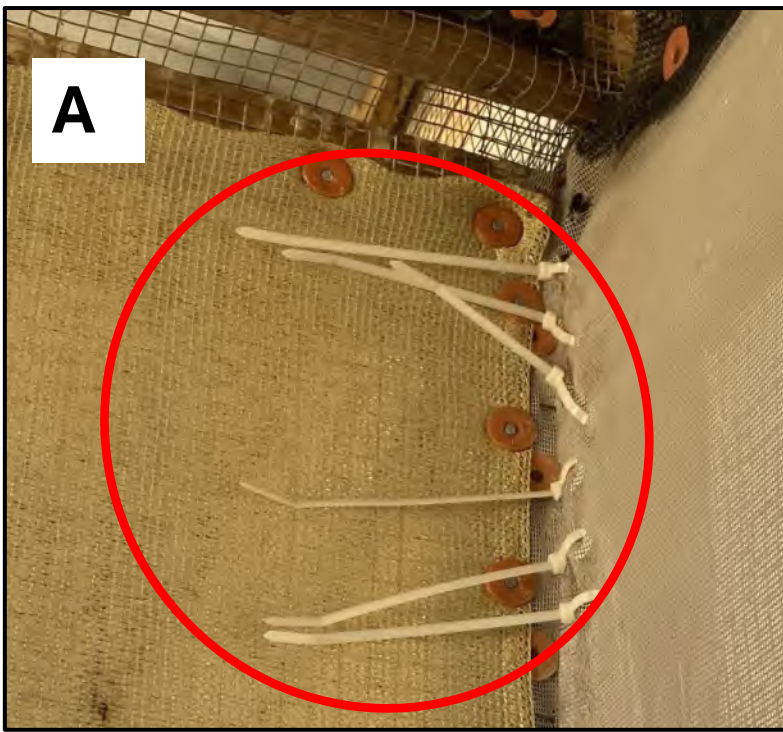


Figure 1. Sharp objects (indicated with red circles) on the interior of bird aviaries: zip ties (A), hardware cloth (B), and roof nails (C).



Figure 2. Outdoor small mammal enclosure that shows accumulated fecal matter under the cage (insert closeup of waste). This was an unoccupied enclosure that had been empty for several weeks.

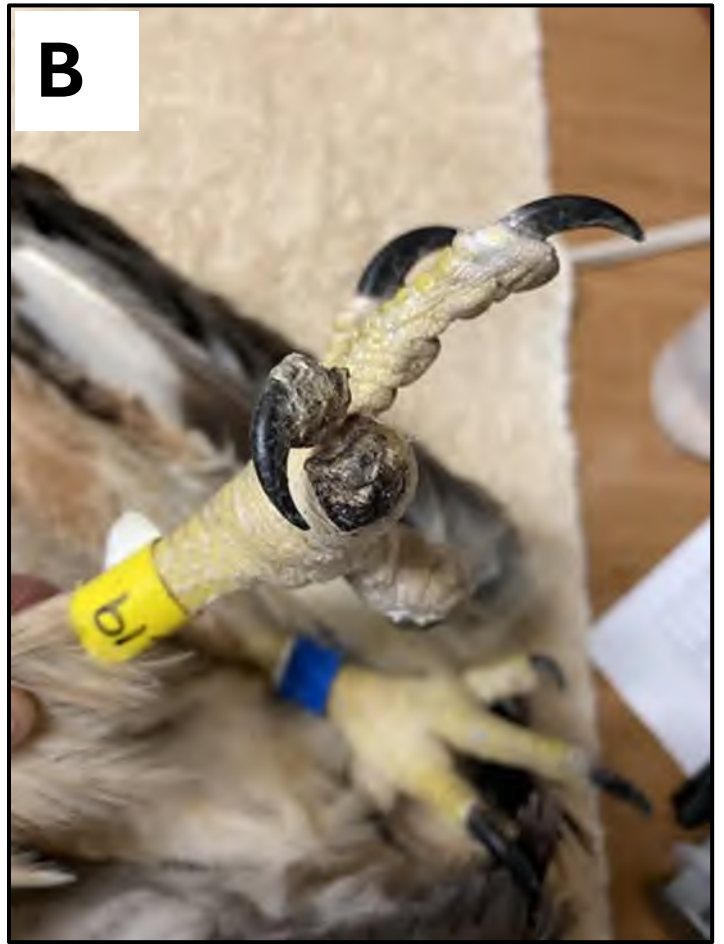


Figure 3. Poor husbandry (improper perches) impacting raptor feet: bumble foot lesions (A), missing digits and necrotic digit (B), and healthy foot for comparison (C).





Figure 4. Raccoons housed inside a kitchen without any visual barrier which could cause habituation and mal-imprinting, cage is inappropriate size for pre-release conditioning, and biosecurity issues for human safety regarding raccoon roundworm.

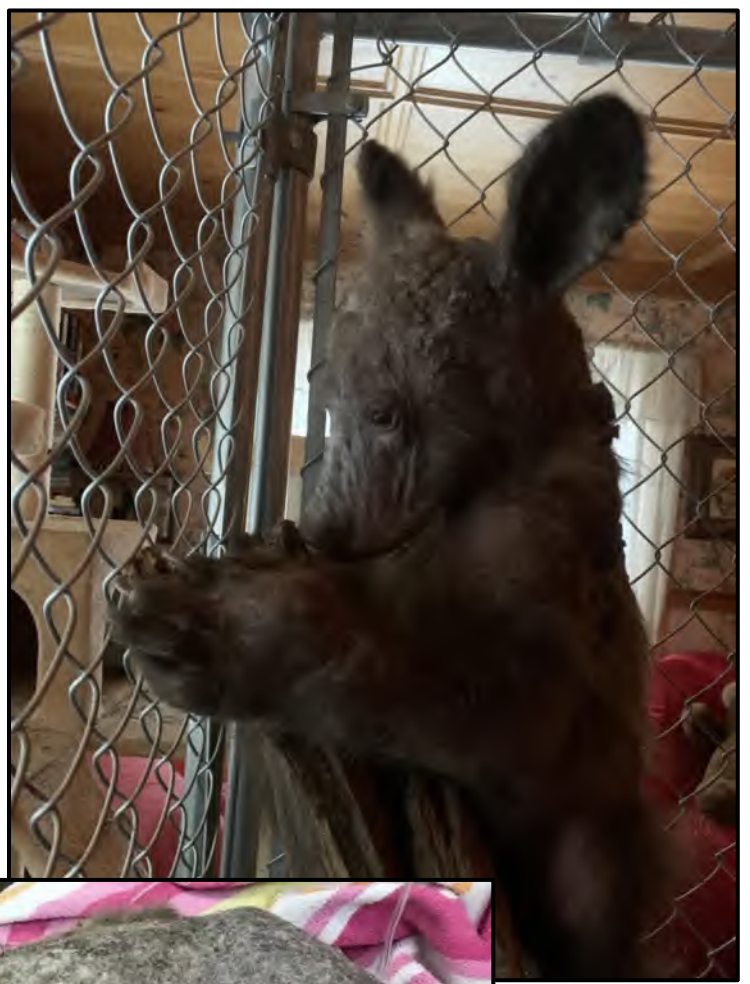


Figure 5. Black bear cub inside a sub-permittee (satellite facility) house, images show severe skin disease not being treated properly, animals were never reported to the Department.



Figure 6. Avian pox on Corvid feet – example of improper triage and biosecurity practices.

A**B**

Figure 7. Aviary enclosures that does not prevent animal ingress or egress: Gaps (red circles) on side (A) and top (B) enclosure materials.



Figure 8. Mixing of domestic animals with wildlife. This image shows domestic waterfowl with wild waterfowl.

A**B****C**

Figure 9. Ground squirrel improperly treated while being temporarily possessed causing maligned teeth: x-ray showing right side chronic infection and overgrown teeth (A) chronic pain (B), and improperly worn teeth (C).





CCR 679 Wildlife Rehabilitation

- Attachment 9

Compilation of Photographic Evidence
of Violations or Deficiencies.

California Department of Fish and Wildlife 2024

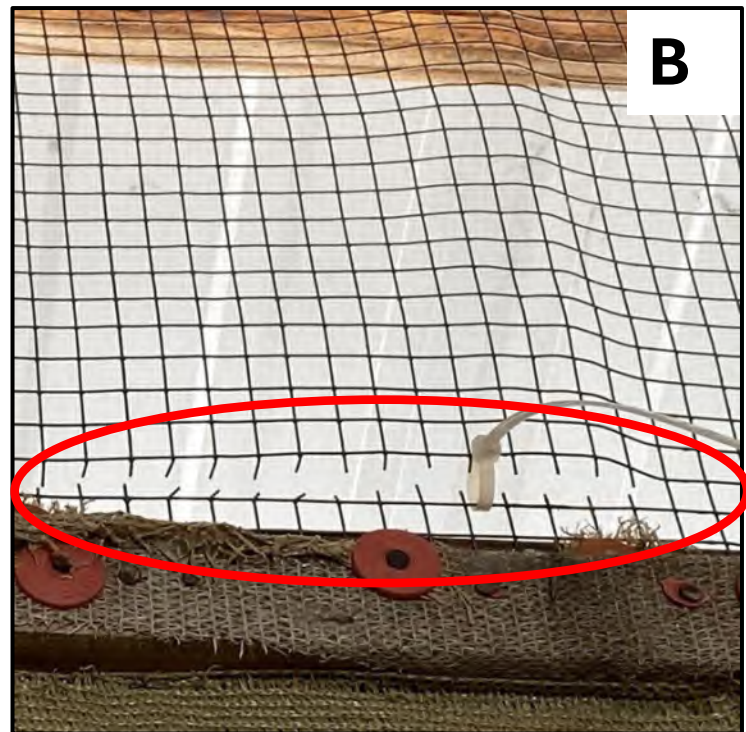
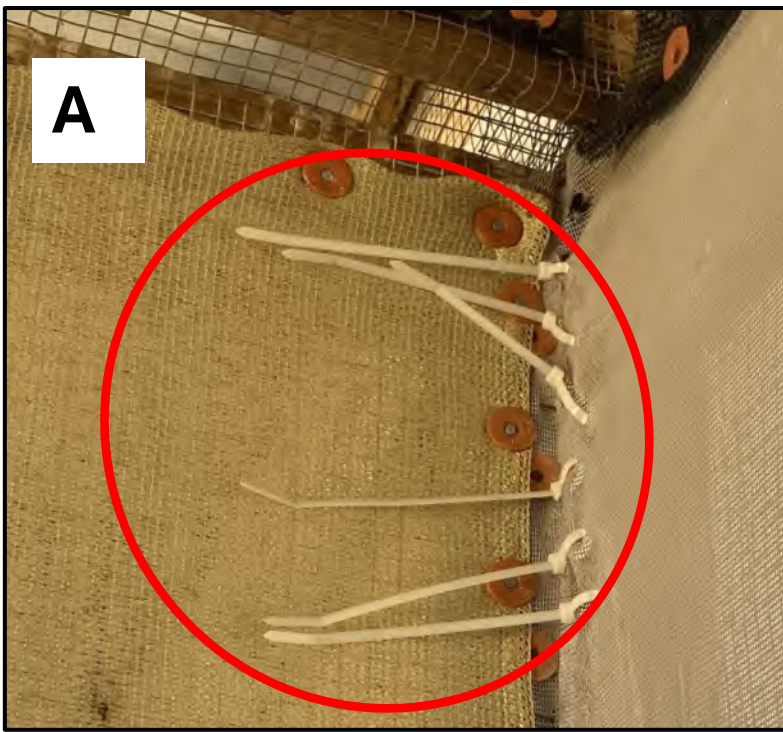


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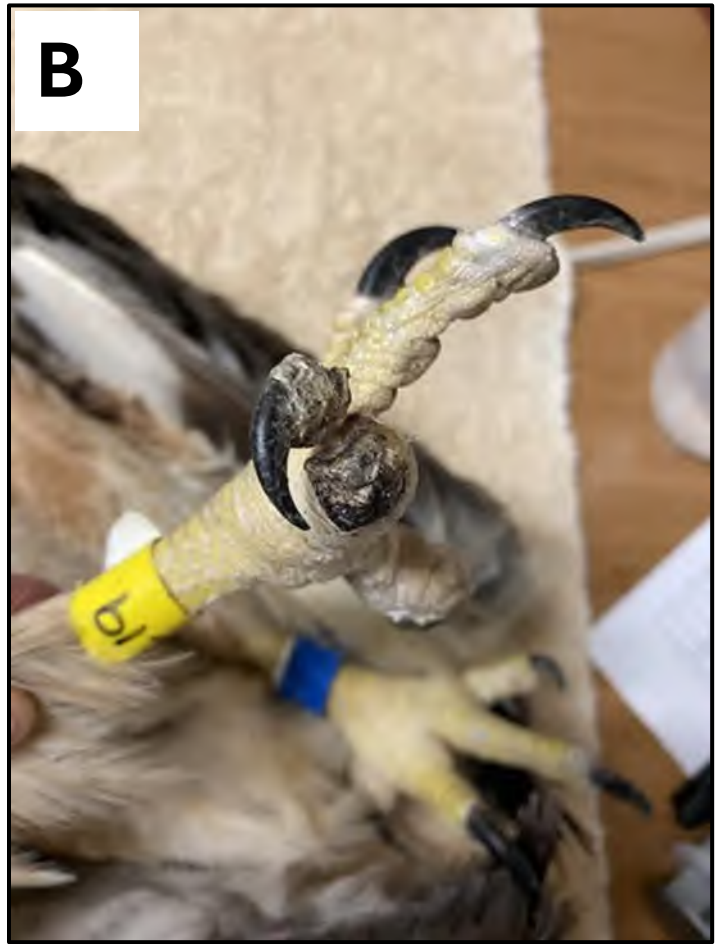


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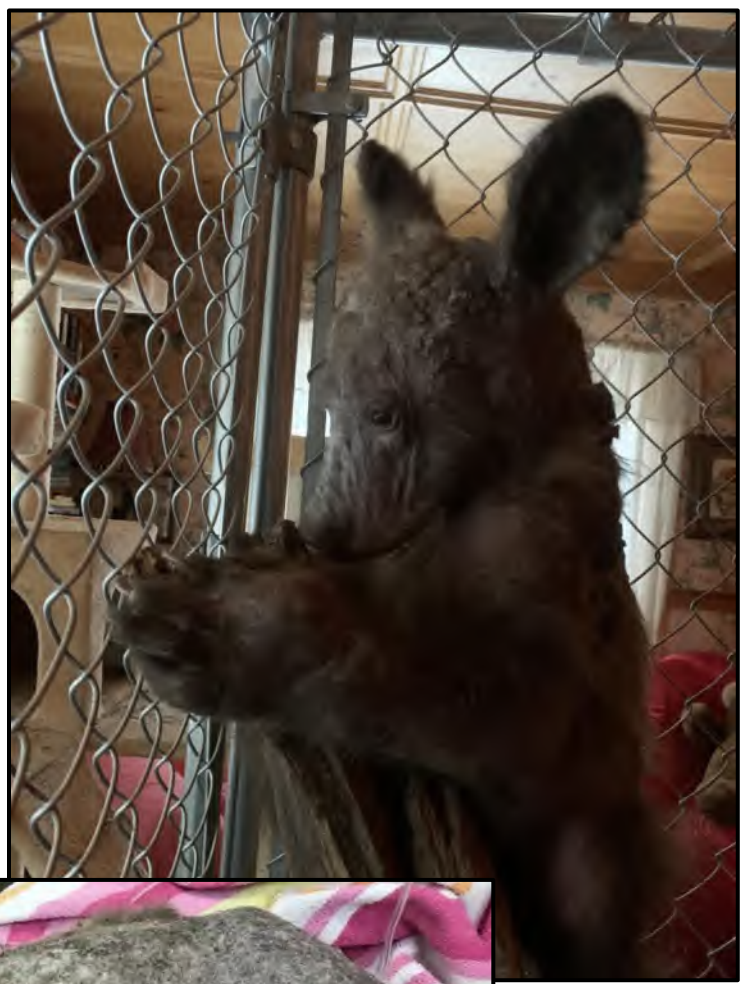


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A**B**

Figure 7. Aviary enclosures that does not prevent animal ingress or egress: Gaps (red circles) on side (A) and top (B) enclosure materials.



Figure 8. Mixing of domestic animals with wildlife. This image shows domestic waterfowl with wild waterfowl.

A**B****C**

Figure 9. Ground squirrel improperly treated while being temporarily possessed causing maligned teeth: x-ray showing right side chronic infection and overgrown teeth (A) chronic pain (B), and improperly worn teeth (C).





CCR 679 Wildlife Rehabilitation

Attachment 10

Compilation of Photographic Evidence
Meeting or Exceeding Current
Regulations.

California Department of Fish and Wildlife 2024



Figure 1. Demonstrates enrichment for raccoons (A: Gold County Wildlife Rescue), raptor (B: Tri County Wildlife Care) and black bear cubs (C: Sonoma County Wildlife Rescue).

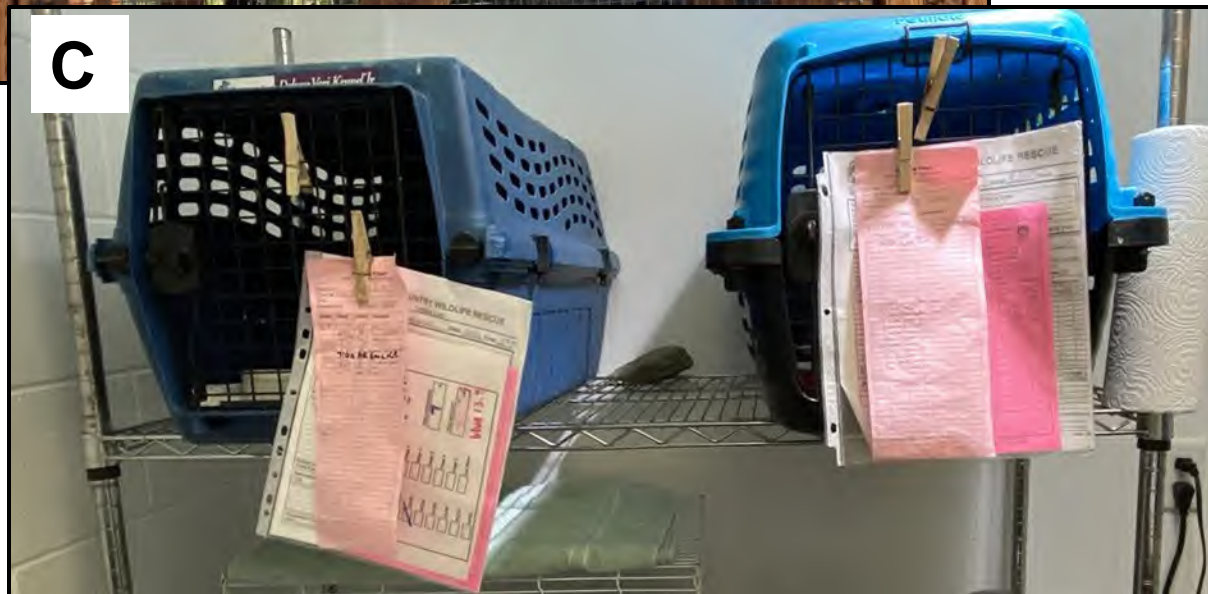
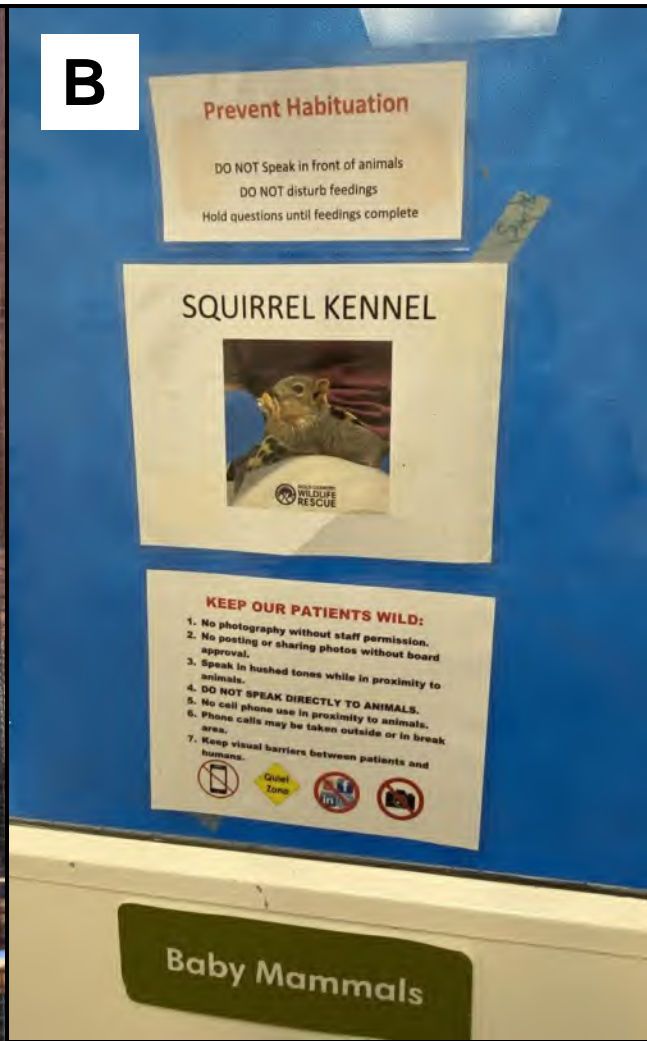


Figure 2. Images show properly labeled enclosures at Gold Country Wildlife Rescue: skunk (A), neonate squirrels (B), and triage patients (C).



Figure 3. Images showing shade cloth as a visual barrier to prevent an animal from becoming habituated to people: deer fawns (A: Kindred Spirit Fawn Rescue) and coyotes (B: Sonoma County Wildlife Rescue).



A



Figure 4. Images showing an enclosure double door entry: hummingbird (A: Orangewood Wildlife) and skunk (B: Gold Country Wildlife Recue).

B





Figure 5. Appropriate enclosure materials – hardware cloth (A), shade cloth (B)



Figure 6. Security measures: Outdoor small mammal (A: Gold Country Wildlife Rescue); black bear access includes double lock, window for viewing, signage (B: Lake Tahoe Wildlife Care); large carnivore hospital enclosure locked viewing window and signage (C: Project Wildlife Ramona)

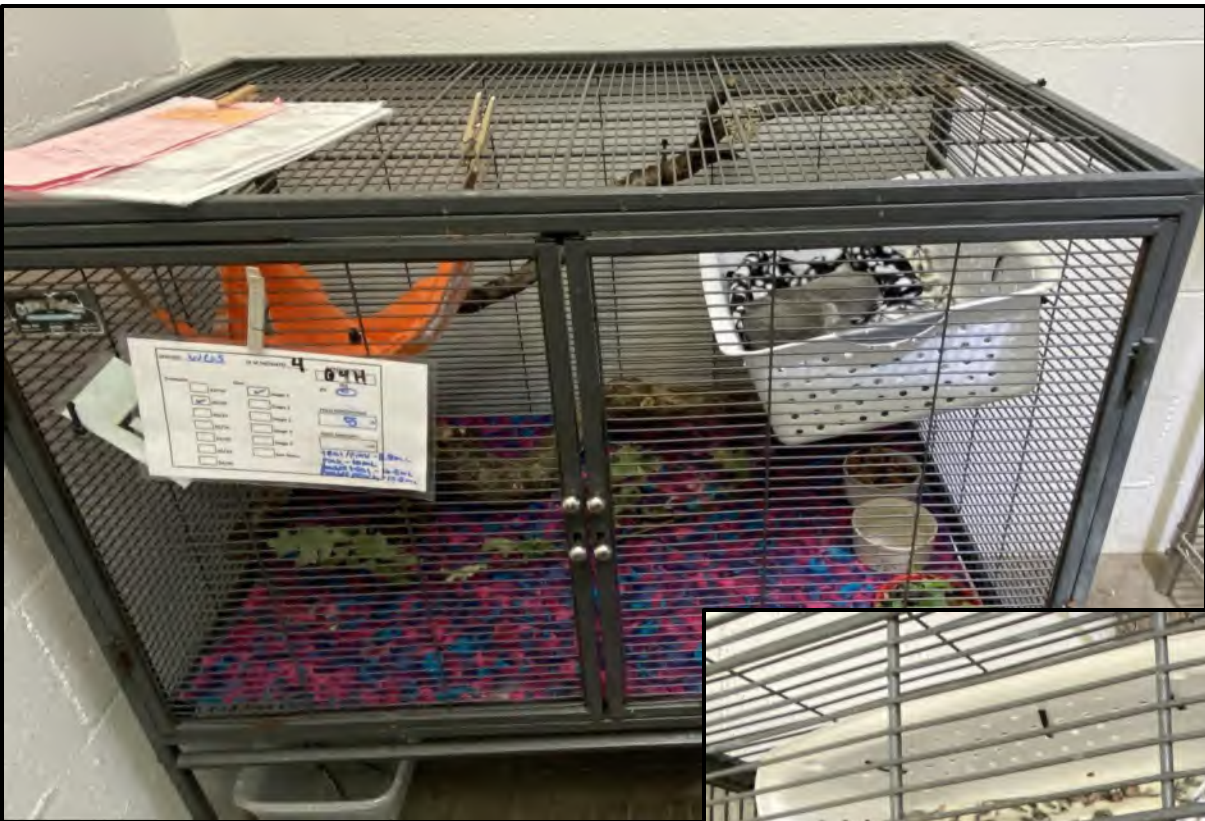


Figure 7. Gold Country Wildlife Rescue neonate squirrel enclosure, demonstrates proper caging, artificial nests, proper bedding, and enrichment. Inset photo is enlarged to show artificial nest.



A**B**

Figure 8. Clearly posted protocols in food prep (A) and enclosure set up area (B) for staff and volunteers at Gold Country Wildlife Rescue.

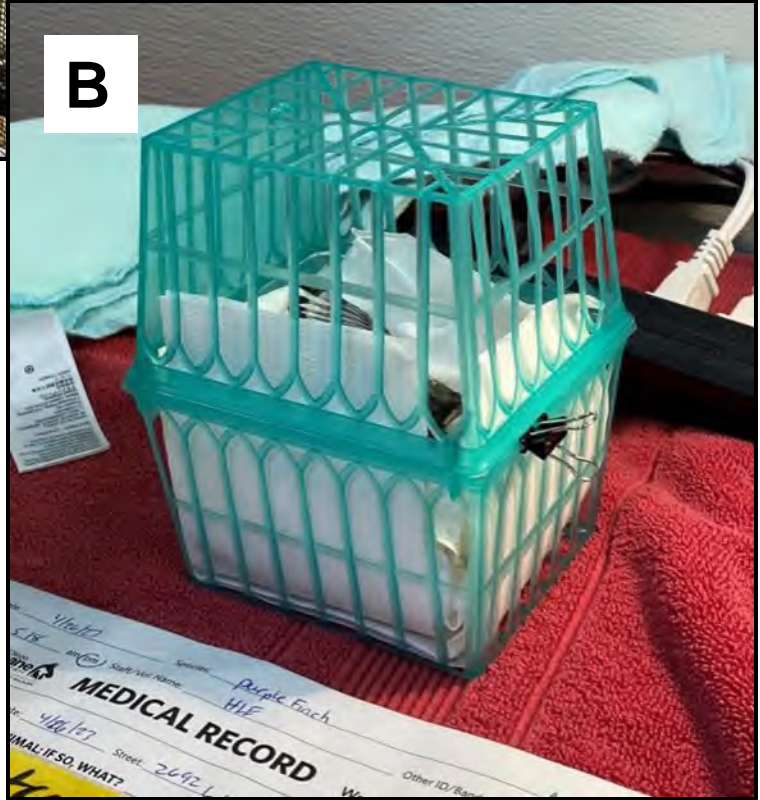
A**B**

Figure 9. Avian enclosure options: fledgling with perches and free feeding (A: Gold Country Wildlife Rescue) and nestling on heating pad in artificial nest that limits animal's ability to escape (B: Project Wildlife San Diego).



Figure 10. Fox enclosure enrichment: elevated platform, artificial grass/mat, and hide/shelter at Fresno Wildlife Rescue and Rehabilitation.



A

Figure 11. Outdoor flight aviaries allows for access to natural light patterns: raptors with arched roof and hide boxes (A: Coachella Valley Bird Center) and waterbirds with pool and proper substrates to protect sensitive feet (B: International Bird Rescue).



Attachment 10: 679 ISOR

B

Figure 12. Proper PPE while handling wildlife: juvenile albinistic raccoon (A: Sierra Wildlife Rescue); oiled loon (B: International Bird Rescue); injured great horned owl (C: Project Wildlife San Diego).

Attachment 10: 679 ISOR



Proposed Regulatory Language

Section 679.1, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.1 Definitions.

For the purposes of Sections 679.1 through 679.9, the following definitions apply:

- (a) Animal Welfare, or Welfare of the Animal. The state of an animal that is met, while being temporarily possessed by a person, by providing for its physical and behavioral needs in a manner that considers the natural life history of that species, including an animal's needs for water, food, shelter, and medical treatment and euthanasia if necessary.
- (b) Authorized Person. A person, at least 18 years of age, with minimum of 40 hours of animal care, husbandry, and handling experience approved by the permittee, their sub-permittee, or designee at their sole discretion, to temporarily confine a rehabilitation animal, under the supervision and direction the permittee, their sub-permittee, or designee, at a location other than the wildlife rehabilitation facility or satellite facility.
- (c) Conspecific. Individual animals of the same species.
- (d) Designee. A person, such as a facility director or manager, who is at least 21 years of age, with a minimum of 500 hours of animal care, husbandry, and handling experience, approved by the permittee to conduct activities under the permit on behalf of the permittee.
- (e) Eagle and Falcon Specialty Rehabilitation. Wildlife rehabilitation of any age class of any bald eagle (*Haliaeetus leucocephalus*) or golden eagle (*Aquila chrysaetos*) of the Order Accipitriformes, or peregrine falcon (*Falco peregrinus*) or prairie falcon (*Falco mexicanus*) of the Order Falconiformes, as authorized under specialty rehabilitation permit conditions issued by the department.
- (f) Enrichment. An item designed to stimulate and encourage a range of innate behaviors of a rehabilitation animal, specific to that species and the condition and welfare of the animal.
- (g) Euthanasia. The humane induction of death with minimal pain or stress to the animal.
- (h) Habituated. The condition of a wild animal that is repeatedly exposed to anthropogenic stimuli and, as a result, no longer has a natural negative behavioral or physical response to humans; such a condition may be reversible.
- (i) Large Carnivore Specialty Rehabilitation. Wildlife rehabilitation of an age class specified by the department of an American black bear (*Ursus americanus*) or mountain lion (*Puma concolor*) as authorized under specialty rehabilitation permit conditions issued by the department.
- (j) Mal-imprinted. The process by which a neonate or juvenile wild animal behaviorally imprints on a human or animal of another species that permanently prevents that animal from expressing the natural life history behaviors of its species.
- (k) Native Wildlife Rehabilitation 679 Regulations Manual (New 01/2025) (form DFW 479) hereafter called "DFW 679 Manual". A listing of enclosure requirements and humane care standards for wildlife rehabilitation facilities, satellite facilities, and related wildlife rehabilitation activities; available on the department website at <https://wildlife.ca.gov/wildliferehab>. Chapters 2 and 3 of DFW 679 Manual are incorporated by reference herein.
- (l) Neonate. A newborn or newly hatched animal that is often unable to self-feed, thermoregulate, or ambulate on its own, and usually requiring parental care to survive.

- (m) Non-releasable Animal. A wild animal not suitable for release to the wild due to it being habituated, mal-imprinted, or having a physical or behavioral impairment that precludes the animal's ability to survive in the wild in a manner consistent with its natural life history behaviors.
- (n) Orphan. A neonate or juvenile animal still dependent on parental care for survival, that is found under conditions in which parental care is no longer available, such as permanent separation from or death of the parent.
- (o) Permit. Privilege provided to a person authorized by the department to temporarily possess rehabilitation animals pursuant to sub-section 679.3(a).
- (p) Qualified Handler. For the purposes of specialty rehabilitation, a person with the required experience is listed in sub-section 679.3(b)(2)(A)5.
- (q) Rehabilitation Animal. A live wild amphibian, reptile, bird, or mammal of a species native to California, excluding any marine mammal or sea turtle, that is temporarily possessed for the purpose of rehabilitation and release to the wild pursuant to these regulations, and the following wild animals not native to California: Virginia opossum (*Didelphis virginiana*), Eastern gray squirrel (*Sciurus carolinensis*), Eastern fox squirrel (*Sciurus niger*), wild turkey (*Meleagris gallopavo*), rock pigeon (*Columba livia*), Eurasian collared dove (*Streptopelia decaocto*), European starling (*Sturnus vulgaris*), and European house sparrow (*Passer domesticus*).
- (r) Required Record. Any document submitted to the department, created, or issued pursuant to these regulations, including but not limited to, any permit, sub-permit, other relevant permits, memorandum of understanding, patient record, or report.
- (s) Satellite Facility. A facility operated by a sub-permittee authorized pursuant to Section 679.3, to intake and temporarily possess wildlife for the purpose of rehabilitation at a location other than a wildlife rehabilitation facility operated by the permittee or their designee.
- (t) Specialty Rehabilitation Authorization. Privilege provided to a permittee or sub-permittee by the department to temporarily possess one or more of the following specialty rehabilitation animals pursuant to sub-section 679.3(b): large carnivore, ungulate, venomous snake, or any species of eagle (Order Accipitriformes) or falcon (Order Falconiformes).
- (u) Sub-permit. Privilege provided to a person authorized by both the department and a permittee, or their designee, pursuant to sub-section 679.3(c) to operate a satellite facility and intake and temporarily possess rehabilitation animals without the direct supervision of the permittee or their designee at a satellite facility.
- (v) Ungulate Specialty Rehabilitation. Wildlife rehabilitation of an age class specified by the department of deer (*Odocoileus hemionus*), pronghorn (*Antilocapra americana*), elk (*Cervus canadensis*), or wild sheep (*Ovis canadensis*) native to California of the Order Artiodactyla as authorized under specialty rehabilitation permit condition issued by the department.
- (w) Venomous Snake Specialty Rehabilitation. Wildlife rehabilitation of any age class of any species of snake native to California of the Order Squamata that produces venom as authorized under specialty rehabilitation permit conditions issued by the department.
- (x) Veterinarian of Record. A veterinarian, currently licensed by the State of California, who agrees in writing to provide and direct veterinary treatment for rehabilitation animals pursuant to Section 679.3.
- (y) Wildlife Rehabilitation. The temporary possession, treatment, and care of a rehabilitation animal, for the purpose of restoring it to a condition of good health for its release to suitable habitat in the wild.

(z) Wildlife Rehabilitation Facility. A facility operated by a permittee or their designee, at a location approved by the department pursuant to Section 679.3 and listed on the permit, whereby wild animals are temporarily possessed for the purposes of wildlife rehabilitation.

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 716.3, 1018, 2118, 2190, 3511, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.2, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.2 Transportation and Confinement of Live Wildlife.

(a) Temporary Confinement of Wild Animals. A person who is not authorized by the department under a permit or sub-permit issued pursuant to Section 679.3; has not previously had a permit or sub-permit revoked or denied by the department; has not violated any provision of Section 597 of the Penal Code; or has not been convicted of a crime of moral turpitude, may temporarily confine for no more than 24 hours, or in the case of a California licensed veterinarian no more than 48 hours, an injured, diseased, or orphaned wild animal, except for big game mammals listed in Section 350 or exotic game mammals listed in Section 325, for the purposes of transferring such an animal to a permittee, their sub-permittee, or designee, or the department.

(1) A person shall provide the following information to a permittee, their sub-permittee, or designee, or the department in writing via email at Rehabwildlife@wildlife.ca.gov or telephone at (916) 358-2790, within 24 hours of confining any such animal: name and telephone number; taxonomic group or species of animal; description of its condition; date and location the animal was found; and location where the animal is currently confined. At the direction of a permittee, their sub-permittee, or designee, or the department, any such person shall perform one of the following actions: immediately release the animal at the location where it was found; temporarily confine the animal until the department, a permittee, or their designee can take possession of the animal; if able transport the animal to a permittee, their sub-permittee, or designee; or if able transport the animal to the department or a location the department deems necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests.

(2) A California licensed veterinarian shall comply with subsection 679.5(b)(2) prior to transporting a wild animal, and any animal care records specific to that animal, to a permittee, their sub-permittee, or designee, or the department.

(3) A person shall not knowingly temporarily confine or transfer for the purpose of rehabilitation any wild animal listed pursuant to subsection 671.6(c) of these regulations or any animal identified by the department as an invasive species pursuant to Food and Agricultural Code Section 5260.5, that include but are not limited to nutria, American bullfrog, African clawed frog, common coqui, red-eared slider, watersnake (*Nerodia* species), pin-tailed whydah, and mute swan.

(4) A person may transport for the purposes of rehabilitation any injured, diseased, or orphaned wild mammal that is lawfully trapped, notwithstanding Subsection 465.5(g)(1) or having been convicted of a crime of moral turpitude; or any injured, diseased, or orphaned migratory bird pursuant to federal regulation 50 CFR 21.31(a).

(b) Prohibition on Possession of Big Game Mammals, Exotic Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit. Section 679.2(a) notwithstanding, no person shall possess any big game mammal listed in Section 350 or exotic game mammal listed in Section 375, or any fully protected, endangered, or threatened species listed in Section 670.5, without specific written authorization from the department.

(c) Disabled Wildlife in an Oil/Toxic Spill Area. No person shall enter a department designated oil/toxic spill area to temporarily confine or transport wildlife disabled by an oil spill or other spilled toxic substance, except for a person in possession of a permit, or their designee, sub-permittee, or authorized person, issued pursuant to Section 679.3 who has incident-specific authorization from the department for the specific designated oil/toxic spill area.

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2150.4, 2835, 3005.5, 3800, 4150, 4180, and 5050, Fish and Game Code. Reference: Sections 1008, 2000, 3511, 4155, 4800 and 4801.5, Fish and Game Code; Section 8670.61.5, Government Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.3, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.3 Permits for Wildlife Rehabilitation.

(a) Permit. The department may issue a person a wildlife rehabilitation permit valid for 3 years from the date of issuance and may amend existing permits with the conditions it determines are necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests.

(1) Limited Scope. A permit issued pursuant to this section does not supersede any law, or the need for any other applicable permit, license, or other entitlement. Permits issued under this section are non-transferrable between any person.

(2) Qualifications. Any person who is a resident of the state of California pursuant to Fish and Game Code Section 70, can qualify for and be issued a permit if an applicant possesses the qualifications specified in subsections 679.3(a) through (c) and is at least 21 years of age.

(3) Conferring. The department may confer with any person to verify information on the application, at any stage of the application process, and where applicable may require written proof of that information pursuant to Fish and Game Code subsection 1054(b). An applicant shall provide such information to the department in writing via email at Rehabwildlife@wildlife.ca.gov within 30 calendar days of the department's request, or the department shall deny the application.

(4) Initial Request. A person seeking a wildlife rehabilitation permit shall first submit an initial request in writing to the department via email to Rehabwildlife@wildlife.ca.gov that includes the following information:

(A) Copies of two letters stating there is a need for a new wildlife rehabilitation facility to increase local or regional capacity to possess rehabilitation animals, written within 12 months from the date of initial written request for a permit, on letterhead stationery listing the printed name, title, handwritten signature, or electronic signature in accordance with California Civil Code §1633.5(b), date of signature, and affiliation of the signatory.

1. One letter shall be submitted by a permittee possessing a valid permit or sub-permit.

2. The second letter shall be submitted by any of the following persons: a permittee possessing a valid wildlife rehabilitation permit; department staff, Regional Manager, or their designee; a veterinarian licensed in the State of California; or a duly authorized representative of a federal, tribal, state, or a local agency with jurisdiction over wildlife or animal care located in the same county or adjacent county to an applicant.

(B) List of taxonomic groups or species of animal proposed to be temporarily possessed for the purposes of rehabilitation using the following categories: amphibian, reptile, bird, mammal.

(C) Required Experience. Description of at least 1,000 hours experience of animal care, husbandry, and handling experience under the supervision of a permitted wildlife rehabilitator, their sub-permittee, or designee in California, completed within 5 years from the date of the initial approval request, or experience that the department determines to be equivalent as described herein.

(D) The department shall provide approval or denial of the initial request pursuant to the requirements listed herein, in writing via email within 30 calendar days. No person shall temporarily possess a rehabilitation animal until the department has issued a permit pursuant to subsection 679.3(a).

(5) Wildlife Rehabilitation Examination. Upon initial approval from the department, an applicant shall take the free California state wildlife rehabilitation examination via a password-protected html link provided in writing by the department. Alternatively, an applicant may request to the department via email at Rehabwildlife@wildlife.ca.gov or telephone at (916) 358-2790, to take the examination in person at the nearest department office.

(A) For a new permit, an applicant and any proposed designee shall be required to take the wildlife rehabilitation examination. For an existing permit, a proposed sub-permittee and any proposed designee, shall be required to take the wildlife rehabilitation examination.

(B) An applicant shall correctly answer at least 80 percent of the questions to pass the examination.

1. An applicant who completes the examination will be provided with written documentation by the department with the results of the examination. A passing score shall be valid for 1 year from the date of completion of the examination.

2. An applicant who fails the examination may submit a request to the department in writing via email at Rehabwildlife@wildlife.ca.gov to retake the examination no sooner than 30 calendar days from the date of the failed examination. An applicant may take the examination up to three times; if an applicant fails to pass the examination by the third attempt, or within 1 year from date of initial approval, the department shall rescind initial approval of the permit request. An applicant may restart the initial approval process no sooner than 1 year from the date of the last failed examination.

(C) Unauthorized Communication, Publication, and Sharing; Penalties.

1. An applicant who either: while taking the examination, communicates with any other person other than a department employee administering the examination; or publishes or shares, or assists in the publication or sharing, of the specific contents of an examination question or answer in any way, shall fail the examination and may not apply to obtain a permit for a period of 5 years from the date the applicant took the examination.

2. The department shall revoke any rehabilitation permit issued to a permittee who, while taking the examination as an applicant, violates the foregoing subsection. The permittee may apply to obtain a new permit no less than 5 years from the date of the revocation but shall retake and successfully pass the examination before a new permit is issued. This action shall be subject to reconsideration as described in subsection 679.9(e).

3. Any person who publishes or shares, or assists in the publication or sharing, of the specific contents of an examination question or answer, shall be liable, in addition to any other applicable civil or criminal damage or penalty, for all costs incurred by the department in creating a new examination or examination question if the department, in its sole discretion, determines that creating a new examination or examination question is necessary because of the publication or sharing.

(6) Final Approval. An applicant who has received initial approval from the department and passed the wildlife rehabilitation examination as described in subsection 679.3(a)(5), may submit an application packet with the required fees to the department via the U.S. Postal Service or other postal carrier to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244 that shall contain the following required documentation.

(A) Wildlife rehabilitation permit application, in a form provided by the department, that shall include the following information:

1. Applicant and Facility Information. Full name, date of birth, physical address, mailing address if different, telephone number, email address, ALDS Get Outdoors ID (GO ID) or a required form of identification listed pursuant to subsection 700.4(c) for the department to create an ALDS customer profile for the applicant; facility name if applicable, facility physical address, facility mailing address if different, facility telephone number, facility email address, and facility website if applicable.
2. Required Experience. Description of at least 1,000 hours of animal care, husbandry, and handling experience under the supervision of a permitted wildlife rehabilitator in California, or their sub-permittee or designee, completed within 5 years from the date of the initial approval request; or experience that the department determines to be equivalent in California, including start dates and end dates. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience.
 - a. The department may consider one credit hour of education in veterinary medicine, biological sciences, wildlife rehabilitation, or similar courses as a substitute for one hour of experience, up to 300 hours of the required experience based on: the number of hours of education and topic of the curriculum; completion of a certificate, degree, or similar qualification; if the education was obtained at an accredited institution or program recognized by the U.S. Department of Education; and submission of relevant original transcript(s) if applicable.
3. Designee Information (if applicable). Full name, date of birth, physical address, mailing address if different, telephone number, email address.
 - a. Required Experience. Description of at least 500 hours of animal care, husbandry, and handling experience under the supervision of a permitted wildlife rehabilitator in California, or their sub-permittee or designee, completed within 5 years from the date of the initial approval request; or experience that the department determines to be equivalent in California, including start dates and end dates. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience of the designee.
 - b. The department may consider one credit hour of education in veterinary medicine, biological sciences, wildlife rehabilitation, or similar courses as a substitute for one hour of experience, up to 100 hours of the required experience based on: the number of hours of education and topic of the curriculum; completion of a certificate, degree, or similar qualification; if the education was obtained at an accredited institution or program recognized by the U.S. Department of Education; and submission of relevant original transcript(s) if applicable.
4. Public Contact Information. Telephone number, email address, physical address, and website, if applicable, of the proposed facility that the department will provide as a resource to the public on the department's website at <http://wildlife.ca.gov/wildliferehab>.
5. Rehabilitation Animals. Maximum number of rehabilitation animals that are proposed to be temporarily possessed at the proposed facility in the following categories: amphibian, reptile, bird, mammal.
6. Declaration of Enclosures. Description of each type of pre-release enclosure that shall meet the requirements listed in Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual that shall include the following information for each type of enclosure: length, width, and height in feet and inches; enclosure materials;

and photographs, diagrams, blueprints, or other written plans. Applications for variances, per subsection 679.4(c), must be included for any proposed or existing deviations.

7. Facility Operation Plan. Description of all standard operating procedures that shall include the following information:

- a. Data storage method to maintain required records pursuant to subsection 679.5(c).
- b. Protocol for euthanasia that shall include euthanasia methods for each taxonomic group or species of proposed rehabilitation animal, list of qualified personnel pursuant to subsection 679.5(e)(1), how controlled substances will be stored, if applicable, and methods of animal carcass disposal.
- c. Protocol for staff and volunteer training that shall include the number of hours and frequency of training.
- d. Protocol for intake and triage rehabilitation of animals pursuant to subsection 679.5(b)(1).
- e. Protocol for the humane care of rehabilitation animals pursuant to subsection 679.5(a)(1) through (4).
- f. Biosafety plan to prevent and control parasites, communicable diseases, vectors and pathogens pursuant to subsection 679.5(a)(5).
- g. Contingency plan to allow for a person, identified by a permittee or their designee, and meeting all requirements of these regulations as a designee defined in subsection 679.1(a)(4), to provide continuity of care of rehabilitation animals for up to the expiration date of the valid permit term if the permittee or designee is no longer able to temporarily possess rehabilitation animals for any reason.

8. Acknowledgement and Signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(B) Veterinarian of Record Agreement. Written agreement signed by an applicant and a California licensed veterinarian who agrees to be the veterinarian of record under a permit, in a form provided by the department, that shall include the following information:

1. Applicant Information. Applicant name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), county, and physical address.
2. Veterinarian Information. Full name, license number, license expiration date, telephone number, email address, physical address, and employer name, if applicable.
3. Acknowledgement of permittee responsibilities, that shall include:
 - a. Maintaining current veterinarian information, including regular hours of availability to treat rehabilitation animals possessed by the permittee.
 - b. Providing required records for any rehabilitation animal such that a licensed veterinarian can make an informed assessment of the condition of an animal and treatment plan or euthanasia of the animal.
 - c. Relying on the licensed veterinarian to best address the administration of medication and treatment prescribed for the rehabilitation animal.

- d. Adhering to the standing orders of a veterinarian for medication use and treatment prescribed for the rehabilitation animal.
 - e. Recognizing that the purpose of providing care or treatment of a rehabilitation animal is to restore them to a condition of good health for their release to the wild.
 - 4. Acknowledgement of veterinarian responsibilities, that shall include:
 - a. Providing veterinary consultation for a rehabilitation animal such as standing orders to perform routine procedures for animal care, treatment procedures, or similar protocol.
 - b. Provisioning, storing, and documenting all controlled drugs, if applicable, pursuant to all federal and state laws.
 - c. Considering the ethics regarding the life history and welfare of a rehabilitation animal when providing treatment of that animal.
 - d. Relying on the permittee or their designee to best address the humane care needs of a rehabilitation animal.
 - e. Recognizing that the purpose of providing care or treatment of a rehabilitation animal is to restore them to a condition of good health for their release to the wild.
 - 5. List of species of rehabilitation animal that the veterinarian is specially trained if applicable; species of rehabilitation animal that the veterinarian is not able to handle or provide services for any reason; and the veterinarian services that may be provided by the veterinarian at their sole discretion: Physical examinations; dispensing, administering, prescribing medication; screening and preventative care; diagnostic services; surgical procedures; euthanasia; necropsy; carcass disposal.
 - 6. A permittee, their designee, or veterinarian of record may terminate this agreement at any time and for any reason; a permittee or their designee shall notify the department of any such change pursuant to subsection 679.4(a)(6)(B).
 - 7. Acknowledgement and Signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (C) List of Persons. A list of each authorized person, as defined pursuant to Section 679.1 of these regulations, in a form provided by the department that shall include the following information:
- 1. Applicant information. Full name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), facility website (if applicable), physical address, and mailing address if different.
 - 2. Authorized person information. Full name, telephone number, email address, physical address, mailing address if different, brief description of relevant experience, and list of species or taxonomic group of rehabilitation animal authorized to handle. An authorized person shall be listed under only one valid permit at any time.
 - 3. Acknowledgement and Signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (D) Facility Emergency Action Plan. A written plan describing emergency protocol in the event of an evacuation from a proposed facility, in a form provided by the department, that shall include a date of incorporation of the plan and the following information:

1. Applicant name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), county, and physical address.
 2. List of animal capture equipment, such as nets, personal protective equipment, or chemical immobilization equipment, if applicable;
 3. List of animal transport equipment that shall include the quantity, size dimensions, and brief description of each cage, which can include the animal intended to occupy each cage (species, size, type) and the maximum number of animals per cage;
 4. List of emergency animal supplies designated for each species of taxonomic group of rehabilitation animal that shall include: a 3 calendar day supply of animal feed, or list of required food supplies and nearest location of such food, food and water receptacles, portable water containers, specialty feeding supplies, artificial heating source, artificial cooling source, bedding, cleaning and disinfectant supplies, and basic veterinary medical supplies;
 5. Facility safety and emergency alert items on the premises, first aid kits; smoke and carbon monoxide detectors; fire extinguishers; emergency exit signage, if applicable; "animals on premise" signage; eye wash stations, if applicable; utility shut-off valves such as gas, water, and electricity valves; and breaker boxes; fire alarms; visual alarms; radio communications; telephone tree; audible alarms; mobile alert app;
 6. List of local emergency telephone numbers that shall include first responders, animal services, public health agencies, hospital, and other points of contact if applicable; and department regional office;
 7. Evacuation leads for assembly area, first aid, responder liaison, and animal evacuation;
 8. Evacuation protocol instructions for animal release criteria, animal transport criteria, assembly area with primary and secondary locations, staging area with primary and secondary locations, and primary and secondary evacuation routes.
 9. Acknowledgement and Signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (E) Authorization to Access Property. Written authorization for the department to access a property where a wildlife rehabilitation facility, satellite facility, or rehabilitation animal is temporarily possessed, in a form provided by the department, signed by the property owner or their authorized representative stating that the department shall have access to conduct inspections pursuant to subsections 679.7(a)(1) and (2).
1. Applicant Information. Applicant name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), county, and physical address.
 2. Property Owner Information. Full name, title, telephone number, email address, physical address, mailing address if different.
 3. Property owner acknowledgement and signature. Certify that the declaration is true and correct, and that the department has permission from the undersigned to enter a property to conduct an inspection pursuant to subsections 679.7(a)(1) and (2).
 4. Applicant acknowledgement and signature. Certify that the declaration is true and correct, and that the department has permission from the undersigned to enter a property to conduct an inspection pursuant to subsections 679.7(a)(1) and (2).

(F) Compliance with Local Laws. An applicant for a new permit or a request for permit renewal shall provide written documentation, such as a letter from a local agency with jurisdiction over zoning, that demonstrates that the proposed facility is in compliance with all local laws.

(7) Issuance of Permit. The department shall issue a permit if an applicant meets all requirements listed pursuant to these regulations and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual and passes a facility inspection pursuant to Section 679.7. The department shall determine which taxonomic group or species of rehabilitation animal an applicant is authorized to temporarily possess based on conditions the department determines are necessary to protect native wildlife, animal welfare, human health and safety, or agriculture interests.

(8) Renewal of Permit. A permittee or their designee may submit an application packet to renew a permit with the required fee, postmarked no later than 60 calendar days before the valid permit expires, via the U.S. Postal Service or overnight carrier to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244, that shall include the following information: information listed in subsection 679.3(a)(6)(A) through (F); list of sub-permittees that shall include their full name, telephone number, email address, physical address and mailing address of the satellite facility; and payment to the department of a nonrefundable fee adjusted annually pursuant to Fish and Game Code Section 713.

(A) Up to 45 calendar days after the valid permit expires, a permittee or their designee may apply to renew the permit by paying a nonrefundable late fee, pursuant to Section 703(c)(2) of these regulations, with any application for renewal. The department shall deny any application for renewal postmarked later than 45 calendar days after the existing permit expired. Except as provided in paragraphs (B) and (C) below, the department shall seize, pursuant to Section 679.8, any rehabilitation animal possessed by a permittee, their sub-permittee, or designee later than 45 calendar days after the permit expired.

(B) Except as provided in this paragraph, a permittee shall not intake any new rehabilitation animals after a permit expires. If an animal is brought to a wildlife rehabilitator whose permit is expired, the animal may be temporarily possessed per subsection 679.2(a). The department may provide a written 60 calendar day permit extension to a permittee to temporarily possess and/or intake rehabilitation animals if the permittee submitted an application for renewal postmarked no later than 45 calendar days after the permit expired, and the department finds that the conditions necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests shall be met during the application renewal process. A permit extension shall expire either 60 calendar days after it is granted, the permit is renewed, or the permit application is denied whichever occurs first. The department may grant an additional permit extension if it needs more than 60 calendar days to review the renewal application, and it finds that the conditions necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests shall continue to be met.

(C) If a permit expires while the Department is reviewing the application for renewal, the department may provide written approval to a permittee, their sub-permittee, or designee to continue to intake and temporarily possess rehabilitation animals under an expired permit if the department finds that the conditions necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests shall be met during the application renewal process.

(9) Facility Change. A permittee, their designee or sub-permittee shall notify the department in writing via email at RehabWildlife@wildlife.ca.gov at least 60 calendar days prior to any change in physical address of a wildlife rehabilitation facility or satellite facility, or construction of a new facility or satellite facility.

(A) A permittee, their designees or sub-permittee who requests to amend a valid permit or sub-permit may submit an application packet to the department via the U.S. Postal Service or overnight carrier to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244 that shall contain the following required documentation using forms provided by the department listed in subsections 679.3(a)(6)(A)1,3 through 7; 679.3(a)(6)(D) and (E).

(B) An applicant shall submit the appropriate completed application and fees for a permit amendment request.

(C) The department shall approve or deny a permit amendment request following completion of a department inspection pursuant to Section 679.7.

(10) Permit Fees. The department shall charge a fee for a new permit, or a request for permit renewal, or a permit amendment as specified in subsection 703(c)(2) of these regulations.

(A) New Permit Fees. An applicant for a new permit shall submit a completed application for a Native Wildlife Rehabilitation Permit with the nonrefundable application fee and a refundable inspection fee. The inspection fee shall be refunded if the department denies the new permit application and no inspection is performed by the department or its designee.

(B) Permit Amendment Fees. An applicant for a permit amendment for specialty rehabilitation authorization or new facility change shall submit a completed application for a Specialty Rehabilitation Authorization with the nonrefundable application fee and a refundable inspection fee. The inspection fee shall be refunded if the department denies a permit amendment request and no inspection is performed by the department or its designee.

(C) Permit Renewal Fee. An applicant for a permit renewal shall submit a completed application for a Native Wildlife Rehabilitation Permit with the nonrefundable application fee. The department shall not charge an inspection fee for a permit renewal.

(b) Specialty Rehabilitation Authorization. The department may amend a permit to authorize a permittee, their sub-permittee or designee to temporarily possess specialty rehabilitation animals, as defined pursuant to Section 679.1, for the purpose of rehabilitation if such persons meet the following requirements.

(1) Examination. An applicant may take the free California state wildlife rehabilitation examination provided by the department pursuant to subsection 679.3(a)(5)(A), specialty rehabilitation section, shall correctly answer at least 80 percent of the questions to pass the examination.

(2) Application Packet. An applicant shall submit to the department a specialty rehabilitation application packet, in forms provided by the department, via the U.S. Postal Service or overnight carrier to the License and Revenue Branch at P.O. Box 944209, Sacramento, CA 94244, that shall include the following information:

(A) Application form.

1. Applicant and Facility Information. Description of applicant and facility as described in subsection 679.3(a)(6)(A)1 above.

2. Required Experience. Description of the minimum hours of animal care and husbandry experience with animals in the same taxonomic group or closely related taxa of the same Order as the proposed specialty rehabilitation animals, completed within 5 years from the date of request for specialty rehabilitation authorization: 400 hours of large carnivore experience; 250 hours of ungulate experience; 250 hours of experience with any species of eagle or falcon; and 100 hours of venomous reptile experience; or experience that the department determines to be equivalent in California, including start dates and end dates. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience. Alternatively, the department may consider one credit hour of education in veterinary medicine, biological sciences, wildlife rehabilitation, or similar courses as a substitute for one hour of experience, up to 40 hours of the required experience based on: the number of hours of education and topic of the curriculum; completion of a certificate, degree, or similar qualification; the applicant obtaining the education at an accredited institution or program recognized by the U.S. Department of Education; and submission of relevant original transcript(s) if applicable.
 3. Specialty Rehabilitation Animals. A list of proposed specialty rehabilitation animals, and the maximum number of animals by species able to be temporarily possessed at one time in the following categories: large carnivore, ungulate, bald or golden eagle or peregrine or prairie falcon, venomous snake.
 4. Declaration of Enclosures. Description of each type of animal enclosures that shall meet the requirements listed in Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual as described in subsection 679.3(a)(6)(A)6 above.
 5. Qualified Handlers. A list of the following minimum number of qualified handlers as defined pursuant to subsection 679.1(a)(16), one of which may be the applicant, for each taxonomic group or species of proposed specialty rehabilitation animal: large carnivore, ungulate, bald or golden eagle or peregrine or prairie falcon, venomous snake. An applicant shall demonstrate that a qualified handler, that is not the applicant, has completed the following minimum hours animal care and handling experience with animals in the same taxonomic group, or closely related taxa of the same Order, as the proposed specialty rehabilitation animal: 300 hours of carnivore experience; 100 hours of ungulate experience; 100 hours of raptor experience; and 80 hours of venomous snake experience.
 6. Acknowledgement and Signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (B) Veterinarian of Record Agreement. Written agreement signed by an applicant and a California licensed veterinarian who agrees to be the veterinarian of record under the specialty rehabilitation authorization for an existing permit, in a form provided by the department, as described in subsection 679.3(a)(6)(B) above.
- (C) Facility Emergency Action Plan. A written plan describing emergency protocol in the event of an evacuation from a proposed facility, in a form provided by the department, as described in subsection 679.3(a)(6)(D) above.
- (D) Authorization to Access Property. Written authorization, in a form provided by the department, as described in subsection 679.3(a)(6)(E) above.

(E) Proof of valid permit or license, or other written documentation demonstrating that an applicant will not be violating any local laws, from a local agency with jurisdiction over zoning that allows an applicant to temporarily possess all proposed specialty rehabilitation animals at the facility.

(3) Final Approval. The department shall amend a permit to authorize a permittee or their designee to conduct specialty rehabilitation of the animals listed in subsection 679.3(b) if an applicant meets all standards pursuant to these regulations. A permittee or their designee may temporarily possess such specialty rehabilitation animals only at the wildlife rehabilitation facility or satellite facility location approved by the department.

(c) Sub-Permit. The department may amend a permit to allow a permittee to add a sub-permittee under that permit. A new permittee may request approval from the department to add a sub-permittee no sooner than 12 months from the date the permit was issued by the department.

(1) Application Packet. A permittee seeking to add a sub-permittee shall submit to the department, via email at Rehabwildlife@wildlife.ca.gov, the information listed in subsections 679.3(a)(5) and 679.3(a)(6)(B) through (F) and the requirements listed below in a form provided by the department:

(A) Sub-Permit Application Form.

1. Permittee Information. Full name, mailing address if different, telephone number, email address, ALDS GO ID; facility name, facility physical address, facility telephone number, facility email address, facility website if applicable.
2. Sub-Permittee Information. Full name, date of birth, mailing address if different, telephone number, email address, ALDS GO ID if applicable; satellite facility name, satellite facility physical address, satellite facility mailing address if different, and satellite facility telephone number.
3. Required Experience. Demonstrated completion of at least 500 hours of animal care, husbandry, and handling experience, completed within 5 years from the date of the initial request, under the supervision of a permitted wildlife rehabilitator in California; or experience that the department deems equivalent. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience. The department may consider one credit hour of education as a substitute for one hour of experience, up to 150 hours of the required experience based on the criteria listed in subsection 697.3(a)(6)(A)2a.
4. Public Contact Information. Satellite facility telephone number, email address, physical address, and website, if applicable, and type of wildlife accepted at the proposed facility that the department will provide as a resource to the public on the department website at <http://wildlife.ca.gov/wildliferehab>.
5. Proposed Rehabilitation Animals. Maximum number of proposed rehabilitation animals that can be temporarily possessed at any time in the following categories: (i) amphibian, (ii) reptile, (iii) bird, (iv) mammal.
6. Declaration of Enclosures. Description of each type of animal enclosure that shall meet the requirements listed in Chapter 2 and Chapter 3 of the department's Native Wildlife Rehabilitation 679 Regulations Manual and which includes the following information: length, width, and height in feet and inches; enclosure materials; and photographs, diagrams, blueprints, or other written plans.

7. Facility Operation Plan. Description of all standard operating procedures that shall include all required information listed pursuant to subsection 679.3(a)(6)(A)7 in writing in a form provided by the department.
 8. Acknowledgement and Signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (2) Approval of Sub-Permit. The department shall amend a permit to add a sub-permit under a permit if a permittee and sub-permittee meet all requirements pursuant to these regulations.
- (A) A permittee or their designee, or the department or their designee, shall conduct an initial inspection of the proposed satellite facility prior to department approval or denial of such a request pursuant to subsection 679.7(b)(1)(A). A sub-permittee shall not temporarily possess any rehabilitation animal until the department has provided final approval of a sub-permit.
 - (B) A sub-permittee shall operate no more than one satellite facility, located no more than 100 air miles from the physical location of the facility operated by the permittee or their designee, and shall not be listed as a sub-permittee or designee under any other permit.
- (d) Denial of Permit, Sub-permit, or Specialty Rehabilitation Authorization. Unless the department finds an action other than a denial, such as a written warning issued by the department to the permittee or their designee, would likely cause such persons to cure an existing violation or not violate in the future, the department shall deny approval of a permit, sub-permit, or specialty rehabilitation authorization if an applicant, their designee, sub-permittee, or qualified handler:
- (1) fails to comply with any provision of these regulations, Fish and Game Code Section 1054, or Penal Code Section 597; or
 - (2) has violated any law existing in any other state or in any local governing entity, or any federal statute, regulation, or rule, that is related to wild animals, including, but not limited to, 16 USC 1531 (Endangered Species Act), 26 USC 3372 (Lacey Act), or 50 CFR 21 (Migratory Bird Treaty Act); or
 - (3) has been convicted of a crime of moral turpitude.
- (e) Transition Period. A permittee issued a permit prior to January 1, 2025, pursuant to Section 679, shall be authorized by the department to operate under those requirements until June 30, 2025. Thereafter, a permittee, their sub-permittee, designee, authorized person, and qualified handler shall comply with the requirements listed pursuant to subsections 671.1 and 679.1 through 679.9 of these regulations, notwithstanding a variance approved by the department pursuant to subsection 679.4(c).

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2121, 2122, 2150.4, 2150.2, 2192, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 2000, 2118, 3511, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.4, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.4. Facility and Enclosure Standards for Rehabilitation Animals**(a) Provisions Related to the Operation of a Wildlife Rehabilitation Facility and Satellite Facility.**

- (1) Responsibility for Costs Incurred. A permittee, their sub-permittee, or designee shall be responsible for any and all costs incurred in connection with the temporary confinement, temporary possession, treatment, or transportation of any rehabilitation animal while the rehabilitation animal is temporarily confined or temporarily possessed by a such a person.
- (2) Liability. A permittee, their sub-permittee, or designee shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any claims and losses occurring or resulting to any person or property in connection with the capture or treatment, confinement, or transportation of any rehabilitation animal while in the possession of such a person.
- (3) Continuing Education. A permittee, their designee, sub-permittee, authorized persons, and qualified handlers shall complete at least 8 hours of continuing education each year.
- (4) Display or Possession of Permit and Emergency Action Plan. A permittee, their sub-permittee, or designee shall display the permit, or a copy of the permit issued by the department, and any other required permits in a location at the facility that is visible to staff, volunteers, and the public. An authorized person and qualified handler shall retain a copy of the permit in their possession in a location where it can be readily provided to the department or a designee of the department. A permittee, their sub-permittee, or designee shall retain a copy of the facility emergency action plan required pursuant to sub-section 679.3(a)(6)(D) and notify all personnel of its location and content.
- (5) Required Records. A permittee, their designee, sub-permittee, authorized person, and qualified handler shall maintain all required records, whether written or electronic, for at least 5 years unless otherwise specified by the department or otherwise stated by these regulations. All records shall be written in English, and a permittee, their designee, sub-permittee, authorized person, and qualified handler may keep duplicate records written in other languages.
 - (A) Annual Report. A permittee or their designee shall submit an annual report to the department via email at RehabWildlife@wildlife.ca.gov, no later than January 31, for the prior calendar year even if no rehabilitation animals were temporarily possessed, in a form provided by the department, that shall include the following information:
 1. Permittee information: Full name, ALDS GO ID, telephone number, email address, physical address, mailing address if different, facility name, and facility physical address;
 2. Summary of patient outcome: List of patient outcomes, by taxonomic group, categorized as Released (R), Transferred to other facility (T), Euthanized (E), Died in Care (D), Dead on Arrival (DOA), Reunited with Parent (RU), Remains in Care (RIC);
 3. Wild animal intakes. List of intakes by species or common name, patient outcome, and total number of animals received by species;
 4. Rehabilitation raptor transfers to licensed falconers. List of any rehabilitation raptor temporarily transferred to a licensed falconer pursuant to sub-section 679.5(b)(5).
 5. Continuing education. Brief description of training and continuing education hours completed by all persons required under the permit;

6. Non-releasable wildlife. List of non-releasable animals possessed pursuant to Section 671.1, or these regulations, or other authorization by the department.
7. Acknowledgement and signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
 - (B) Availability of Records. Except as provided in sub-section 679.7(a), a permittee, their sub-permittee, designee, authorized person, and qualified handler shall make all required records available to the department within 3 calendar days of such a request from the department.
- (6) Operational Changes. A permittee or their designee shall notify the department in writing via email at RehabWildlife@wildlife.ca.gov of any of the following changes under a permit:
 - (A) written notification to the department no later than 10 calendar days after any change of the name, mailing address, telephone number, or email address of a wildlife rehabilitation facility or satellite facility.
 - (B) written notification to the department at least 15 calendar days prior to any foreseeable removal or change in designee, sub-permittee, qualified handler, or veterinarian of record. It shall be the sole responsibility of the permittee or their designee to ensure that a valid and accurate Veterinarian of Record is listed on a permit at all times.
- (7) Compliance With Other Restrictions. These regulations, or any permit issued pursuant thereto, do not authorize the take or possession of any wild animal in violation of the Fish and Game Code, regulations adopted pursuant thereto, or any other law.
- (8) A permittee, their sub-permittee, designee, authorized person, or qualified handler shall notify the department in writing via email at Rehabwildlife@wildlife.ca.gov or by telephone at (916) 358-2790 within 24-hours of receiving from the public a black bear (*Ursus americanus*), mountain lion (*Puma concolor*), gray wolf (*Canis lupus*), wolverine (*Gulo gulo*), ringtail (*Bassariscus astutus*), Sierra Nevada red fox (*Vulpes vulpes nicator*), Sacramento Valley fox (*Vulpes vulpes patwin*), island fox (*Urocyon littoralis*), San Joaquin kit fox (*Vulpes macrotis mutica*), golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), and California condor (*Gymnogyps californianus*).
- (b) Enclosure Requirements. A permittee, their sub-permittee, designee, authorized person, and qualified handler shall maintain enclosures in compliance with the requirements listed in the Native Wildlife Rehabilitation 679 Regulations Manual; and such persons shall comply with the following:
 - (1) All enclosures shall be fully enclosed with walls and a roof or ceiling, unless otherwise specified by the department, to protect native wildlife, animal welfare, human health and safety, and agricultural interests. Enclosures shall be secured at all times to prevent ingress or egress by any wild or domestic animal and be free of any object or substance that could foreseeably cause injury or harm to any rehabilitation animal.
 - (2) Conspecific or non-conspecific rehabilitation animals that naturally co-occur may be held in the same enclosure provided that the welfare of each animal is maintained, and all requirements are met pursuant to these regulations.
 - (3) No person shall allow any rehabilitation animal to propagate.
 - (4) All enclosures shall have sufficient drainage to prevent standing water from accumulating, except for pools or drinking water required pursuant to the Native Wildlife Rehabilitation 679 Regulations Manual.

- (5) All enclosures shall maintain the range of ambient air temperature, and adequate ventilation, that is necessary to ensure the welfare of each rehabilitation animal.
- (6) Visual and physical separation shall be maintained between a rehabilitation animal and personal domestic animals, non-conspecific rehabilitation animals, and restricted species except where otherwise permitted in these regulations.
- (7) Written protocols to prevent and respond to escape of the following specialty rehabilitation animals shall be clearly posted on the enclosure: large carnivores, ungulates, and venomous snakes.
- (8) All enclosures shall be labeled in writing with an enclosure identifier, such as name or number, and such persons shall maintain a list that identifies the location and type of enclosure (neonate, limited mobility, pre-release conditioning), as a required record.
- (c) Variances to Enclosure Requirements. A permittee, their sub-permittee, or designee shall submit to the department in writing via email at Rehabwildlife@wildlife.ca.gov a request for variance of any enclosure construction required in these regulations or the Native Wildlife Rehabilitation 679 Regulations Manual.
- (1) A permittee, their sub-permittee, or designee shall provide, in a form provided by the department, the following information:
- (A) Applicant information. Full name, ALDS GO ID, telephone number, email address, physical address, and mailing address if different;
- (B) Location of requested variance. Provide location of variance as the wildlife rehabilitation facility, satellite facility, or other location (authorized person).
- (C) Category of variance. Provide category of variance as minimum size, maximum number of animals, construction design or materials, or location change.
- (D) Type of variance. Provide type of variance as new construction, existing construction, or modification of existing construction, and a brief description of the request.
- (E) Reasons for request. List reason for the variance request as the requirement will result in undue hardship due to physical limitations, excessive cost, and/or other restrictions.
- (F) Acknowledgement and signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (2) The department shall approve an enclosure variance request if it finds that the overall security and welfare of a rehabilitation animal shall be maintained. The department may add terms or conditions to the variance if the department determines that such terms or conditions are necessary to protect native wildlife, animal welfare, human health and safety, or agricultural interests. Enclosures subject to an approved variance may deviate from otherwise applicable regulations only so far as is specified in the variance; all other regulations outside the bounds of the variance must be observed.
- (3) The department shall deny an enclosure variance request if it finds that the overall security and welfare of a rehabilitation animal will not be maintained. At the direction of the department, a permittee, their sub-permittee, or designee shall either modify the enclosure that is the subject of the variance request, or remove and replace it, and pass an inspection pursuant to Section 679.7, or transfer all rehabilitation animals to another facility.

(4) Notification of variance approval or denial, and any terms and conditions imposed by the department, shall be provided in writing to the requester. A permittee, their sub-permittee, or designee shall provide documentation of an approved variance to enclosure requirements to any inspector. An approved variance is a required record and shall be retained for as long as the enclosure is possessed; all variances granted to a permittee, their sub-permittee, or designee are incorporated into their permit.

(d) Violations. A violation of any provision of Chapter 2 of the Native Wildlife Rehabilitation 679 Regulations Manual shall be considered a violation of this section.

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2122, 2127, 2150.4, 2192, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 2000, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.5, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.5. Humane Care Standards

(a) Care of Rehabilitation Animals. A permittee, their sub-permittee, designee, authorized person, and qualified handler, and any employee or volunteer supervised by such persons, shall comply with the following provisions:

- (1) All care shall be based on the age class and condition of the rehabilitation animal in a manner that is consistent with that species.
- (2) Food. Each rehabilitation animal shall be provided food in sufficient quantity and nutritive value to improve or maintain the health and welfare of the rehabilitation animal. Food shall be provided in a manner consistent with the species and its stage of rehabilitation. Food receptacles shall be kept clean and sanitary to prevent mold, contamination, and deterioration of food.
- (3) Water. Each rehabilitation animal shall be provided fresh drinking water that is available as often as necessary to improve or maintain the health and welfare of the animal, based on the stage of rehabilitation of that animal. Water receptacles shall be kept clean and sanitary to prevent mold and contamination.
- (4) Handling. A rehabilitation animal shall be handled only by a person using personal protective equipment in compliance with the requirements in the Native Wildlife Rehabilitation 679 Regulations Manual, and in a manner to minimize stress or physical harm to the animal. Every reasonable effort shall be made to prevent the habituation or mal-imprinting of a rehabilitation animal. A permittee, their sub-permittee, designee, authorized person or qualified handler shall not allow a member of the public to handle a rehabilitation animal.
- (5) Biosafety Plan. A plan to prevent and control parasites, communicable diseases, vectors, and pathogens shall be maintained that includes the following required information: a cleaning and disinfecting schedule for each area of the facility, enclosures, food and water receptacles, and enrichment items, use of proper personal protective equipment, and use of proper preexposure and postexposure prophylaxis. Organic waste material shall be removed from enclosures as often as necessary to improve or maintain the health and welfare of the animal and to avoid habituation or mal-imprinting.
- (6) Egg Incubation. A permittee, their sub-permittee, or designee may incubate native avian eggs for the purposes of rehabilitation, except for eggs of unknown species or origin. This section shall not preclude the need to obtain other valid permits, such as a federal migratory bird or scientific collecting permit.
- (7) Public Display. A rehabilitation animal shall only be depicted in a public facing photograph or video under conditions that are consistent with the natural life history and behaviors of that species or showing the animal receiving appropriate medical treatment and only publicly referenced by intake number, common species or scientific name. A rehabilitation animal temporarily possessed as a result of a law enforcement action or suspected violation of any law shall not be publicly referenced for any purpose.

(8) Notification Requirement for Diseases of Concern. Except as provided below, such persons shall notify the appropriate public agency, in writing or by telephone, within 5 calendar days of suspecting any rehabilitation animal of having a disease of concern listed in the Native Wildlife Rehabilitation 679 Regulations Manual, and shall include the following information: common or scientific name, sex if known, age class, suspected disease of concern, date and location found, and any known human or domestic animal exposure.

(A) Reporting to the Department. Such persons shall notify the department in writing via email at Rehabwildlife@wildlife.ca.gov, within 24 hours of suspecting any rehabilitation animal or carcass of having a disease of concern for which the department is the appropriate public agency to notify. The department shall provide instructions in writing via email to the reporting party, within 7 calendar days of receiving such a notification. The department shall instruct a reporting party to euthanize or transfer the rehabilitation animal, or dispose of or transfer the carcass, to the department or other location based on the necessity to protect native wildlife, human health and safety, or agricultural interests; such a rehabilitation animal or carcass shall be retained by the reporting party until instructed by the department, or up to 15 calendar days after providing such notification.

(B) Rabies. Such persons shall confine in isolation for 30 calendar days, or euthanize pursuant to sub-section 2606(c) of Title 17, any rehabilitation animal showing clinical signs or symptoms consistent with rabies or that has been in physical contact with a known rabid animal. Any rehabilitation animal that has bitten a human and shows clinical signs or symptoms consistent with rabies or has been in physical contact with a known rabid animal, shall be euthanized and tested for rabies with the local public health department.

(9) Notification Requirement for Violations Related to Animals. Such a person shall report to the department by telephone at (888) 334-2258, or via text to 847411 (tip411) by texting "CALTIP", within 48 hours of becoming aware of a rehabilitation animal suspected to have been intentionally harmed in violation of Penal Code Section 597, or a violation of Fish and Game Code. A reporting party may report a suspected violation of any law to a local law enforcement agency, in addition to reporting to the department.

(10) Import and Export of Rehabilitation Animals. No permittee, their sub-permittee, designee, authorized person, qualified handler, or any other person shall export to another state, or import from another state, a rehabilitation animal, without prior written notification to the department and written approval from the applicable state agency of the exporting/importing state. A permittee, their sub-permittee, designee, authorized person, or qualified handler may accept a wild animal that was imported by a person and is in need of rehabilitation. This section does not supersede other required state or federal permits.

(b) Treatment of Wildlife in Possession. A permittee, their sub-permittee, designee, authorized person, and qualified handler shall comply with the following requirements for the treatment of rehabilitation animals:

(1) Medical Care. A person shall not perform any procedure on a rehabilitation animal that is likely to fail to improve or maintain the welfare of the animal; permanently impair the ability of the animal to survive on its own in the wild; or permanently physically alter the animal and is not medically necessary, such as spaying or neutering, without written prior approval from the department.

- (2) Standing Order. A permittee, their sub-permittee, designee, authorized person, or qualified handler, and any employee or volunteer supervised by such a person, shall adhere to the written standing protocol, provided by a California licensed veterinarian acting within the scope of their professional licensure, for routine medical care to treat a taxonomic group or species of rehabilitation animal based on the animal condition, age class, and life history of a specific rehabilitation animal.
- (3) Medications. A permittee, their sub-permittee, designee, authorized person, or qualified handler, and any employee or volunteer supervised by such a person, shall administer, store, track, and dispose of all medications, including controlled drugs, in accordance with state and federal laws. Controlled drugs shall be kept in a safe and locked place that is only accessible to such person or staff or volunteer supervised by such person.
- (4) Raptor Rehabilitation. A permittee, their sub-permittee, or designee may temporarily transfer a rehabilitation raptor to a California general or master falconer licensed pursuant to sub-section 670(e)(6)(C) and approved by the department as a sub-permittee pursuant to sub-section 679.3(b) and (c), for the purpose of rehabilitation under the requirements listed pursuant to these regulations. A rehabilitation raptor shall not be listed under a falconry license and shall remain solely under a permit issued pursuant to Section 679.3. A California general or master falconer shall release to the wild a rehabilitation raptor pursuant to subsection 670(h)(3) or return a rehabilitation raptor to the permittee or their designee no longer than 180 calendar days from the date of initial intake by the permittee or their designee.
- (A) A permittee or their designee shall provide a licensed general or master falconer with written authorization, as a required record, for the temporary transfer of a rehabilitation raptor that shall include the following information:
1. Transfer Information. Date of temporary transfer; permittee full name, telephone number, email address, physical address, and mailing address, if different; licensee full name, telephone number, email address, physical address, and mailing address, if different; physical address where the rehabilitation raptor will be temporarily transferred.
 2. Animal Information. Common or species name; age class; sex, if known; date of initial intake; animal intake number or permanent identifier, if applicable; medical condition(s) of the animal, if applicable; and estimated total length of rehabilitation, for the purposes of release to the wild, not to exceed 180 calendar days from the date of initial intake, notwithstanding approval by the department for long-term possession pursuant to sub-section 679.5(a)(6).
- (5) Surrogate Animal. A permittee, their sub-permittee, or designee may use a wild animal possessed by a permittee, their sub-permittee, or designee to provide parental care to a conspecific neonate or juvenile rehabilitation animal for the purpose of the animal's release to the wild. A surrogate animal shall be used for a conspecific neonate or juvenile rehabilitation animal for a period not to exceed 90 calendar days in a calendar year. An animal shall not be used as a surrogate animal in a manner that harms the welfare of that animal.
- (6) Patient Record. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall maintain a record of each rehabilitation animal that shall include, but not be limited to, the following information:

- (A) Intake History. Intake documentation that shall include the following information: date and time of intake; full name and telephone number of the person who transferred the animal if known; date and location where animal was found, if known; and dates of transfer, if applicable.
- (B) Animal Information. Animal information documentation shall include the common species name or scientific name; age class and sex, if known; animal identification number; temporary bands, tags, or marks, or permanent identifier, if applicable; physical examination findings, medical condition, and treatment plan; type and dates of treatment; full name or initials of persons providing such treatment; and dates of transfer, if applicable.
- (C) Patient Outcome. The outcome of each rehabilitation animal shall be documented in writing and listed as: (R) release to the wild, (T) transferred to another facility, (P) pending and remains in care, (E) euthanized, (D) died in care, (DOA) dead on arrival, or (RU) reunited with parent.
- (7) Long-Term Possession. Except as provided below, such a person shall not possess a rehabilitation animal for longer than 180 calendar days from the date of initial intake. Such a person may submit a request to the department in writing via email at Rehabwildlife@wildlife.ca.gov for approval to possess a rehabilitation animal for longer than 180 calendar days to improve and maintain the welfare of the animal. The department shall require such a person to provide the patient record, a written plan for care of the animal, and the estimated date of release to the wild.
- (A) Approval of a Request. The department shall approve a request to temporarily possess a rehabilitation animal for longer than 180 calendar days if the department determines that such approval is necessary to improve or maintain the welfare of the animal. The approval shall authorize temporary possession of the animal until the estimated date of release to the wild, unless the department determines that such duration should be shortened or extended to protect native wildlife, animal welfare, human health and safety, or agriculture interests. The department shall notify the requestor, in writing via email, of the approval or denial to temporarily possess a rehabilitation animal for longer than 180 calendar days within 15 calendar days of receipt of the request.
- (B) Denial of a Request. The department shall deny a request to temporarily possess a rehabilitation animal for longer than 180 calendar days if the department determines that such approval will harm the welfare of the animal. That animal shall be seized in place, transferred, humanely euthanized, or released to the wild pursuant to Section 679.8(c).
- (c) Animals not Released to the Wild. A permittee, their sub-permittee, or designee shall either euthanize or request to the department place at a permitted facility a rehabilitation animal that cannot be returned to the wild pursuant to Section 679.6.
- (1) Euthanasia. A permittee, their sub-permittee, or designee shall euthanize a rehabilitation animal using the euthanasia methods listed in the Native Wildlife Rehabilitation 679 Regulations Manual.
- (A) A permittee, their sub-permittee, or designee shall require a person performing euthanasia of any rehabilitation animal to receive the following minimum hours of euthanasia training:
1. 2-hours training on euthanasia methods that do not require the use of a controlled drug, provided by a permittee, their designee, or sub-permittee, or an individual approved by such persons; or

2. 4-hours training on euthanasia methods that require the use of a controlled drug excluding sodium pentobarbital, provided by a licensed veterinarian, registered veterinary technician, or an individual certified by the California Animal Welfare Association or similar organization; or
3. 8-hours training on euthanasia methods that require administering of sodium pentobarbital without the presence of a licensed veterinarian, provided by a licensed veterinarian, registered veterinary technician, or an individual certified by the California Animal Welfare Association.

(B) A permittee, their designee, and sub-permittees shall dispose of the carcass of a rehabilitation animal that has been chemically euthanized using one of the following methods: incineration at a qualified facility; rendering at a qualified facility; burying to a minimum depth of 6 feet; transfer to an entity with a permit or authorization to possess; or transfer to the National Eagle Repository at the direction of the U.S. Fish and Wildlife Service.

(2) Permanent Placement. A permittee, their sub-permittee, or designee may request to the department, in writing via email at Rehabwildlife@wildlife.ca.gov, approval for placement of a rehabilitation animal that is considered by the requestor to be unsuitable for release to the wild.

(A) Request for Placement. A requestor shall submit to the department the following information, in a form provided by the department:

1. Requesting Party. Full name, GO ID number, physical address, mailing address if different, telephone number, email address, and facility name if applicable.
2. Animal Identification. Intake date; animal intake number; common species or scientific name; age/age class; sex; weight; and microchip, tag, or other identifier if applicable.
3. Animal Examination. Date of last examination that shall be performed no later than 30 calendar days from the date of request; full name, telephone number, email address, title, veterinarian or registered veterinary technician license number if applicable, and signature of person performing examination.
4. Animal Condition. List and provide a brief description of conditions that may prevent the animal from surviving in the wild: permanent visual impairment; amputated limb, foot, or wing; permanent damage to skin, scale, scute, fur, or feathers; permanent inability to display the physical ability needed to survive in the wild and brief description; permanent inability to display the natural life history behaviors of its species and brief description; permanent spinal injury, paralysis, or paresis.
5. Animal Welfare. List of requirements needed to maintain the welfare of the animal: temporary or long-term medication, temporary or long-term medical treatment, enclosure modification, special diet, modified feeding, must be housed with other animals, must be housed alone.
6. Suggested Placement Option. A requestor may provide one or more suggested placement options for consideration by the department at its sole discretion.

(B) Department Consideration of Request. The department shall review a written request for placement of a rehabilitation animal and respond to the requestor in writing via the email address provided by the requestor within 15 calendar days of receiving all required information from a permittee, their sub-permittee, or designee. The request shall demonstrate that the conditions required to protect the welfare of the animal, native wildlife, human health, and human safety are met. The department shall require an additional examination by a California licensed

veterinarian, or other person identified by the department, if the department determines that an examination is necessary to fully assess the condition of the animal.

(C) Department Approval or Denial of Request.

1. The department shall approve placement of a rehabilitation animal if the department determines that the requirements of sub-section (c)(2)(A) have been met and the department has identified a suitable facility for placement.
2. The department shall deny placement of a rehabilitation animal if the department determines that the requirements of sub-section (c)(2)(A) have not been met and the department determines that release to the wild, transfer to another facility, or euthanasia of the rehabilitation animal is most appropriate.

(d) Use of Rehabilitation Animals for Scientific or Educational Purposes. A permittee, their sub-permittee, designee, authorized person, qualified handler, and any employee or volunteer supervised by such persons, shall not transfer, take, or possess the carcass or parts thereof of any rehabilitation animal for scientific, educational, and/or propagation purposes except as authorized by the department pursuant to Section 251.4 (mountain lion carcass or parts thereof), Section 650, or other sections of the Fish and Game Code or regulations adopted pursuant thereto.

(e) Violations. A violation of any provision of Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual shall be considered a violation of this section.

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2122, 2150.4, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 1018, 2000, 3005, 2118, 2186, 2190 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.6, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.6. Release of Rehabilitation Animals to the Wild

- (a) Evaluation for Release. A permittee, their sub-permittee, or designee shall evaluate a rehabilitation animal to determine if it can be released to the wild, in accordance with Section 671.6, using the following non-releasability criteria: the animal has a condition that will likely prevent the animal from surviving in the wild; the animal cannot display the natural life history behavior of its species needed to survive in the wild; the animal is observed to be habituated or mal-imprinted; or the animal is known or suspected to have a disease of concern listed in the Native Wildlife Rehabilitation 679 Regulations Manual. Except for a non-releasable rehabilitation animal that has been euthanized, a permittee, their sub-permittee, or designee shall request consideration for placement of the animal by the department pursuant to Section 679.5(c)(2).
- (b) Requirements for Release. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall release a rehabilitation animal that meets all the requirements of subsection (a) above to suitable habitat in the wild nearest to its place of origin, if known, and shall consider the following conditions when releasing the rehabilitation animal: acclimation to the weather and seasonal timing of release, natural life history requirements to survive such as social, territorial, and migratory needs.
- (1) A permittee, their sub-permittee, designee, authorized person, or qualified handler shall obtain verbal or written permission from the owner of a state-owned or private property, or a duly authorized representative of the owner, to release a rehabilitation animal by such persons, or a person approved by such person, on the property prior to such a release.
- (2) A permittee, their sub-permittee, or designee, or the department, shall collar or tag a large carnivore rehabilitation animal prior to its release to the wild at a location provided by the department in writing. Such a person may obtain such a location by contacting the department in writing via email at Rehabwildlife@wildlife.ca.gov.
- (A) The department shall provide to such persons a mark, collar, or tag as described above; the process to mark, collar, or tag the rehabilitation animal; the intended use and management of collected data; and a list of personnel trained to mark, collar, or tag any rehabilitation animal.
- (B) A permittee, their sub-permittee, or designee shall request to the department in writing via email at Rehabwildlife@wildlife.ca.gov for the department to review any public statement, photograph, or video of the intake or release of any large carnivore rehabilitation animal at least 10 calendar days prior to the release of such public information. A permittee, their sub-permittee, or designee shall not disclose the description of the mark, collar, or tag of any large carnivore rehabilitation animal; or the physical location, or a landmark that may be reasonably used to infer the physical location, of the site of origination or release of any large carnivore rehabilitation animal.
- (3) A permittee, their sub-permittee, designee, authorized person, or qualified handler shall release a rehabilitation animal of any species of amphibian or reptile to suitable habitat in the wild at the location where it was found, if known, or at a location provided by the department in writing if the location where found is not known, to reduce the risk of disease to healthy populations. Such a person may obtain such a location by contacting the department in writing via email at Rehabwildlife@wildlife.ca.gov.

(c) Animals not Native to California. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall not temporarily possess for the purposes of rehabilitation, or release to the wild, any of the following invasive species or exotic game mammals: wild pig (*Sus scrofa*), nutria (*Myocastor coypus*), American bullfrog (*Lithobates catesbeianus*), African clawed frog (*Xenopus laevis*), common coqui (*Eleutherodactylus coqui*), red-eared slider (*Trachemys scripta elegans*), watersnake (*Nerodia* species), barred owl (*Strix varia*), pin-tailed whydah (*Vidua macroura*), or mute swan (*Cygnus olor*); or any red fox suspected to be not native to California, unless determined by the department or its designee to be a Sierra Nevada red fox (*Vulpes vulpes necator*) or Sacramento Valley red fox (*Vulpes vulpes patwin*) native to California.

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2120, 2121, 2122, 2150.4, 2835, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, and 2118, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.7, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.7. Inspection of Wildlife Rehabilitation Facilities

(a) Inspections by the Department.

(1) Inspections During Application Processes. The department shall conduct an inspection of any wildlife rehabilitation facility, satellite facility, enclosure, equipment, and required record belonging to or in the possession of, and any rehabilitation animal and part of a rehabilitation animal confined or possessed by any applicant pursuant to subsection 679.3(a); a permittee, their sub-permittee, or designee who requests a permit amendment pursuant to sub-section 679.3(a)(9); an applicant, permittee, their sub-permittee, or designee who request a variance pursuant to sub-section 679.4(c).

(A) The department shall document in writing, in a form provided by the department, the following information during an inspection:

1. Reason for Inspection. New permit, permit renewal, sub-permit, re-inspection, specialty rehabilitation authorization, and/or variance.
2. Personal Information. Full name, permittee name if different, ALDS GO ID, federal permit if applicable, physical address, mailing address if different, telephone number, and email address.
3. Facility Information. Facility name and physical address; property use type (owner, tenant, other); number of staff, volunteers, sub-permittees, authorized persons, and qualified handlers; taxonomic group of rehabilitation animals, specialty rehabilitation animals if applicable.
4. Inspection Requirements. Facility, humane care, and treatment requirements pursuant to sections 679.3, 679.4, and 679.5, and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual.
5. Enclosures Inspection. Enclosure requirements and pre-release enclosure minimum size requirements pursuant to Section 679.4 and Chapter 2 of the Native Wildlife Rehabilitation 679 Regulations Manual.
6. Inspection Notes. Items that fail to meet requirements; items that exceed requirements; other items observed during inspection.
7. Inspection Determination. Pass, fail (recommend reinspection), fail (recommend permit denial), fail (recommend permit revocation).
8. Acknowledgement and signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(B) The department shall conduct an inspection during a reasonable time of the day and any day of the week when a permittee, their sub-permittee, or designee, or an applicant, are present and such a person shall allow the department access to inspect any area of a facility, enclosure, equipment, required records, and rehabilitation animal and parts thereof during the inspection.

(C) Except as provided in sub-sections 679.3(a)(9) and (c)(3) and 679.9, the department may provide a permittee, their sub-permittee, or designee that has failed an inspection in writing via email, or the U.S. Postal Service, or overnight carrier, a list of the changes required to attain compliance within 45 calendar days of the notification date and the process to determine the date and time of a re-inspection of any required changes.

1. Request for Extension. A permittee, their sub-permittee, or designee may request to the department, in writing via email at RehabWildlife@wildlife.ca.gov, up to an additional 30 calendar days to implement the required changes no later than 5 calendar days before the 45-day deadline described in sub-section 679.7(a)(3)(A). The department shall approve such a request in writing via email, within 5 calendar days of receiving the request from a permittee, their sub-permittee, or designee, if the department determines that the requester can reasonably implement the required changes within the requested extension of time, and that such an approval will not harm native wildlife, animal welfare, human health or safety, or agricultural interests.
2. Animal Possession. The department may allow a permittee, their sub-permittee, or designee that has failed an inspection to continue temporarily possessing rehabilitation animals of a species or taxonomic group approved by the department, if the department determines that such an approval shall not harm native wildlife, animal welfare, human health or safety, or agricultural interests.

(D) The department shall revoke a permit or sub-permit or specialty rehabilitation authorization if the permittee, their sub-permittee, designee, authorized person, or qualified handler refuses to allow an inspection by the department.

1. A refusal to allow an inspection shall be inferred if: after three reasonable attempts by the department to schedule an inspection, such a person is unavailable for inspection; or, such a person refuses to allow the department to fully inspect any area of a facility, enclosure, equipment, required record, or any rehabilitation animal or part of a rehabilitation animal.
2. The department shall reinstate a permit or sub-permit if the permittee, their sub-permittee, designee, authorized person, or qualified handler allows the department to conduct an inspection and no violations of these regulations are observed during that inspection.

(2) Other Inspections. The department may conduct a scheduled inspection of any wildlife rehabilitation facility, satellite facility, enclosure, equipment, required record, or any rehabilitation animal or part of a rehabilitation animal confined by or in the possession of, a permittee or their sub-permittee, designee, authorized person, or qualified handler for any other purpose during a reasonable time of the day and any day of the week when such person is present. A permittee or their sub-permittee, designee, authorized person, or qualified handler shall allow the department access to inspect any area of a facility, enclosure, equipment, required record, and rehabilitation animal during the inspection.

(b) Inspections by a Permittee or Their Designee.

(1) Except as provided in sub-section 679.7(b)(2), a permittee or their designee shall conduct an inspection of any satellite facility, enclosure, equipment, and required record belonging to or in the possession of, and any rehabilitation animal temporarily confined or possessed by, a sub-permittee or authorized person, at least once during the valid permit period and no sooner than 6 months after the last inspection. A permittee or their designee shall conduct an inspection during a reasonable time of the day, any day of the week, when a sub-permittee or authorized person is present.

(A) A permittee or their designee shall document in writing in a form provided by the department, the following information during an inspection and submit the form to the department in writing via email at Rehabwildlife@wildlife.ca.gov within 30 calendar days of conducting an inspection:

1. Reason for Inspection. Sub-permit, re-inspection, specialty rehabilitation authorization (except for large carnivores), authorized person, and/or variance.
2. Permittee information. Full name, ALDS GO ID, federal permit if applicable.
3. Sub-permittee Information. Full name, federal permit if applicable, physical address, mailing address if different, telephone number, and email address.
4. Facility Information. Satellite facility name and physical address; property use type (owner, tenant, other); number of staff, volunteers, authorized persons, and qualified handlers; taxonomic group of rehabilitation animals, specialty rehabilitation animals if applicable.
5. Inspection Requirements. Facility, humane care, and treatment requirements pursuant to sections 679.3, 679.4, and 679.5, and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual.
6. Enclosures Inspection. Enclosure requirements and pre-release enclosure minimum size requirements pursuant to Section 679.4 and Chapter 2 of the Native Wildlife Rehabilitation 679 Regulations Manual.
7. Inspection Notes. Items that fail to meet requirements; items that exceed requirements; other items observed during inspection.
8. Inspection Determination. Pass (meets requirements), fail (recommend reinspection), fail (recommend denial), fail (recommend revocation).
9. Acknowledgement and signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

- (2) A permittee or their designee shall re-inspect any satellite facility, enclosure, equipment, required record, and any rehabilitation animal temporarily possessed by a sub-permittee and/or an authorized person if the permittee or their designee, or the department, determines that a re-inspection is necessary to protect animal welfare, native wildlife, human health or safety.
- (3) A permittee or their designee shall revoke the sub-permit of a sub-permittee, or the authorization of an authorized person, who refuses to allow an inspection by the permittee or their designee. A refusal to allow an inspection may be inferred if, after three reasonable attempts by the permittee or their designee to schedule an inspection, the sub-permittee or authorized person is unavailable for an inspection.

(c) Nothing in this section shall be construed to limit or constrain the department's authority to conduct inspections, searches, seizures, or other enforcement actions, at any time and for any reason, with respect to rehabilitation animals, wildlife rehabilitators, or rehabilitation facilities.

NOTE: Authority cited: Sections 200, 1050, 2015, 2081, 2121, 2122, 2150.4, 2192, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000, 3005 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.8, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.8. Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals.

(a) Seizure of Live Animals Possessed Pursuant to a Valid Permit or Sub-Permit. The department shall seize any rehabilitation animal temporarily possessed by a permittee, their sub-permittee, designee, authorized person, or qualified handler if such a person has violated any provision of the Fish and Game Code, these regulations, or Penal Code section 597; violated the terms or conditions of a permit or sub-permit; or is no longer able to temporarily possess rehabilitation animals for any reason, unless the department finds:

- (1) an action other than a seizure, such as a written warning issued to such persons is expected to cause such a person to cure an existing violation or not violate in the future; or
- (2) the violation did not adversely impact, and is not likely to adversely impact, animal welfare; native wildlife; human health and safety; or agricultural interests of this state.

(b) Seizure of Live Animals Possessed by a Person with an Invalid Permit or Sub-Permit. The department shall seize any rehabilitation animal possessed by a person whose permit or sub-permit has been denied pursuant to Section 679.3 or revoked pursuant to Section 679.9, or whose permit or sub-permit has expired, except for a person whose permit expired and either:

- (1) 45 or fewer calendar days have passed since the permit expired; or
- (2) more than 45 calendar days have passed since the permit expired, but the Department has issued an approval pursuant to sub-section 679.3(a)(8)(B) or (C) to continue possessing rehabilitation animals.

(c) Animals Seized Pursuant to Paragraphs (a) or (b) or Subsection 679.5(a)(7)(B). The department shall, at its sole discretion and taking into account animal welfare, native wildlife, agricultural interests of the state, and human health or safety, determine that an animal that is seized pursuant to paragraph (a) or (b) or Section 679.5(a)(7)(B) be:

- (1) seized in place;
- (2) transferred to a person authorized to possess such rehabilitation animal or a facility operated by the department;
- (3) humanely euthanized; or
- (4) released to the wild.

(d) Costs Incurred Pursuant to Paragraphs (a) Through (c). Costs incurred by either the department or another party for actions taken pursuant to paragraphs (a) through (c), including costs incurred for the care and possession of animals taken pursuant to paragraphs (a) through (c), shall be paid by the person from whom the live animal was seized. The department or other party may initiate a civil action for cost recovery.

NOTE: Authority cited: Sections 200, 1050, 2021, 2015, 2081, 2122, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000, 2118, 3005 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 679.9, Title 14, California Code of Regulations, is hereby added as follows:

§ 679.9 Revocation of Permit, Sub-Permit, or Variance Request; Proof of Service; Request for Reconsideration; Appeal of Revocation; Effect on Section 679.8.

(a) Revocation of a Permit by the Department. The department shall revoke a permit if a permittee, their sub-permittee, designee, authorized person, or qualified handler has violated any provision of the Fish and Game Code or regulations adopted pursuant thereto, Penal Code section 597, or the terms and conditions of the permit or a sub-permit, or has been convicted of a crime of moral turpitude, unless the department finds:

- (1) An action other than a revocation, such as a written warning with a description of the changes required to meet the standards in these regulations, would likely cause a permittee or their designee to cure an existing violation or not violate in the future; and
- (2) A violation has either not severely adversely impacted or is not likely to severely adversely impact the welfare of wildlife possessed by the permittee; native wildlife; agricultural interests of this state; or human health or safety.

(b) Revocation of a Sub-Permit by the Department. The department shall revoke a sub-permit if either:

(1) The permittee, sub-permittee, or their designee, or their authorized person(s), has violated any provision of the Fish and Game Code or regulations adopted pursuant thereto, Penal Code section 597, or the terms and conditions of the permit or a sub-permit, or has been convicted of a crime of moral turpitude, unless the department finds:

- (A) An action other than a revocation, such as a written warning issued to the permittee, sub-permittee, or their designee would likely cause the permittee, sub-permittee, or their designee to cure an existing violation or not violate in the future; and
- (B) A violation has either not severely adversely impacted or is not likely to severely adversely impact animal welfare; native wildlife; agricultural interests of this state; and human health and human safety.

(2) The permit is no longer valid, except for the following:

- (A) A sub-permittee listed under a contingency plan approved by the department as a person allowed to provide continuity of care of rehabilitation animals for up to the expiration date of the valid permit term pursuant to sub-section 679.3(a)(6)(A)7g; or
- (B) A sub-permittee authorized by the department to operate under an invalid permit pursuant to sub-section 679.8(b)(1) and (2).

(c) Revocation of a Sub-Permit by the Permittee. A permittee or their designee shall revoke a sub-permit if a sub-permittee has relocated; retired; is no longer able to work/volunteer; failed an inspection; or refused three or more inspections; or is no longer in good standing under the permit. The permittee or their designee shall notify the department within 5 calendar days of revoking a sub-permittee for any reason, in writing via email at Rehabwildlife@wildlife.ca.gov, and provide the following information in a form provided by the department:

- (1) Permittee Information. Full name, GO ID, telephone number, email address, physical address, mailing address if different, facility name.
- (2) Sub-permittee Information. Full name, telephone number, email address, physical address, mailing address if different, satellite facility name if applicable.

- (3) Reason for Revocation. Sub-permittee has relocated; is no longer able to work/volunteer; has retired; has failed inspection with brief description of non-compliant items; has refused inspection with a brief description and date of each attempt to schedule an inspection; is not in good standing under permit with brief description of reason for not being in good standing.
- (d) Proof of Service and Method of Service. A notification of a denial issued pursuant to section 679.3 or this section, or department revocation issued pursuant to this section, or a notification of a denial of a variance request pursuant to sub-section 679.7(b), shall include a proof of service indicating the date the department sent the notification. The department shall send such a notification by United States Postal Service, overnight carrier, or electronic mail.
- (e) Request for Reconsideration. Any applicant whose application for a permit or sub-permit is denied pursuant to section 679.3, whose application for a specialty rehabilitation authorization is denied pursuant to section 679.3, or whose variance request is denied pursuant to sub-section 679.4(c) may submit a written request for reconsideration to the department.
- (1) A request for reconsideration shall set forth the reasons why the Department should reconsider the denial and may include any relevant documents.
- (2) A request for reconsideration shall contain a statement signed and dated by the applicant or permittee under penalty of perjury that states in effect, "I declare under penalty of perjury that the information contained in this request for reconsideration is true and correct."
- (3) An applicant shall send a request for reconsideration via electronic mail no later than 30 calendar days after the date on the proof of service described in paragraph (e), to the following email address: Rehabwildlife@wildlife.ca.gov. The department shall not accept a request for reconsideration that is submitted after the 30 calendar day deadline or is not signed under penalty of perjury.
- (4) The department shall consider any information submitted with the request for reconsideration, and within 60 calendar days may, in its sole discretion, sustain, reverse, or amend its permitting decision. The basis for this action may include, but is not limited to, a mistake of fact or law, or because the permittee or applicant has taken corrective actions to meet all requirements and standards pursuant to department direction. If the permitting decision is reversed or amended, the department must determine that a reversal or amendment of its permitting decision will not likely severely adversely impact animal welfare; native wildlife; agricultural interests of this state; and human health and human safety.
- (5) Denial Hearing. Any person whose denial is sustained by the department may request a hearing before the commission to show cause why their permit request should not be denied. The request for a hearing shall be sent by electronic mail no later than 30 calendar days after the date on the proof of service described in paragraph (d) to the following email address: fgc@fgc.ca.gov. The commission shall not accept a request for a hearing that is submitted after the 30 calendar day deadline.
- (f) Revocation Hearing. Any permittee or sub-permittee whose permit or sub-permit has been revoked by the department may request a hearing before the commission to show cause why their permit or sub-permit should not be revoked.
- (1) The request for a hearing shall be sent by electronic mail no later than 30 calendar days after the date on the proof of service described in paragraph (d) to the following email address: fgc@fgc.ca.gov. The commission shall not accept a request for a hearing that is submitted after the 30 calendar day deadline.

(g) Effect on the Seizure, Transfer, Euthanasia, or Release of Wildlife. Nothing in this section, sub-section 679.3(a)(9), or sub-section 679.3(c)(4) shall affect the seizure, transfer, euthanasia, or release of wildlife pursuant to Section 679.8.

Authority cited: Sections 200, 1050, 2021, 2015, 2081, 2150.4, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

Proposed Regulatory Language

Section 703, Title 14, California Code of Regulations, is hereby amended as follows:

§ 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

[No changes to subsections (a) through (b)]

(c) Applications, Forms and Fees for multi-year permits valid from date of issuance.

[No changes to subsection (c)(1)]

(2) Native Wildlife Rehabilitation Permits

(A) Application and Inspection Fees. All fees, except for late fees, are subject to Section 713 of the Fish and Game Code and may be adjusted to include other fees required by license agents, pursuant to Fish and Game Code Section 1055.

(B) Fees.

	<u>Permit Type</u>	<u>Application Fee</u>	<u>Inspection Fee</u>	<u>Late Fee</u>
<u>1.</u>	<u>Wildlife Rehabilitation Permit, Primary Facility – New Application. Fees are for new permit applicants.</u>	<u>\$69.01 (non-refundable)</u>	<u>\$191.32 (refundable)</u>	<u>No Fee</u>
<u>2.</u>	<u>Wildlife Rehabilitation Permit, Primary Facility – Renewal Application.</u>	<u>\$69.01 (non-refundable)</u>	<u>No Fee</u>	<u>\$25.00 (non-refundable)</u>
<u>3.</u>	<u>Wildlife Rehabilitation Sub-Permit – New Application.</u>	<u>No Fee</u>	<u>No Fee</u>	<u>No Fee</u>
<u>4.</u>	<u>Wildlife Rehabilitation Permit, Specialty Rehabilitation Authorization – Permit Amendment.</u>	<u>\$69.01 (non-refundable)</u>	<u>\$191.32 (refundable)</u>	<u>No Fee</u>
<u>5.</u>	<u>Wildlife Rehabilitation Permit, Facility Change – Permit Amendment.</u>	<u>\$69.01 (non-refundable)</u>	<u>\$191.32 (refundable)</u>	<u>No Fee</u>

NOTE: Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

Native Wildlife Rehabilitation 679 Regulations Manual

1ST EDITION



California Department of Fish and Wildlife
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Chapter 1. California Native Wildlife Rehabilitation

Program Vision: *To support high ethical standards and continued advancements of wildlife rehabilitation in California; to increase appreciation and recognition of wildlife rehabilitation professionals; and to promote awareness of the intrinsic value of native wildlife and human-wildlife coexistence.*

(a) Introduction

The California Department of Fish and Wildlife (department) oversees the permitting of wildlife rehabilitators in the State through its Native Wildlife Rehabilitation Program (hereafter program). The purpose of wildlife rehabilitation is to restore a native wild animal to a condition of good health for its release to suitable habitat in the wild, or to relieve its suffering through humane euthanasia as appropriate. A wildlife rehabilitator serves an important role by providing the highest standards of animal care and rehabilitation of sick, injured, and orphaned native wildlife; as well as wildlife conservation education and outreach to diverse local communities. The department recognizes the value of this service to the public and strives to support a collaborative network of permitted wildlife rehabilitators statewide.

For wildlife rehabilitation to reach its full potential in California, the department strives to ensure a deeper understanding and appreciation of the expertise and ethical standards maintained by wildlife rehabilitators, their staff, and volunteers, and compliance with all laws and permit conditions. Current and prospective wildlife rehabilitators, as well as any person interested in learning more about wildlife rehabilitation, can stay informed of current best practices, methods, and techniques by joining an organization dedicated to serving wildlife rehabilitators. Examples of such professional organizations include the California Council for Wildlife Rehabilitators (<https://ccwr.org/>), the National Wildlife Rehabilitators Association (<https://www.nrawildlife.org/>), and the International Wildlife Rehabilitation Council (<https://theiwrc.org/>).

The purpose of the Native Wildlife Rehabilitation 679 Regulations Manual (manual) is to provide essential information about wildlife rehabilitation activities in California, including program requirements, and excerpts from the California Fish and Game Code. The manual does not provide complete coverage of all federal, state, or local laws. Changes to any law may occur at any time and it is the responsibility of each person to obey all laws while participating in wildlife rehabilitation activities.

(b) Getting Started

A person interested in becoming a wildlife rehabilitator in California may start by contacting a currently permitted wildlife rehabilitator to gain critical knowledge, training, and expertise. Relevant experience may also be gained at an accredited zoo, animal sanctuary, restricted species facility, or veterinary hospital. Considerations for connecting with an experienced permitted wildlife rehabilitator should include that rehabilitator having accessible written protocols and procedures; an ability to provide regular communication and constructive feedback; and knowledge of common native wildlife species in California and their life histories. Educational training, such as a degree, certification, or licensing in a relevant field (e.g., registered veterinary technician) may also count towards the 1,000 hours of experience requirement.

A person interested in becoming a wildlife rehabilitator in California should consider establishing a working relationship with a California licensed veterinarian who may be willing to serve as a Veterinarian of Record under a permit pursuant to sub-section 679.3(a)(6)(B) early in this process. Ideally, such a veterinarian will have experience with wildlife or other animals of similar taxa to the proposed rehabilitation animal species. A person may need to contact several different veterinarians prior to finding one that will be a match.

A person interested in becoming a wildlife rehabilitator to rehabilitate native birds in California must provide proof that they, either as a primary permittee, principal officer, or designated sub-permittee, possess or are in the process of obtaining a U.S. Fish and Wildlife Service (USFWS) Migratory Bird Rehabilitation Permit and any other applicable permits. The possession of a live or dead, or parts thereof, wild animal may occur only in compliance with all federal laws and regulations (Appendix B), in addition to state and local laws. Below is a list of some, but not all, federal and state permits associated with such lawful possession of any wildlife (Table 1).

(c) List of Some, but not all, Federal and State Permits Required for Possessing Live or Dead Wildlife. Table 1.

Category	Permit Purpose	Permit Name	Agency	Legal Authority	Valid Term	Agency Website
Wild Bird Rehabilitation	Migratory bird and eagle rehabilitation	Migratory Bird Rehabilitation	USFWS	50 CFR 21.31	5 years	https://fwsepermits.servicenowservices.com/fws
	Renesting	Miscellaneous	USFWS	50 CFR 21.27	3 years	https://fwsepermits.servicenowservices.com/fws
Educational Animals	CA non-releasable native wildlife and birds	Restricted Species	CDFW	Title 14 CCR 671	1 year	https://wildlife.ca.gov/Licensing/Restricted-Species
	Non-releasable migratory bird	Special Purpose Education	USFWS	50 CFR 21.27	3 years	https://fwsepermits.servicenowservices.com/fws
	Non-releasable wildlife	Class C Exhibitor	USDA	Animal Welfare Act	Varies	https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare
Salvage and Taxidermy	Possession of dead wildlife or parts for educational purposes	Scientific Collecting Permit	CDFW	Title 14 CCR 650		Scientific Collecting Permits
	Migratory bird parts for educational purposes	Special Purpose Salvage	USFWS	50 CFR 21.27		https://fwsepermits.servicenowservices.com/fws
Research	Possession of live animal or parts for scientific purposes	Scientific Collection	CDFW	Title 14 CCR 650		https://wildlife.ca.gov/Licensing/Scientific-Collecting
	Migratory bird banding	Federal Bird Banding	USGS	50 CFR-10, 13, 21		https://fwsepermits.servicenowservices.com/fws
	Migratory bird data collection	Scientific Collection	USFWS	50 CFR-21.23		https://fwsepermits.servicenowservices.com/fws
Falcons	Falconry	Falconry License	CDFW	Title 14 CCR 395	Annual	https://wildlife.ca.gov/Licensing/Falconry
	Falconry	Falconry License	USFWS	50 CFR 21.82		https://epermits.fws.gov/falcp
Eagles	Native American, Eagle Parts (religious)	Eagle Parts for Native American Religious Purposes	USFWS	50 CFR-22-22	Lifetime	https://fwsepermits.servicenowservices.com/fws
	Native American, Eagle Aviary	Native American Eagle Aviary	USFWS	50 CFR-22-60	3 years	https://www.fws.gov/service/3-200-78-native-american-tribal-eagle-aviary
	Educational & Taxidermy Eagles	Eagle Exhibition	USFWS	50 CFR-22-50	3 years	https://fwsepermits.servicenowservices.com/fws
Reptiles	Desert Tortoise Adoption	Desert Tortoise Application	CDFW	Title 14 CCR 674	Lifetime	https://wildlife.ca.gov/Licensing/Desert-Tortoise-Adoption

For more information, resources, technical assistance through the application process, or questions, contact the department's program staff via email at Rehabwildlife@wildlife.ca.gov.

(d) Training and Resources

To prepare for taking and passing the free online California state wildlife rehabilitation examination, a person should have understanding and knowledge of basic wildlife rehabilitation concepts, standard practices, diseases of concern, and the life history of native wildlife most common to California. Several valuable resources exist for reference and review, including books and guides on wildlife rehabilitation standards, ethical codes of conduct, and species-specific

rehabilitation techniques, as well as field guides, natural history books, and various organizations (Appendix C. C). This broader knowledge is critical, as wildlife rehabilitators may often receive calls, questions, or even the animal itself, for a species outside their area of expertise.

The California state wildlife rehabilitation examination administered online by the department has 50 definitions, multiple-choice, and true-false questions; and 120 minutes maximum allotted time to complete. The department provides sample questions from the actual examination with an answer key (Appendix DAD) to help applicants prepare for the examination. A person seeking permission from the department to rehabilitate any species of specialty rehabilitation animal (i.e., black bear, mountain lion, ungulate, venomous snake, eagle, falcon) must also take and pass the free California state specialty rehabilitation examination administered online by the department. The California state specialty rehabilitation examination has 30 definitions, multiple-choice, and true-false questions; and 90 minutes maximum to complete.

Staying current with best practices, accepted techniques, and the latest advancements in wildlife rehabilitation, as well as emergency planning and professional development, is critical for all wildlife rehabilitators. In California, wildlife rehabilitators, their sub-permittees, designees, qualified handlers, and authorized persons must complete at least 8 hours of continuing education each year. Continuing education may be met through various learning platforms and topics such as formal training (e.g., class, course, certification), specialized training (e.g., venomous snake handling), and experiential learning. A wildlife rehabilitator must determine the type of continued education that is most beneficial to maintain facility operations and improve the welfare of each rehabilitation animal that they hold in trust for the purposes of release to the wild.

The department has developed and maintains a robust list of opportunities for continuing education through its Continuing Education Framework (PDF) document available on the department website at <https://wildlife.ca.gov/WildlifeRehab>.

To further support permitted wildlife rehabilitation activities, the department awards grants to eligible applicants through its California Native Wildlife Rehabilitation Grants Program as funded through a voluntary tax contribution fund. More information is available at <https://wildlife.ca.gov/Grants/Wildlife-Rehab-Grants>.

(e) Facility Operations

As with other state permits or licenses issued by the State, wildlife rehabilitators are responsible for the costs incurred under their permit. During the planning phase and beyond, a wildlife rehabilitator should strive to understand and consider the full scope of costs and requirements to properly support facility operations, seasonal changes in animal intakes, and ongoing compliance with all federal, state, and local laws.

- Communications – E.g., Webpage, social media, phone, email, outreach/educational resources.
- Emergency plans – E.g., Natural disasters; evacuations; any event requiring the transfer of animals.
- Facility operations – E.g., Property, facility, and enclosure construction and maintenance; insurance.
- Finances – E.g., Establish nonprofit status 501(c)(3), fundraising, donations, grants, community partnerships.
- Protocols – E.g., Animal intake; animal care/treatment; euthanasia.

Wildlife rehabilitators, whether operating a home-based or ‘brick-and-mortar’ facility, are often supported by dedicated staff or volunteer personnel. To protect native wildlife and the welfare of each rehabilitation animal, wildlife rehabilitators should establish a screening and onboarding personnel process, that may include, but not be limited to:

- Application form, references;
- Interview (in person/virtual);
- Mandatory “onsite” training;
- Documentation -- Acknowledgement form, liability waiver, “temporary loan” agreement (e.g., transport crate);
- Site inspection, if applicable.

(f) Wildlife Rehabilitation List of Persons, Except for General Volunteer, Defined Pursuant to 679.1. Table 2.

A permittee, their designee, or sub-permittee, should assign volunteer and staff personnel a level of responsibility and access to rehabilitation animals based on the any training or related requirements established by the permittee, their designee, or sub-permittee, and the experience required pursuant to these regulations (Table 2).

Descriptor	Minimum Age	Definition	Required Experience (Hours)	679 Wildlife Rehabilitation Examination
Permittee	21 years	A person with the minimum hours of required experience authorized by the department to temporarily possess rehabilitation animals under a department permit.	1,000 hours*	Yes (new permittee only)
Designee	21 years	A person with the minimum hours of required experience who is approved by the permittee to conduct activities under the permit (e.g., facility director) on behalf of the permittee.	500 hours*	Yes (new designees only)
Sub-permittee	21 years	A person with the minimum hours of required experience authorized by the department to temporarily possess rehabilitation animals without the supervision of the permittee at a separate location (satellite facility).	500 hours*	Yes (new sub-permittees only)
Authorized Person	18 years	A person with the minimum hours of required experience approved by a permittee, sub-permittee, or designee at their sole discretion, under direct supervision of such persons (e.g., weekly telehealth), who may temporarily confine rehabilitation animals for up to 30 consecutive days (i.e., homecare foster) prior to transfer back to a wildlife rehabilitation facility or satellite facility for physical examination by a permittee, their sub-permittee or designee, or a licensed veterinarian.	40 hours*	Optional (sole discretion of permittee, their designee or sub-permittee)
Qualified Handler	18 years	<u>For the purposes of specialty rehabilitation only</u> – A person with the minimum hours of required experience with that specialty rehabilitation animal or animals of a closely related taxonomic group.	Large carnivore – 300*; Ungulate - 100*; Specialty raptor - 100*; Venomous snake - 80*	Yes (new qualified handlers only)
General Volunteer	N/A	A person of an age and training as determined by the permittee, sub-permittee, or designee who may provide general animal care and facility support (e.g., washing dishes, animal diet) under direct supervision of such persons.	At the sole discretion of the permittee, their designee or sub-permittee	Optional (sole discretion of permittee, their designee or sub-permittee)
Veterinarian of Record	N/A	A veterinarian, currently licensed by the State of California, who agrees in writing to provide and direct veterinary treatment for rehabilitation animals pursuant to Section 679.3.	N/A	Optional (sole discretion of permittee, their designee or sub-permittee)

*Continuing education requirement (8.0 hours per year)

(g) Common Wildlife Diseases, and Their Primary Vector, Pathogen and Clinical Signs or Symptoms. Table 3.

Any person in close contact with rehabilitation animals are at increased risk of exposure to many of the common communicable wildlife diseases (Table 3).

The transmission of most communicable wildlife diseases can be prevented by eliminating exposure by using proper personal protective equipment (e.g., N-95 masks, disposable gloves, protective eyewear); pre- and post-exposure prophylaxis (e.g., SARS-COV-2, rabies vaccinations); and timely diagnosis and treatment after exposure. General knowledge of these diseases, their primary vector or host, pathogen, and clinical signs or symptoms that may be observed in an infected animal or person is critical.

Medical alert cards for wildlife professionals are available for free from the U.S. Geological Survey website at <https://www.usgs.gov/media/files/medical-wallet-card-wildlife-professionals>.

Disease	Primary Vector	Pathogen	Clinical Signs or Symptoms
Epizootic Hemorrhagic Diseases	Deer	Virus	No signs to acute death
Staphylococcus, streptococcus infection	All	Bacteria	Dermal lesions, sepsis
Leptospirosis (<i>Leptospira spp.</i>)	Mammals	Bacteria	Kidney damage, liver damage, death
Cryptosporidiosis (<i>Cryptosporidium spp.</i>)	All	Protozoa	Diarrhea, lethargy, weight loss
Salmonellosis (<i>Salmonella spp.</i>)	All	Bacteria	Dermal lesions, lethargy, death
Tularemia (<i>Francisella tularensis</i>)	Rabbit, hare, rodents	Bacteria	Lethargy, ulcers, diarrhea, death
Psittacosis (<i>Chlamydomphila psittaci</i>)	Birds	Bacteria	Lethargy, ocular or nasal discharge, respiratory disease
West Nile Virus	Birds	Virus	Lethargy, neurologic disease, death
Brucellosis (<i>Brucella spp.</i>)	Mammals	Bacteria	No sign to spontaneous abortion
Tuberculosis (<i>Mycobacterium bovis</i>)	Mammals	Bacteria	Respiratory disease, arthritis, death
Hantavirus	Rodents	Virus	Respiratory disease, death
Toxoplasmosis (<i>Toxoplasma gondii</i>)	Mammals, birds	Protozoa	Diarrhea, seizures, death
Roundworm (<i>Baylisascaris spp.</i>)	Raccoons, skunks	Parasite	Blindness, neurologic disease, death
Canine Parvo Virus	Mammals	Virus	Bloody diarrhea, vomiting, fever, death
Canine Distemper	Canids, raccoons, skunks, felids	Virus	Lethargy, loss of appetite, vomiting, eye discharge, diarrhea, seizures
Sarcoptic Mange	Mammals	Parasite	Progressive hair loss, scaling/thickening of skin, secondary infection
Tick-Borne Diseases (e.g., ehrlichiosis, Lyme Disease, Rocky Mountain Spotted Fever.)	Mammals, Birds	Parasite	Lethargy, muscle and joint pain, joint swelling
Avian Pox	Mosquitos	Virus	Wart-like lesions

(h) Human Health and Safety

For members of the public, people should maintain a safe distance from all wild animals. Human contact can cause harm, injury, or in some cases, death to the animal or person.

A person should contact their nearest wildlife rehabilitation facility, local animal services agency, or department regional office, or visit the department website for more information *prior* to attempting to touch, handle, restrain, or temporarily confine any wild animal at <https://wildlife.ca.gov>.

IMPORTANT: Hereafter, Chapter 2 and Chapter 3 of this manual are incorporated by reference in Section 679.1, Title 14, California Code of Regulations (CCR). It constitutes regulatory text and is mandatory. However, notes (i.e., only those statements beginning with the word “Note”) that are within square brackets [] do not constitute regulatory text and are intended to provide guidance only.

Chapter 2. Facility and Enclosure Requirements (See CCR Title 14, Section 679.4(d))

(a) Enclosure Requirements

- (1) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall know the basic ecology, natural behavior, and life history of the species or taxa of each rehabilitation animal they temporarily possess. Behavioral and environmental enrichment shall be provided to each animal that is suitable for the developmental stage, condition, and rehabilitation stage of that animal. [Note: This requirement is intended to ensure there is sufficient knowledge to maintain and improve the welfare of each animal.]
- (2) Each enclosure shall have visual and physical separation maintained between each rehabilitation animal and any domestic animal, restricted species, non-conspecific rehabilitation animal, other wild animals, and any person. [Note: This requirement is intended to minimize the risk of habituation or mal-imprinting of any animal.]
- (3) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall use the animal enclosure type, as listed in sub-section (b) Table 4 below, that is specific to the stage of rehabilitation of each rehabilitation animal: neonate enclosure, limited mobility enclosure, pre-release conditioning enclosure.
- (4) A permittee, their designee, or sub-permittee shall request a variance from the department for consideration by the department to use any enclosure that may not meet requirement for minimum enclosure size, or differ in construction materials, or any other requirements listed in Tables 4 through 14 pursuant to Section 679.4(c). [Note: There is no cost to request a variance. The department does not charge a fee for variances.]
- (5) A variance may be approved for a temporary enclosure or permanent structure, as specified on the approved variance form with the terms and conditions set by the department.
- (6) The department shall review any existing variances, and the terms and conditions set by the department, at the time of permit renewal by the permittee or their designee. [Note: This requirement is intended to ensure that the variance continues to maintain and improve the welfare of each rehabilitation animal potentially affected by that variance, e.g., modified pre-release conditioning enclosure.]

(b) Rehabilitation Animal Enclosure Types. Table 4.

Enclosure Type	Requirements
(1) Neonate Enclosure	<p>(A) Newborn and newly hatched rehabilitation animals shall be housed in a manner that limits mobility and allows for the physical and behavioral development of the animal that is appropriate to that species.</p> <p>(B) Each enclosure shall provide the minimum and maximum temperature (via, e.g., heat lamp) and humidity gradient (via, e.g., humidifier) required for neonate animals of that species.</p> <p>(C) Each enclosure shall allow for medical treatment and recovery of each animal, and observation of each animal prior to pre-release conditioning.</p> <p>(D) Individual neonate animals shall be placed with conspecific rehabilitation animals of the same age class, as based on the best judgment of the permittee, their designee, or sub-permittee, up to the maximum number of animals naturally found in a litter or brood size of that species. [Note: This requirement is intended to maintain and improve welfare of each animal.]</p>
(2) Limited Mobility Enclosure	<p>(A) Juvenile and adult rehabilitation animals that have not yet reached the pre-release conditioning stage of rehabilitation shall be housed in a manner that limits mobility, allows for the physical and behavioral development of the animal that is appropriate to that species. [Note: This requirement is intended to prevent injury to any animal]</p> <p>(B) Each enclosure shall allow for the medical treatment and recovery of each rehabilitation animal, and observation of each animal prior to pre-release conditioning.</p> <p>(C) Each enclosure may be used for fledgling birds having outgrown a neonate enclosure, but not yet able to be safely housed in a pre-release conditioning enclosure. [Note: This requirement is intended to prevent injury to young birds by juvenile or adult conspecifics.]</p>
(3) Pre-Release Conditioning Enclosure	<p>(A) Juvenile and adult rehabilitation animals that have reached the pre-release conditioning stage of rehabilitation shall be housed in a manner that allows full mobility of each animal. [Note: This requirement is intended for each animal to display the natural behaviors required of that species to survive in the wild such as flying, swimming, predator avoidance, hunting, and foraging.</p> <p>(B) Unless otherwise specified in these regulations, the requirements for pre-release conditioning enclosures do not differ between adult and juvenile rehabilitation animals at this stage of rehabilitation.</p>

(c) Amphibian and Reptile Requirements

- (1) A permittee, their designee, sub-permittee, authorized person, and qualified handler shall provide the minimum enclosure size for pre-release conditioning of any amphibian or reptile, based on animal welfare and the natural life history of that species, provided that all sub-section (d) Table 5 requirements are met. [Note: This requirement is intended to allow each animal to display the physical abilities it needs to survive in the wild. The enclosure sizes needed to maintain and improve the welfare of each animal will vary widely based on the unique natural life history of each species.]

(d) Pre-release Conditioning Enclosure Requirements; Amphibian and Reptiles. Table 5

Taxonomic Group	Animal Type	Requirements
(1) Amphibians	(A) Frogs, treefrogs, toads, newts, salamanders	<ol style="list-style-type: none"> 1. Each enclosure shall be constructed of the following material: <ol style="list-style-type: none"> a. Plastic; or b. Acrylic; or c. Fiberglass; or d. similar non-porous smooth surface material. 2. Each enclosure shall have at least 6 airholes of no more than 0.25-inch diameters, or similar means of ventilation, and a lid secured by a lock or latching mechanism. [Note: This requirement is intended to prevent animal escape by climbing or digging.] 3. Floors shall be covered with one of the following materials at least 2 inches deep: <ol style="list-style-type: none"> a. Soil; or b. sphagnum moss; or c. similar substrate. 4. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 shallow pan filled with chlorine-free water of a depth sufficient for each animal to fully ingress and egress at will; and b. at least one rock for each animal to lay on at will; and c. a full-spectrum light or access to natural sunlight at least 8-hours each 24-hour period. [Note: This requirement is intended to mimic the natural diurnal process for each animal.]
(2) Reptiles	(A) Snakes, turtles, tortoises, lizards	<ol style="list-style-type: none"> 1. Each enclosure shall be constructed of the following material: <ol style="list-style-type: none"> a. plastic, or b. acrylic, or c. fiberglass, or d. similar non-porous smooth surface material. 2. Each enclosure shall have a minimum of 3 airholes no more than 0.25-inch diameter or similar means of ventilation, and a lid secured by a lock or latching mechanism. [Note: This requirement is intended to prevent animal escape by climbing or digging.] 3. Floors shall be covered with one of the following materials at least 2 inches deep: <ol style="list-style-type: none"> 1. Soil; or 2. Non-abrasive sand; or 3. coconut fiber; or 4. similar substrate. 4. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. a shallow pan filled with chlorine-free water of a depth sufficient for each animal to fully ingress and egress at will; and b. at least one basking rock; and c. a full-spectrum light or access to natural sunlight at least 8-hours each 24-hour period. [Note: This requirement is intended to mimic the natural diurnal process for each animal.]

(e) Mammal Requirements

(1) A permittee, their designee, sub-permittee, authorized person, and qualified handler shall adhere to the mammal pre-release conditioning enclosure

requirements specified in (f) Table 6 and the minimum enclosure size requirements for neonate and pre-release conditioning mammal enclosures specified in (g) Table 7

(f) Pre-release Conditioning Enclosure Requirement; Mammals. Table 6.

Order	Animal Type	Requirements
(1) Carnivora	(A) Badger	<ol style="list-style-type: none"> 1. Walls, floor, and roof shall be constructed of either: <ol style="list-style-type: none"> a. 9-gauge chain link; or b. 1-inch x 1-inch welded steel wire. 2. Wall and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch X 4-inch wood fence post; or b. 2-inch diameter metal fence post. 3. Walls shall be buried at least 3 feet deep and 5 feet inward at a 90-degree angle. [Note: This requirement is intended to prevent animal escape by digging.] 4. Floors shall be covered with a minimum of 1 foot of soil or similar natural substrate. 5. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 hide box or sheltered retreat with the minimum dimensions of 2.5 feet X 2 feet x 2 feet (L x W x H). [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.] b. At least one area of the floor a minimum of 4-feet x 4-feet shall have at least 6 cubic feet of soil or similar natural substrate. [Note: This requirement is intended to allow each animal claw and dig at will.]
	(B) Bobcat	<ol style="list-style-type: none"> 1. Walls and floor shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1 inch by 2-inch welded steel wire; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch by 2-inch welded steel wire. 3. Wall and roof materials shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch X 4-inch wood fence post, or b. 2-inch diameter metal fence post. 4. Walls constructed of chain link or welded steel wire shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent escape by digging.] 5. Floors shall be constructed of one of the following: <ol style="list-style-type: none"> a. Soil or other similar natural substrate; or b. Concrete covered with soil or other natural substrate at a minimum depth of 6 inches. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 3 wooden beams or tree limbs at least 6 feet long and 4 inches wide securely attached either horizontally or at an angle between 30-degrees and 60-degrees to the enclosure walls [Note: This is intended to allow an animal to climb and scratch]; and b. 1 elevated platform that is at a minimum height of 4 feet and a minimum area of 6 square feet.

Order	Animal Type	Requirements
	(C) Coyote	<ol style="list-style-type: none"> 1. Walls and roof shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch X 2-inch welded steel wire. 2. Wall and roof materials shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch X 4-inch wood fence post, or b. 2-inch diameter metal fence post. 3. Walls shall be buried at least 2 feet deep and 2 feet inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 4. Floors shall be constructed of either: <ol style="list-style-type: none"> a. Soil or similar natural substrate; or b. 11- gauge chain link covered with soil, or similar natural substrate at a minimum depth of 6 inches; or c. Concrete covered with soil, or similar natural substrate at a minimum depth of 6 inches. 5. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 hide box or sheltered retreat that is 4 feet X 3 feet X 3 feet (L x W x H) [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.]; and either b. 2 wood beams or tree limbs at least 6 feet long and 4 inches wide securely attached horizontally or at an angle between 30-degrees and 60-degrees; or c. 1 elevated platform that is at a minimum height of 3 feet and a minimum of 6 square feet.
	(D) Fox	<ol style="list-style-type: none"> 1. Walls and roof shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch x 1-inch welded steel wire; or b. Concrete (walls only). 2. Roof shall be constructed of 1-inch x 1-inch welded steel wire. 3. Wall and roof materials shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts, or b. 2-inch diameter metal fence posts. 4. Walls constructed of 1-inch x 1-inch welded steel wire shall be buried a minimum of 2 feet deep and 2 feet inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 5. Floors shall be constructed of either: <ol style="list-style-type: none"> a. Soil or similar natural substrate; or b. Concrete covered with soil or similar natural substrate of a minimum depth of 6 inches. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 2 tree limbs with a minimum diameter of 2 inches; and b. 1 hide box or sheltered retreat with the minimum dimensions of 2 feet x 1.5 feet x 1.5 feet [Note: This requirement is intended an animal to be fully hidden and ingress and egress at will]; and c. 1 wood ramp at minimum of 6 feet long and 4 inches wide placed horizontally or at an angle between 30-degrees and 60-degrees; or d. 1 wood platform a minimum of 2 feet high and a minimum area of 4 square feet. 7. Kit fox species shall have at least one area of the floor a minimum of 4-feet x 4-feet shall have at least 6 cubic feet of soil or similar natural substrate. [Note: This requirement is intended for each animal to be able to express its natural behavior, such as to dig and burrow at will.]

Order	Animal Type	Requirements
	(E) Fisher, Marten	<ol style="list-style-type: none"> 1. Walls shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch x 1-inch welded steel wire; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch x 1-inch welded steel wire. 2. Wall and roof materials shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts, or b. 2-inch diameter metal fence posts. 3. Walls constructed of chain link or welded steel wire shall be buried at least 1.5 feet deep and 1.5 feet inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 4. Floors shall be constructed of one of the following materials: <ol style="list-style-type: none"> a. Soil; b. Mulch; or c. Concrete covered with soil or similar natural substrate at a minimum depth of 6 inches. 5. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 3 tree limbs at least 4 feet in length with a minimum diameter of 12 inches placed horizontally, vertically, or at an angle between 30-degrees and 60-degrees; and b. 1 hide box or sheltered retreat that has the minimum dimensions of 1.5-feet x 1.5-feet x 1.5-feet. [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.]
	(F) Raccoon	<ol style="list-style-type: none"> a. Walls and roof shall be constructed of either: <ol style="list-style-type: none"> a. 0.5-inch x 1-inch welded steel wire, or b. 11-gauge chain link. b. Wall and roof materials shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wooden fence post; or b. 2-inch diameter metal fence post. c. Walls constructed of 0.5-inch x 1-inch welded steel wire, or 11-gauge chain link shall be buried at a minimum of 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging.] d. Floor shall be constructed of either; and covered with soil, or similar natural substrate with a minimum depth of 6 inches: <ol style="list-style-type: none"> a. Concrete; or b. 0.5-inch x 1-inch welded steel wire. e. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 3 tree limbs with a minimum diameter of 2 inches placed either horizontally or at an angle of 30 degrees to 60 degrees; and b. 1 pool or water feature constructed of plastic, aluminum, rubber, or metal that is a minimum of 2 feet in diameter and can hold a minimum of 6 inches of water; and c. 1 hide box or sheltered retreat with minimum dimensions of 2 feet x 1.5 feet x 1.5 feet. [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.] f. Other species shall not be housed in enclosures designated for raccoons. [Note: This requirement is intended to prevent transmitting raccoon roundworm to other animals.]

Order	Animal Type	Requirements
	(G) Ringtail	<ol style="list-style-type: none"> 1. Walls shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch x 1-inch welded steel wire; or b. 11-gauge chain link; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch x 1-inch welded steel wire; or b. 11-gauge chain link. 3. Walls and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wooden fence post; or b. 2-inch diameter metal fence post. 4. Walls constructed of 1-inch x 1-inch welded steel wire, or 11-gauge chain link shall be buried a minimum of 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging.] 5. Floors shall be constructed of either: <ol style="list-style-type: none"> a. Concrete covered with soil, or other similar natural substrate with a minimum depth of 6 inches; or b. Soil or similar natural substrate. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 3 tree limbs with a minimum diameter of 2 inches and placed horizontally or at an angle between 30-degrees and 60-degrees; and b. 1 elevated platform that is a minimum height of 4 feet tall with a minimum area of 2 square feet; and c. 1 hide box or sheltered retreat that is a minimum of 1.5-feet x 1 foot x 1 foot (L x W x H) [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.]
	(H) River Otter	<ol style="list-style-type: none"> 1. Walls and roof shall be constructed of either: <ol style="list-style-type: none"> a. 1 inch x 1-inch welded steel wire; or b. 11-gauge chain link; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch x 1-inch welded steel wire; or b. 11-gauge chain link. 3. Walls and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence post; or b. 2-inch diameter metal fence post. 4. Walls constructed of 1-inch x 1-inch welded steel wire, or 11-gauge chain link shall be buried at least 1 foot down and 1 foot inward at a 90-degree angle [Note: this requirement is intended to prevent animal escape by digging]. 5. Floor shall be constructed of either: <ol style="list-style-type: none"> a. Soil, or similar natural substrate; or b. Concrete covered with soil, or similar natural substrate with a minimum depth of 6 inches or heavy-duty rubber drainage mats. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. A pool at least 5 feet x 2.5 feet constructed of metal, plastic, or concrete, filled with fresh water, and a ramp or similar sloped entry. [Note: This requirement is intended to allow each animal to ingress or egress the pool at will.]

Order	Animal Type	Requirements
		<ul style="list-style-type: none"> b. Juveniles, and adult conspecifics housed with juveniles, shall have a pool filled with fresh water at least 6 inches deep in the shallow end, and no more than 2 feet deep at the deep end. c. Adults shall have a pool filled with fresh water at least 3 feet deep.
	(I) Skunk	<ul style="list-style-type: none"> 1. Walls and roof shall be constructed of 1-inch x 1-inch welded steel wire. 2. Walls and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ul style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts; or b. 2-inch diameter metal fence post. 3. Walls constructed of 1-inch x 1-inch welded steel wire shall be buried at least 1 foot down and 1 foot inward at a 90-degree angle. [Note: This requirement is intended to prevent animal escape by digging.] 4. Floors shall be constructed of either: <ul style="list-style-type: none"> a. 1-inch by 1-inch welded steel wire covered with soil, or similar natural material at least 1 foot deep; or b. Concrete covered with soil, or similar natural material at least 1 foot deep. 5. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> a. 2 tree limbs with a minimum of 3 feet long with a minimum diameter of 4 inches placed horizontally on the floor; and b. 1 hide box or sheltered retreat with minimum dimensions of 2 feet x 1.5 feet x 1.5 feet (L x W x H) [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.] 6. Other species shall not be housed in enclosures designated solely for skunks. [Note: This requirement is intended to prevent transmitting skunk roundworm to other animals.]
	(J) Weasel, Ermine, Mink	<ul style="list-style-type: none"> 1. Walls and roof shall be constructed of 0.5-inch x 0.5-inch welded steel wire. 2. Walls and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ul style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts; or b. 2-inch diameter metal fence post. 3. Walls constructed of 0.5-inch x 0.5-inch welded steel wire shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent escape by digging]. 4. Floors shall be constructed of either: <ul style="list-style-type: none"> a. 0.5-inch x 0.5-inch welded steel wire; or b. Concrete covered with soil, or similar natural substrate at least 1 foot deep. 5. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> a. 2 tree limbs a minimum of 4 feet long with a minimum diameter of 3 inches placed horizontally on the ground or at an angle between 30-degrees and 60-degrees; and b. 1 hide box or sheltered retreat with minimum dimensions of 1.5 feet x 1 foot x 1 foot [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will].

Order	Animal Type	Requirements
	(K) Wolverine	<ol style="list-style-type: none"> 1. Walls shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch x 1-inch welded steel wire; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch x 1-inch welded steel wire. 3. Wall and roof materials shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts, or b. 2-inch diameter metal fence posts. 4. Walls constructed of chain link or welded steel wire shall be buried at least 1.5 feet deep and 1.5 feet inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 5. Floors shall be constructed of either, and covered with soil or similar natural substrate at a minimum depth of 1 foot: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. 1-inch x 1-inch welded steel wire; or c. Concrete. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 2 tree limbs at least 4 feet in length with a diameter at least 3 inches placed horizontally, vertically, or at an angle between 30 degrees to 60 degrees; and b. 1 hide box or sheltered retreat that has the minimum dimensions of 3 feet x 2 feet x 2 feet. [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.]; and c. At least one area of the floor a minimum of 4-feet x 4-feet shall have at least 6 cubic feet of soil or similar natural substrate. [Note: This requirement is intended to allow each animal claw and dig at will.]
(2) Chiroptera	(A) All Bats	<ol style="list-style-type: none"> 1. Enclosures shall have a double-door entry system that is closed and secured at all times. [Note: This requirement is intended to prevent animal escape by flying.] 2. Walls and roof shall be constructed of either: <ol style="list-style-type: none"> a. Wood; or b. Plastic; or c. Aluminum tubing. 3. Wall and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts; or b. 2-inch diameter metal fence post. 4. Interior walls shall be covered with 1/6 inches x 1/6 inches or smaller polypropylene mesh. [Note: This requirement is intended to prevent injury to each animal.] 5. Ceilings shall be covered with shade cloth, tarp, or similar material covering at least 1/3 up to 1/2 of the ceiling area. [Note: This requirement is intended to provide shelter for each animal.] 6. Floors shall be constructed of the following material: <ol style="list-style-type: none"> a. Concrete covered with carpet, mat, or other soft material; or b. Soil; or c. Non-abrasive sand. [Note: This requirement is intended to prevent injury to each animal.]

Order	Animal Type	Requirements
		<p>7. Enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. 2 hide boxes (6 inches x 6 inches x 6 inches) placed a minimum of 5 feet high; or b. 2 cloth pouches (6 inches x 6 inches x 6 inches), or similar sheltered retreat placed a minimum of 5 feet high; and c. 2 branches a minimum of 3 feet long of a minimum diameter of 0.5 inches with artificial or natural leaves secured from the ceiling. [Note: This requirement is intended for each animal of a crevasse-dwelling or foliage roosting species to be fully hidden and to climb, hang, or roost at will.]
(3) Didelphimorphia	(A) Opossum	<ol style="list-style-type: none"> 1. Walls and roof shall be constructed of either: <ul style="list-style-type: none"> a. 0.5-inch x 1-inch welded steel wire; or b. Concrete. 2. Roof shall be constructed of 0.5-inch x 1-inch welded steel wire. 3. Walls and roof material consisting of 0.5-inch x 1-inch welded steel wire shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ul style="list-style-type: none"> a. 4-inch x 4-inch wood fence post; or b. 2-inch diameter metal fence post. 4. Walls constructed of 0.5-inch x 1-inch welded steel wire shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging.] 5. Floors shall be constructed of either: <ul style="list-style-type: none"> a. Soil, or similar natural substrate. b. 0.5-inch x 1-inch welded steel wire covered with soil or similar natural substrate at a minimum depth of 1 foot; or c. Concrete covered with soil or similar natural substrate at a minimum depth of 1 foot. 6. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> a. 3 tree limbs or tree branches with a minimum length of 4 feet and a minimum diameter of 2 inches placed horizontally or at an angle between 30-degrees and 60-degrees; and b. 1 elevated platform at a minimum height of 3 feet and a minimum of 3 square feet; and c. 1 hide box or shelter with minimum dimension of 2 feet x 1.5 feet x 1 foot [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will].
(4) Eulipotyphla (formerly Insectivora)	(A) Mole, Shrew	<ol style="list-style-type: none"> 1. Enclosures shall be constructed of either; and must contain airholes or similar means of ventilation: <ul style="list-style-type: none"> a. Plastic; or b. Acrylic; or c. Fiberglass, or similar non-porous smooth surface material. [Note: This requirement is intended to prevent animal escape by digging.] 2. Floors shall be covered with soil or similar natural substrate at a minimum depth of 1 foot.

Order	Animal Type	Requirements
(5) Lagomorpha	(A) Hare, Rabbit	<ol style="list-style-type: none"> 1. Walls shall be constructed of 0.5-inch x 1-inch welded steel wire and covered with shade cloth, mesh netting, or similar material. 2. Roof shall be made of either: <ol style="list-style-type: none"> a. Wood; or b. Fiberglass; or c. Tarp; or d. Shade cloth; or e. Other similar non-transparent material [Note: This requirement is intended to provide visual barrier to aerial predators.] 3. Walls and roof material shall be affixed shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts; or b. 2-inch diameter metal fence post. 4. Walls constructed of 0.5-inch x 1-inch welded steel wire shall be buried a minimum of 1 foot deep and 1 foot inward at a 90-degree angle. [Note: This requirement is intended to prevent animal escape by digging.] 5. The floor shall be constructed of 0.5-inch x 1-inch welded steel wire covered with soil or similar natural substrate at a minimum depth of 6 inches. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. Straw bales, vegetation, or similar soft material lining at least 2 of the four walls; and b. 1 of item of wood, bone, antler, or similar tooth-resistant materials [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.] c. 1 hide box or sheltered retreat with the minimum dimension of 1.5-feet x 1.5 feet x 1.5 feet.
(6) Rodentia	(A) Chipmunk, Ground Squirrel	<ol style="list-style-type: none"> 1. Walls and floor shall be constructed of either: <ol style="list-style-type: none"> a. 16-gauge chain link covered with 0.5-inch x 0.5-inch welded steel wire [Note: This requirement is intended to provide a visual barrier for each animal.]; or b. 0.5-inch x 3-inch welded steel wire; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 16-gauge chain link; or b. 0.5-inch x 3-inch welded steel wire. 3. Walls and roof constructed of 16-gauge chain link, or 0.5-inch x 3-inch welded steel wire shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts; or b. 2-inch diameter metal fence posts. 4. Walls constructed of 16-gauge chain link, or 0.5-inch x 3-inch welded steel wire shall be buried 1.5 feet deep and 1.5 inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 5. Floors shall be constructed of one of the following materials [Note: This requirement is intended to prevent animal escape by digging.]: <ol style="list-style-type: none"> a. 16-gauge chain link covered with soil, or similar natural substrate at a minimum depth of 1.5 feet; or b. 0.5-inch x 3-inch welded steel wire covered with soil, or similar natural substrate at a minimum depth of 1.5 feet; or c. Concrete covered with soil, or similar natural substrate at a minimum depth of 1.5 feet

Order	Animal Type	Requirements
		<ol style="list-style-type: none"> 6. Each enclosure shall have at least 1 wood stump or tree limb of a minimum diameter of 2 inches 7. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 hide box or sheltered retreat with the minimum dimensions of 1 foot x 1 foot x 1 foot [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will]; and a. At least 2 tooth-resistant items such as fibrous vegetation, wood, bone, or antler. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]
	(B) Flying Squirrel, Tree Squirrel	<ol style="list-style-type: none"> 1. Walls and roof shall be constructed of either: <ol style="list-style-type: none"> a. 16-gauge chain link covered with 0.5-inch x 0.5-inch welded steel wire on the interior wall; or b. 0.5-inch x 3-inches welded steel wire; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 16-gauge chain link covered with 0.5-inch x 0.5-inch welded steel wire; or b. 0.5-inch x 3-inch welded steel wire. 3. Each enclosure shall have at least 3 tree limbs or tree branches of 3 inches minimum diameter; 1 elevated platform placed at a minimum height of 4 feet, and at least 1 hide box or sheltered retreat placed at a minimum height of 4 feet. [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will.] 4. Walls shall be constructed of 16-gauge chain link covered with hardware cloth on the interior side, or at least ½ inches x 3 inches welded steel wire. 5. Floors shall be constructed of concrete, or 16-gauge chain link covered with hardware cloth or welded steel wire, covered with soil or similar natural substrate. [Note: This requirement is intended to prevent animal escape by digging.] 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 hide box or sheltered retreat; and b. At least 2 tooth-resistant items such as fibrous vegetation, wood, bone, or antler. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]
	(C) Marmot	<ol style="list-style-type: none"> 1. Walls and floor shall be constructed of either: <ol style="list-style-type: none"> a. 9-gauge chain link; or b. 1-inch x 1-inch welded steel wire; or c. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> a. 9-gauge chain link; or b. 1-inch x 1-inch welded steel wire. 3. Walls and roof, not constructed of concrete, shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood; or b. 2-inch diameter metal post. 4. Walls constructed of 9-gauge chain link or 1 inch x 1-inch welded steel wire shall be buried at least 3 feet down and 5 feet inward at a 90-degree angle. [Note: This requirement is intended to prevent animal escape by digging.] 5. Floor material shall be covered with soil or similar natural substrate at least 12 inches deep. 6. Each enclosure shall have the following enrichment:

Order	Animal Type	Requirements
		<ul style="list-style-type: none"> a. At least one area of the floor a minimum of 4-feet x 4-feet shall have at least 6 cubic feet of soil or similar natural substrate. [Note: This requirement is intended to allow each animal claw and dig at will.]; and b. 1 hide box or sheltered retreat with minimum dimensions of 2.5 feet x 2 feet x 2 feet [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will]; and c. 1 log or rock that is a minimum of 18 inches tall and 18 inches in diameter [Note: This requirement is intended for each animal to perch at will]; and d. At least 2 tooth-resistant items such as fibrous vegetation, wood, bone, or antler. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]
	(D) Muskrat	<ul style="list-style-type: none"> 1. Walls and roof shall be constructed of 11-gauge chain link. 2. Walls and roof material shall be affixed shall be affixed to posts consisting of one of the following materials and spaced no more than 6 feet apart: <ul style="list-style-type: none"> a. 4-inch x 4-inch wood fence post; or b. 2-inch diameter metal fence post. 3. Walls shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging.] 4. Floors shall be constructed of concrete, soil, or non-abrasive sand and covered with rubber drainage mats. 5. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> a. 1 hide box or sheltered retreat with the minimum dimension of 1.5 feet x 1.5 feet x 1 foot [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will]; and b. Pool at least 2-feet in diameter, constructed of metal, plastic, or concrete and filled with fresh water at least 2 feet deep; and c. At least 2 tooth-resistant items such as fibrous vegetation, wood, bone, or antler. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]
	(E) Native Mouse, Native Rat, Vole, Pocket Gopher	<ul style="list-style-type: none"> 1. Walls shall be constructed of either: <ul style="list-style-type: none"> b. Plastic; or c. Acrylic; or d. 3/8 inches x 3/8 inches metal wire mesh [Note: This requirement is intended to prevent animal escape by digging.] 2. Floors shall be covered with straw, paper bedding, soil, or other natural substrate at a minimum depth of 1 inch. 3. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> b. 1 hide box or sheltered retreat; and c. At least 2 tooth-resistant items such as fibrous vegetation, wood, bone, or antler. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]

Order	Animal Type	Requirements
	(F) North American Beaver	<ol style="list-style-type: none"> 1. Walls shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link; or b. Concrete. 2. Roofs shall be constructed of 11-gauge chain link. 3. Walls and roof 11-gauge chain link shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence post; or b. 2-inch diameter metal fence post. 4. Walls constructed of 11-gauge chain link shall be buried at least 1.5 feet deep and 1.5 feet inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 5. Floors shall be constructed of concrete and covered with soil or other similar material, or heavy-duty rubber drainage mats. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 hide box or sheltered retreat with the following minimum dimensions 4-feet x 2-feet x 2 feet [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will]; and b. Tree limbs and trunks of the following native variety readily available at all times: willow, cottonwood, aspen, or poplar. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]
	(F) North American Beaver	<ol style="list-style-type: none"> 7. Each enclosure shall have a pool at least 3 feet in diameter constructed of metal or concrete with the following requirements: <ol style="list-style-type: none"> a. Juvenile animals, and adult conspecifics housed with juveniles, shall have a sloped pool entrance with water at least 6 inches deep in the shallow end and no more than 2 feet deep in the deep end [Note: This requirement is intended for each animal to ingress and egress at will from the pool.]; and b. Adult animals not housed with juvenile conspecifics shall have a ramped or sloped entry pool filled with water at least 3 feet deep in the shallow end. [Note: This requirement is intended for each animal to ingress and egress at will from the pool.]
	(G) North American Porcupine	<ol style="list-style-type: none"> 1. Walls shall be constructed of either: <ol style="list-style-type: none"> a. 11-gauge chain link covered with 0.5-inch x 0.5-inch welded steel wire [Note: This requirement is intended to prevent injury to each animal and provide a visual barrier.]; or b. Concrete. 2. Roof shall be constructed of either: <ol style="list-style-type: none"> e. 11-gauge chain link 3. Walls and roof constructed of 11-gauge chain link shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence post; or b. 2-inch diameter metal fence post. 4. Walls constructed of 11-gauge chain link shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle, using concrete foundation. [Note: This requirement is intended to prevent animal escape by digging.] 5. Floors shall be constructed of either: <ol style="list-style-type: none"> a. Soil or similar natural substrate; or b. Concrete covered with soil or similar natural substrate at a minimum depth of 6 inches. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 2 tree limbs a minimum of 6 feet long with a minimum diameter of 4 inches either placed horizontally or at an angle between 30-degrees and 60-degrees securely attached to the wall; and

Order	Animal Type	Requirements
		b. 1 elevated platform a minimum of 2 feet high and minimum 16 square feet; and c. 1 hide box or sheltered retreat at least 4-feet x 2 feet x 2 feet; and d. At least 2 tooth-resistant items such as fibrous vegetation, wood, bone, or antler. [Note: This requirement is intended to prevent overgrown teeth and injury to each animal.]

(g) Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Mammals. Table 7.

(Length x Width x Height, in feet, unless otherwise indicated)

Order	Animal Type	Neonate	Neonate Max #	Juvenile Pre-Release	Juvenile Max #	Adult Pre-Release	Adult Max #
(1) Carnivora	(A) Badger	2 feet x 1 feet x 1.5 feet	3	16 feet x 10 feet x 6 feet	3	16 feet x 10 feet x 6 feet	1
	(B) Bobcat	2.5 feet x 2 feet x 3 feet	4	24 feet x 16 feet x 8 feet	4	24 feet x 16 feet x 8 feet	1
	(C) Coyote	2.5 feet x 2 feet x 3 feet	6	24 feet x 16 feet x 8 feet	6	24 feet x 16 feet x 8 feet	1
	(D) Fox	2.5 feet x 2 feet x 3 feet	6	16 feet x 10 feet x 6 feet	6	16 feet x 10 feet x 6 feet	1
	(E) Marten	1.5 feet x 1 feet x 1 feet	4	8 feet x 6 feet x 8 feet	4	8 feet x 6 feet x 6 feet	1
	(F) Pacific Fisher	2 feet x 1 feet x 1.5 feet	3	16 feet x 10 feet x 6 feet	3	16 feet x 10 feet x 6 feet	1
	(F) Raccoon	2 feet x 1 feet x 1.5 feet	4	12 feet x 10 feet x 6 feet	4	10 feet x 8 feet x 6 feet	1
	(G) Ringtail	2 feet x 1 feet x 1.5 feet	4	16 feet x 10 feet x 8 feet	4	16 feet x 10 feet x 8 feet	1
	(H) River otter	2 feet x 1 feet x 1.5 feet	3	40 feet x 25 feet x 6 feet	3	40 feet x 25 feet x 6 feet	1
	(I) Skunks	2 feet x 1 feet x 1.5 feet	6	12 feet x 10 feet x 6 feet	6	10 feet x 8 feet x 6 feet	1
	(J) Weasel, Ermine, Mink	1.5 feet x 1 feet x 1 feet	6	8 feet x 6 feet x 6 feet	6	8 feet x 6 feet x 6 feet	1
	(K) Wolverine	2 feet x 1 feet x 1.5 feet	3	36 feet x 20 feet x 8 feet	3	36 feet x 20 feet x 8 feet	1
(2) Chiroptera	(A) Bat	4 inches x 4 inches x 6 inches	6	12 feet x 8 feet x 7 feet	20	12 feet x 8 feet x 7 feet	20
(3) Didelphimorphia	(A) Opossum	1.5 feet x 1 feet x 1 feet	10	8 feet x 4 feet x 8 feet	10	8 feet x 4 feet x 8 feet	1
(4) Eulipotyphla (formerly Insectivora)	(A) Mole, Shrew	1.5 feet x 1 feet x 1 feet	6	2 feet x 2 feet x 2 feet	6	2 feet x 2 feet x 2 feet	1
(5) Lagomorpha	(A) Hare	2 feet x 1 feet x 1 feet	4	20 feet x 20 feet x 6 feet	6	20 feet x 20 feet x 6 feet	1
	(B) Rabbit	1.5 feet x 1 feet x 1 feet	6	8 feet x 4 feet x 6 feet	6	8 feet x 4 feet x 6 feet	1
(6) Rodentia	(A) Chipmunk, Ground squirrel	1.5 feet x 1 feet x 1 feet	6	6 feet x 4 feet x 6 feet	6	6 feet x 4 feet x 6 feet	1
	(B) Flying squirrel	1.5 feet x 1 feet x 1 feet	4	8 feet x 4 feet x 8 feet	4	8 feet x 4 feet x 8 feet	1
	(B) Tree squirrel	2 feet x 1 feet x 1.5 feet	6	4 feet x 4 feet x 8 feet	5	4 feet x 4 feet x 8 feet	1
	(C) Marmot	2 feet x 1 feet x 1.5 feet	6	8 feet x 6 feet x 6 feet	6	8 feet x 6 feet x 6 feet	1
	(D) Muskrat	2 feet x 1 feet x 1 feet	6	6 feet x 4 feet x 6 feet	6	6 feet x 4 feet x 6 feet	1

Order	Animal Type	Neonate	Neonate Max #	Juvenile Pre-Release	Juvenile Max #	Adult Pre-Release	Adult Max #
	(E) Native mouse, rat, vole	1.5 feet x 1 feet x 1 feet	8	4 feet x 2 feet x 2 feet	8	4 feet x 2 feet x 2 feet	1
	(E) Pocket gopher	2 feet x 1 feet x 1 feet	6	4 feet x 3 feet x 6 feet	6	4 feet x 3 feet x 6 feet	1
	(F) North American beaver	2 feet x 1 feet x 1.5 feet	3	40 feet x 25 feet x 6 feet	3	40 feet x 25 feet x 6 feet	1
	(G) North American porcupine	2 feet x 1 feet x 1 feet	1	8 feet x 6 feet x 8 feet	1	8 feet x 6 feet x 6 feet	1

(h) Bird Requirements

(1) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall know the distinction between neonate, juvenile, and adult bird species requirements. [Note: This requirement is intended to identify the type of specialized care at each stage of rehabilitation.]

(2) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall classify a fledgling bird as a “juvenile” once it reaches the stage of development whereby it can self-feed and requires no parental care. [Note: This requirement is necessary because a neonate bird that has left the nest on its own, called a fledgling, continues to require parental care for a short period of time often in the form of food provisioning.]

(3) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall adhere to the conditions required to maintain and improve the welfare of any species of waterbird that requires a body of water to feed, hunt, or take flight. [Note: This requirement is intended for each animal of a waterbird species, such as seabirds, wading birds, and waterfowl, to be able to express their natural life history.]

(4) A permittee, their designee, sub-permittees, and authorized persons shall adhere to the requirements regarding bird enclosures in Tables 8 through 12.

(i) Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds). Table 2.

Order	Animal Type	Requirements
(1) All Birds, excluding waterbirds	(A) All Birds, excluding waterbirds	<ol style="list-style-type: none"> 1. Enclosures shall have a double door system to prevent escape and shall be secured at all times unless otherwise specified in these regulations, to prevent ingress or egress by any animal. 2. Walls shall be constructed of one of the following: <ol style="list-style-type: none"> a. 9-gauge chain link covered with nylon netting on the interior wall; or b. 0.5-inches by 0.5-inches welded steel wire covered with nylon netting on the interior wall. 3. Wall material shall be affixed to posts consisting of one of the following materials and spaced no more than 6 feet apart: <ol style="list-style-type: none"> a. 2-inch X 4-inch wood fence post, or b. 2-inch metal fence post. 4. Walls shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle. [Note: This requirement is intended to prevent animal ingress by digging.] 5. Roof shall be constructed of one of the following: <ol style="list-style-type: none"> a. Wood covering at least ¼ up to 1/2 of the ceiling area; or b. Plastic covering at least ¼ up to 1/2 of the ceiling area; or c. Metal covering at least ¼ up to 1/2 of the ceiling area; and d. Mesh fiberglass netting or similar soft net material covering the remaining ceiling area. 6. Floors shall be constructed of one of the following materials:

Order	Animal Type	Requirements
		<ul style="list-style-type: none"> a. Pea gravel; or b. non-abrasive sand; or c. Concrete covered with pea gravel or non-abrasive sand at a minimum depth of 3-inches. <p>7. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. At least 3 static perches constructed of wood or rope with a minimum diameter of 2 inches placed at a minimum height of 5 feet; and b. At least 2 dynamic perches, such as a tree limb, with a minimum diameter of 2 inches placed at a minimum height of 5 feet; and c. 1 shallow pan filled with water, soil, or bathing dust at least 1 inch deep. [Note: This requirement is intended for each animal to ingress and egress at will to preen and clean its feathers.]
(2) Accipitriformes	(A) Turkey Vultures	<ul style="list-style-type: none"> 1. Walls shall be covered with soft netting on the interior wall [Note: This requirement is intended to prevent injury to each animal] and constructed of the following material: <ul style="list-style-type: none"> a. Wood; or b. Galvanized metal; or c. Plastic pipe; or d. 0.5-inch x 0.5-inch welded steel wire; or e. 9-gauge chain link. 2. Each enclosure shall have a minimum of 3 flat perches at least 1 foot x 3 feet placed at different heights in the enclosure with a minimum height of 6 feet.
	(B) All Hawks, Northern Harrier	<ul style="list-style-type: none"> 1. Walls shall be covered with soft netting on the interior wall [Note: This requirement is intended to prevent injury to each animal] and constructed of the following material: <ul style="list-style-type: none"> a. Wood; or b. Galvanized metal; or c. Plastic pipe; or d. 0.5-inch x 0.5-inch welded steel wire; or e. 9-gauge chain link. 2. Each enclosure shall have a minimum of 3 perches of at least 1 inch in diameter and placed at different heights in the enclosure with a minimum height of 4 feet.
	(C) Osprey	<ul style="list-style-type: none"> 1. Walls shall be covered with soft netting on the interior wall [Note: This requirement is intended to prevent injury to each animal] and constructed of the following material: <ul style="list-style-type: none"> a. Wood; or b. Galvanized metal; or a. Plastic pipe; or b. 0.5-inch x 0.5-inch welded steel wire; or c. 9-gauge chain link. 2. Roof shall be constructed of one solid material and one semi-solid material from below: <ul style="list-style-type: none"> a. Wood; or b. Fiberglass; or c. Similar solid material; and d. 0.5-inch x 0.5-inch welded steel wire; or e. 11-gauge chain link. 3. Walls and roof constructed materials from "2" shall be affixed to posts consisting of one of the following materials and spaced

Order	Animal Type	Requirements
		<p>no more than 8 feet apart:</p> <ul style="list-style-type: none"> a. 4-inch x 4-inch wood fence post; or b. 2-inch diameter metal fence post. <p>4. Walls shall be buried at least 1 foot down and 1 foot outward at a 90-degree angle. [Note: This requirement is intended to prevent predators or pests from entering the enclosure by digging].</p> <p>5. Floors shall be constructed of either:</p> <ul style="list-style-type: none"> a. Natural substrate; or b. Concrete covered with at least 3 inches of soil, sand, pea gravel, or similar natural substrate. <p>6. Each enclosure shall have one pool at least 4 feet x 4 feet filled with fresh water at least 2 feet deep.</p> <p>7. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. At least 3 perches or tree limbs of various diameters of at least 1.5 inches in diameter placed at different heights. b. A shallow pan constructed of plastic or metal, of at least 4 feet x 4 feet filled with water, soil, or bathing dust and minimum of 6 inches deep and no more than 12 inches deep, or a 4 foot x 4 foot area of soil or bathing dust. [Note: This requirement is intended for each animal to preen and clean its feathers.]
(2) Apodiformes	(A) Hummingbirds	<p>1. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. At least 3 feeding stations placed at varying heights a minimum of 2 feet high. [Note: This requirement is intended to prevent injury to each animal.]
	(B) Swifts	<p>1. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. 1 vertical hide box of at least 1 foot by 1 foot and 4 feet long, comprised of wood, plastic, or brick, such as a chimney, open-ended on both sides, and placed at a minimum height of 6 feet; and b. At least 2 walls covered with plywood or similar material. [Note: This requirement is intended to allow each animal to cling to the walls at will.]
(3) Caprimulgiformes	(A) Nighthawks, Nightjars, Poorwills	<p>1. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> d. At least 3 wood logs, tree branches, or perch at least 6 inches in diameter placed on the floor; and e. At least 4 live native shrubs or similar vegetation. <p>2. Floors shall be covered with soil, leaf litter, or similar natural substrate at least 4 inches deep.</p>
(4) Cuculiformes	(A) Roadrunners	<p>1. Each enclosure shall have at least 2 of the following enrichment:</p> <ul style="list-style-type: none"> a. At least 1 wood log or wood stump placed on the floor; and b. At least 1 stationary perch placed at least 2 feet high; and c. 2 shrubs, bushes, or similar vegetation. [Note: This requirement is intended to provide a visual barrier for each animal to fully hide behind at will.]
(5) Falconiformes	(A) American Kestrel, Merlin, Kite	<p>1. Walls shall be covered with soft netting on the interior wall [Note: This requirement is intended to prevent injury to each animal] and constructed of the following material:</p> <ul style="list-style-type: none"> a. Wood; or b. Galvanized metal; or c. 0.5-inch x 0.5-inch welded steel wire; or d. 9-gauge chain link. <p>2. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. A minimum of 3 perches placed at different heights; and b. At least 1 hide box or sheltered retreat with minimum dimensions of 6 inches x 6 inches x 6 inches (L x W x H) constructed of wood, plastic, or similar material, placed a minimum of 4 feet high [Note: This requirement is intended to allow each animal to be fully hidden and ingress and egress at will].

Order	Animal Type	Requirements
(6) Passeriformes	(A) Corvids [Note: This includes, crows, ravens, jays, magpies.]	1. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. 1 static perch of at least 0.5-inch diameter; and b. At least 2 wood logs or stumps of various diameter a minimum of 6 inches diameter; and c. At least 1 dynamic perch, such as a wood branch, a minimum length of 2 feet and at least 0.5-inch diameter secured from the ceiling; and d. 1 open plastic pool or similar “dig box” at least 4 feet by 2 feet filled with mulch or bark mixed with 2-inch minimum diameter rocks.
	(B) Shrikes	1. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least 2 perches of various diameters placed at a minimum height of 4 feet; and b. At least 2 wood branches with thorns or similar spiked surface. [Note: This requirement is intended to allow for each animal to impale or cache their food.]
	(C) Swallows	1. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least 2 static wood perches of various diameters placed at a minimum height of 4 feet at the end of each enclosure; and b. 1 dynamic perch comprised of nylon rope or similar material, at least 10 feet in length. placed at a minimum height of 6 feet at the sheltered end of the enclosure [Note: This requirement is intended to allow each animal to roost at will.]
	(D) Bushtits	1. Each enclosure shall have at least one tree limb or trunk with multiple branches of varying diameter to allow each animal to perch.
	(E) Quail	1. Each enclosure shall have at least one piece of shrub or vegetation. [Note: This requirement is intended for each animal to be fully hidden and ingress and egress at will]
(7) Piciformes	(A) Woodpeckers	1. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least 6 wood logs a minimum of 6 inches in diameter placed vertically at a minimum height of 5 feet; and b. at least 1 sheltered retreat. [Note: This requirement is intended to allow each animal to be fully hidden and ingress and egress at will.]
(8) Strigiformes	(A) All Owls	1. Walls shall be covered with soft netting on the interior wall [Note: This requirement is intended to prevent injury to each animal] and constructed of the following material: <ol style="list-style-type: none"> a. Wood; or b. Galvanized metal; or c. 0.5-inch x 0.5-inch welded steel wire; or d. 9-gauge chain link. 2. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least 2 perches with a minimum dimension of 1 inch placed at minimum height of 4 feet. b. At least 2 hides or sheltered retreats with a minimum dimension of 1 foot x 1 foot x 1 foot (increase size as needed for larger birds) and placed at a minimum height of 5 feet.
	(B) Burrowing owls	1. Each enclosure shall have at least 2 hide boxes or sheltered retreats constructed of wood, plastic, or similar material, at least 3 feet long, placed on the ground [Note: This requirement is intended to allow each animal to be fully hidden and ingress and egress at will].

(j) Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Birds (Notwithstanding Waterbirds). Table 9.

(Length x Width x Height)

Order	Animal Type	Neonate ¹	Max # ¹	Juvenile ²	Max # ²	Adult ³	Max # ³
(1) Accipitriformes	(A) Turkey Vultures	3 feet x 3 feet x 3 feet	1	100 feet x 16 feet x 16 feet	6	100 feet x 20 feet x 16 feet	6
	(B) Northern Harrier	2 feet x 1.5 feet x 2 feet	1	50 feet x 12 feet x 12 feet	4	50 feet x 12 feet x 12 feet	1
	(C) Swainson's Hawk, Ferruginous Hawk	3 feet x 3 feet x 3 feet	1	50 feet x 12 feet x 12 feet	6	50 feet x 12 feet x 12 feet	6
	(D) Sharp-shinned Hawk	2 feet x 1.5 feet x 1.5 feet	1	16 feet x 8 feet x 8 feet	1	16 feet x 8 feet x 8 feet	1
	(E) Cooper's Hawk, Red-shouldered Hawk	2 feet x 1.5 feet x 2 feet	1	30 feet x 12 feet x 12 feet	4	30 feet x 12 feet x 12 feet	4
	(F) Harris', Rough-legged, Red-tailed Hawk	2 feet x 1.5 feet x 2 feet	1	50 feet x 12 feet x 12 feet	3	50 feet x 12 feet x 12 feet	3
	(G) Osprey	3 feet x 3 feet x 3 feet	3	100 feet x 16 feet x 16 feet	4	100 feet x 16 feet x 16 feet	4
(2) Apodiformes	(A) Swifts	4 inches W x 2 in H	8	16 feet x 16 feet x 8 feet	12	16 feet x 16 feet x 8 feet	12
	(B) Hummingbirds	3 inches W x 2 inches H	2	4 feet x 2 feet x 6 feet	6	4 feet x 4 feet x 8 feet	4
(3) Caprimulgiformes	(A) Nighthawks, Nightjars, Poorwills	6 inches x 8 inches x 8 inches	4	12 feet x 16 feet x 8 feet	4	12 feet x 16 feet x 8 feet	4
(4) Columbiformes	(A) Dove, Pigeon	6 inches W x 3 inches H	3	16 feet x 8 feet x 8 feet	10	16 feet x 8 feet x 8 feet	10
(5) Cuculiformes	(A) Roadrunners	1.5 feet x 1.5 feet x 1.5 feet	3	16 feet x 8 feet x 8 feet	8	16 feet x 8 feet x 8 feet	6
(6) Falconiformes	(A) Merlin	2 feet x 1.5 feet x 1.5 feet	1	16 feet x 8 feet x 8 feet	4	50 feet x 10 feet x 12 feet	3
	(B) Kites	2 feet x 1.5 feet x 1.5 feet	4	30 feet x 10 feet x 12 feet	6	30 feet x 10 feet x 12 feet	6
	(C) American Kestrel	2 feet x 1.5 feet x 1.5 feet		16 feet x 8 feet x 8 feet	4	16 feet x 8 feet x 8 feet	2
(7) Passeriformes	(A) Species less than 6 inches (unless otherwise listed)	4 inches W x 2 inches H	6	8 feet x 8 feet x 8 feet	6	8 feet x 8 feet x 8 feet	6
	(B) Species greater than 6 inches (unless otherwise listed)	6 inches W x 3 inches H	4	16 feet x 8 feet x 8 feet	4	16 feet x 8 feet x 8 feet	4
	(C) Swallows	4 inches W x 2 inches H	5	16 feet x 16 feet x 8 feet	12	16 feet x 12 feet x 8 feet	12
	(D) Bushtits	4 inches W x 2 inches H	6	4 feet x 4 feet x 8 feet	10	4 feet x 4 feet x 8 feet	10
	(E) Quail	1.5 feet x 1.5 feet x 1.5 feet	12	8 feet x 8 feet x 8 feet	12	8 feet x 8 feet x 8 feet	4
	(F) Sage Grouse	1.5 feet x 1.5 feet x 1.5 feet	8	12 feet x 8 feet x 8 feet	8	12 feet x 8 feet x 8 feet	4
	(G) Jays, Magpies	6 inches W x 3 inches H	4	16 feet x 8 feet x 8 feet	8	16 feet x 8 feet x 8 feet	6
	(H) Crows, Ravens	10 inches W x 5 inches H	4	20 feet x 8 feet x 8 feet	6	20 feet x 8 feet x 8 feet	6
(8) Piciformes	(A) Woodpecker species less than 12 inches	6 inches W x 4 inches H	4	8 feet x 8 feet x 8 feet	4	8 feet x 8 feet x 8 feet	4
	(B) Woodpecker species greater than 12 inches	8 inches W x 6 inches H	4	16 feet x 8 feet x 8 feet	4	16 feet x 8 feet x 8 feet	4
(9) Strigiformes	(A) Burrowing owl, Flammulated owl, Northern pygmy owl, Northern saw-whet, Western screech owl	1.5 feet x 1 feet x 1.5 feet	1	16 feet x 8 feet x 8 feet	5	16 feet x 8 feet x 8 feet	5
	(B) Barn owl, Long eared owl, Short eared owl	2 feet x 1.5 feet x 2 feet	1	30 feet x 10 feet x 12 feet	8	30 feet x 10 feet x 12 feet	8
	(C) Great horned, Spotted owl	2 feet x 1.5 feet x 2 feet	1	50 feet x 10 feet x 12 feet	6	50 feet x 10 feet x 12 feet	6

(k) Pre-release Conditioning Enclosure Requirements; Waterbirds. Table 10.

Order	Animal Type	Requirements
(1) All Waterbirds	(A) All Waterbirds, unless otherwise indicated	<ol style="list-style-type: none"> 1. Walls shall be constructed of one of the following materials [Note: This requirement is to provide visual barrier to each animal and prevent feather damage or injury]: <ol style="list-style-type: none"> a. Pressure-treated or composite wood; or b. Metal; or c. Plastic pipe such as conduit pipe or polyvinyl chloride (PVC) pipe; or d. 0.5-inch by 0.5-inch welded steel wire; or e. 11-gauge chain link with interior wall covered with soft netting or shade cloth. 2. Roof shall be covered by netting or similar non-opaque (transparent) material [Note: This requirement is intended to provide each animal exposure to natural light]. 3. Wall and roof material shall be affixed to posts consisting of one of the following materials and spaced no more than 8 feet apart: <ol style="list-style-type: none"> a. 4-inch X 4-inch wood fence post; or b. 2-inch metal fence post. 4. Walls shall be buried at least 1 foot deep and 1 foot inward at a 90-degree angle [Note: This requirement is intended to prevent animal ingress by digging]. 5. Floor shall be covered with one of the following materials, notwithstanding an enclosure comprised of a pool-only: <ol style="list-style-type: none"> a. Soil; or b. Non-abrasive sand; or c. River rock or similar smooth flat rocks; or d. Anti-fatigue or similar matting. 6. Pool shall be constructed of either: <ol style="list-style-type: none"> a. Galvanized metal; or b. Fiberglass; or c. Concrete; or d. A polyethylene stock tank. 7. Water quality of each pool shall be maintained by either [Note: This requirement is necessary to ensure each animal has access to water quality sufficient to maintain health, ensure plumage integrity prior to release, and perform natural history activities]: <ol style="list-style-type: none"> a. Filtration and recirculation system combined with surface overflow and siphoning of sunken debris; or b. Running fresh water into the pool combined with surface overflow and siphoning of sunken debris; or c. Completely changing the water when soiled, notwithstanding the special needs of obligate pool birds. 8. Each enclosure shall have at least 2 flat surface perches a minimum of 1 foot x 1 foot, commonly called a “net-bottom insert”, placed outside of the pool and elevated off the floor constructed of knotless netting with a mesh size of 0.5-inch x 0.5-inch stretched across plastic pipe with a 0.75-inch minimum diameter [Note: This requirement is intended to allow each waterbird to perch, at will. This allows for increased air flow, reduces the risk of plumage damage or contamination, and prevents injury to each animal].
(2) Anseriformes	(A) Dabbling duck	1. Each enclosure shall have at least 2 hides such as artificial or live emergent aquatic vegetation or shrubs [Note: This requirement is intended to allow each animal to be fully hidden from view at will].
	(B) Native geese, native swan	1. Each enclosure shall have at least 2 hides such as artificial or live emergent aquatic vegetation or shrubs [Note: This requirement is intended to allow each animal to be fully hidden from view at will].

Order	Animal Type	Requirements
	(C) Diving duck, Stiff-tailed duck, Merganser	<ol style="list-style-type: none"> 1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds.] 2. Pool roof and wall support shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch polyvinyl chloride (PVC) pipe; or b. 1-inch galvanized metal pipe. 3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]: <ol style="list-style-type: none"> a. Shade cloth; or b. Soft, knotless netting.
(3) Charadriiformes	(A) Alcid	<ol style="list-style-type: none"> 1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds.] 2. Pool roof and wall support shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch polyvinyl chloride (PVC) pipe; or b. 1-inch galvanized metal pipe. 3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]: <ol style="list-style-type: none"> a. Shade cloth; or b. Soft, knotless netting.
	(B) Gull, Tern, Jaeger, Skuas	<ol style="list-style-type: none"> 1. Each enclosure shall have a minimum of 4 flat perching platforms at least 1-foot by 2-foot placed at various heights a minimum of 1-feet above the ground [Note: This requirement is to encourage flight exercise and ensure each waterbird has appropriate perching surfaces to prevent injury to sensitive feet].
	(C) Red phalarope, Red-necked phalarope	<ol style="list-style-type: none"> 1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds.] 2. Pool roof and wall support shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch polyvinyl chloride (PVC) pipe; or b. 1-inch galvanized metal pipe. 3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]: <ol style="list-style-type: none"> a. Shade cloth; or b. Soft, knotless netting. 4. Each pool enclosure shall have at least 2 floating flat surfaces a minimum of 1 foot x 1 foot constructed of plastic or similar smooth surface material [Note: This requirement is intended to allow each waterbird to ingress and egress from the water surface to rest at will for the purpose of feeding or resting.].
	(D) Sandpiper, Plover, Skimmer, Oystercatcher, Wilson's phalarope	<ol style="list-style-type: none"> 1. Each enclosure shall have at least one shallow wading pool filled with clean water [Note: This requirement allows rehabilitation animals to maintain clean, waterproof plumage and avoid bathing in their food dishes].

Order	Animal Type	Requirements
(4) Coraciiformes	(A) Kingfisher	<ol style="list-style-type: none"> 1. Floors shall be covered with large flat rocks with a minimum dimension of 1 foot by 1 foot. 2. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least 2 logs a minimum of 3 feet long and a minimum diameter of 4 inches placed vertically at various heights a minimum of 4 feet above the ground; and b. At least 2 flat perches, such as shelves, at least 2-feet by 6 inches placed at a minimum height of 4 feet above the ground; and c. At least one shallow wading pool filled with water [Note: This requirement is intended to allow each animal to bathe and maintain waterproof plumage].
(5) Gaviformes	(A) Loon	<ol style="list-style-type: none"> 1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds]. 2. Pool roof and wall support shall be constructed of either: <ol style="list-style-type: none"> a. 1-inch polyvinyl chloride (PVC) pipe; or b. 1-inch metal galvanized pipe. 3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]: <ol style="list-style-type: none"> a. Shade cloth; or b. Soft, knotless netting.
(6) Gruiformes	(A) Coot	<ol style="list-style-type: none"> 1. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. Each enclosure shall have a pool [Note: This requirement ensures these species have access to clean water for bathing, swimming, and exercise]; and b. A minimum of 2 flat perching platforms 1-foot by 2-feet placed at various heights placed a minimum of 4 feet above the ground [Note: This requirement is to encourage flight exercise and ensures these species have access to clean water for bathing and exercise and appropriate perching surfaces to prevent injury to sensitive feet]; and c. At least 2 hides of emergent vegetation or shrubs [Note: This requirement is intended to allow each animal to be fully hidden at will].
	(B) Crane	<ol style="list-style-type: none"> 1. Walls shall be constructed of one of the following materials [Note: This requirement is intended to prevent injury as a result of any animal getting stuck in fencing with larger gaps]: <ol style="list-style-type: none"> a. 1-inch x 0.5-inch coated wire mesh; or b. 1-inch x 0.5-inch hardware cloth. 2. Walls shall have a minimum of the lower 6 feet constructed of either [Note: This requirement serves to prevent animal injury due to a tendency to run into non-opaque walls when startled or performing natural jumping behaviors]: <ol style="list-style-type: none"> a. Wood; or b. Fiberglass (or similar opaque material). 3. Each enclosure shall have at least one shallow wading pool with clean water for bathing. [Note: This requirement allows rehabilitation animals to maintain clean, waterproof plumage.]
	(C) Rails	<ol style="list-style-type: none"> 1. Each enclosure shall have at least one shallow wading pool with clean water for bathing. [Note: This requirement allows rehabilitation animals to perform natural history behaviors and maintain clean, waterproof plumage.]
(7) Pelecaniformes	(A) Bittern Egret Heron Ibis Stork	<ol style="list-style-type: none"> 1. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least one shallow wading pool [Note: This requirement ensures these species have access to clean water for bathing and exercise.]; and

Order	Animal Type	Requirements
	(B) Pelicans	<p>b. At least 3 wood perches at least 2-inches in diameters placed at various heights with a minimum height of 4 feet height [Note: This requirement ensures varied perching surfaces to prevent injury to sensitive feet plus encourages flight.]</p> <p>1. Each enclosure shall have the following enrichment:</p> <p>a. A minimum 2 perches with a minimum diameter of 2 inches covered with textured material and a minimum of 6 feet high (e.g., artificial grass) [Note: This requirement encourages athletic flight for these very large birds]; and</p> <p>b. A minimum of 2 ground-level stump or stump-like perches with a minimum diameter of 6 inches and a minimum of 18 inches tall enough to avoid feather breakage and soiling [Note: This requirement allows pelicans to perch off the ground when eating or resting at ground level]; and</p> <p>2. Pool edges shall be covered with textured material such as rubber tire tread, anti-fatigue matting, or artificial grass [Note: This requirement is to prevent foot injuries from developing in care].</p>
(8) Podicipediformes	(A) Grebes	<p>1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds].</p> <p>2. Pool roof and wall support shall be constructed of either:</p> <p>a. 1-inch polyvinyl chloride (PVC) pipe; or</p> <p>b. 1-inch metal galvanized pipe.</p> <p>3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]:</p> <p>a. Shade cloth; or</p> <p>b. Soft, knotless netting.</p> <p>4. Pied-billed grebe enclosure shall have the following enrichment:</p> <p>a. At least 2 hides or sheltered retreats of emergent aquatic vegetation [Note: this requirement is necessary because the species requires additional visual barriers to reduce stress].</p>
(9) Procellariiformes	(A) Albatross	<p>1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds.]</p> <p>2. Pool roof and wall support shall be constructed of either:</p> <p>a. 1-inch polyvinyl chloride (PVC) pipe; or</p> <p>b. 1-inch metal galvanized pipe.</p> <p>3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]:</p> <p>a. Shade cloth; or</p> <p>b. Soft, knotless netting.</p>
	(B) Fulmar, Petrel, Shearwaters	<p>1. Each enclosure shall be comprised of a pool-only with no land area [Note: This requirement is necessary to protect the welfare of this subset of obligate waterbirds that have rehabilitation needs that differ from other waterbirds.]</p> <p>2. Pool roof and wall support shall be constructed of either:</p> <p>a. 1-inch polyvinyl chloride (PVC) pipe; or</p> <p>b. 1-inch metal galvanized pipe.</p> <p>3. Pool roof shall be covered of either [Note: this requirement is intended to create a structure that completely surrounds the pool and prevents animal ingress or egress from the pool at will]:</p> <p>a. Shade cloth; or</p> <p>b. Soft, knotless netting.</p>

Order	Animal Type	Requirements
(10) Suliformes	(A) Boobies Cormorants	<ol style="list-style-type: none"> Each enclosure shall have at least one pool for swimming and bathing. [Note: This requirement ensures birds have access to clean water for bathing and exercise.] Pool edges shall be covered with anti-fatigue mats, rubber tire tread, or similar textured material. [Note: This requirement is intended to prevent each animal from developing foot injuries.] Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> A minimum of 2 perches with a minimum diameter of 1-inch and covered with anti-fatigue mats, or similar rubber mat material, or artificial grass; and Perches shall be elevated at varying heights with a minimum height of 4 feet; and A minimum of 2 ground-level stump or stump-like perches with a minimum of 6 inches in diameter and at least 1 foot tall placed on the floor [Note: This requirement is intended to allow each animal to perch off the ground when eating or resting at ground level].

(I) Minimum Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Waterbirds.

Table 11.

(Length x Width x Height).

Adapted from: *Tables 10.3a and c Minimum Housing Size Guidelines for Waterbirds*, pages 158-163. Miller, E. A., and J. Schlieps, editors. 2021. *Standards for Wildlife Rehabilitation*. National Wildlife Rehabilitators Association: Bloomington, MN.

Order	Animal Type	Neonate ¹	Max # ¹	Juvenile ²	Max # ²	Adult ³	Max # ³
(1) Anseriformes	(A) Dabbling duck	20 inches x 10 inches x 10 inches	8	10 feet x 6 feet x 8 feet	6	10 feet x 6 feet x 8 feet	6
	(B) Diving duck, Merganser, Stiff-tailed duck	10 inches x 10 inches x 10 inches	4	Pool Only	4	Pool Only	4
	(C) Native geese	19 inches x 14 inches x 14 inches	4	18 feet x 10 feet x 8 feet	6	18 feet x 10 feet x 8 feet	6
	(D) Native swan	19 inches x 14 inches x 14 inches	2	20 feet x 12 feet x 8 feet	3	20 feet x 12 feet x 8 feet	3
(2) Charadriiformes	(A) Alcids	10 inches x 10 inches x 10 inches	3	Pool Only	4	Pool Only	4
	(B) Gull, Tern (species less than 14 inches)	1 foot x 15 inches x 1.5 feet	6	4 feet x 8 feet x 8 feet	6	4 feet x 8 feet x 8 feet	6
	(C) Gull (species greater than 14 inches), Jaeger, Skua	18 inches x 18 inches x 18 inches	2	16 feet x 8 feet x 10 feet	4	16 feet x 8 feet x 10 feet	4
	(D) Red Phalarope, Red-necked Phalarope	1 foot x 1 foot x 1 foot	4	4 feet x 6 feet x 6 feet	6	Pool Only	5
	(E) Plover, Sandpiper, shorebird species less than 10 inches (unless otherwise listed)	1 foot x 1 foot x 1 foot	4	6 feet x 4 feet x 6 feet	6	6 feet x 4 feet x 6 feet	6
	(F) Shorebird species greater than 10 inches (unless otherwise listed)	1 foot x 1 foot x 1.5 feet	4	6 feet x 4 feet x 6 feet	6	8 feet x 4 feet x 8 feet	6
	(G) Tern, oystercatcher, skimmer, Wilson's Phalaropes (species greater than 14 inches)	2 feet x 1 foot x 1.5 feet	3	16 feet x 10 feet x 8 feet	6	16 feet x 10 feet x 8 feet	6
(3) Coraciiformes	(A) Kingfishers	3 inches x 3 inches	1	16 feet x 8 feet x 8 feet	8	16 feet x 8 feet x 8 feet	4
(4) Gaviiformes	(A) Loons	4 feet x 29 inches x 22 in	2	Pool Only	4	Pool Only	2

Order	Animal Type	Neonate ¹	Max # ¹	Juvenile ²	Max # ²	Adult ³	Max # ³
(5) Gruiformes	(A) Coots	10 inches x 10 inches x 10 inches	6	6 feet x 10 feet x 8 feet	4	6 feet x 10 feet x 8 feet	4
	(B) Cranes	2 feet x 2 feet x 2 feet	1	10 feet x 25 feet x 10 feet	4	10 feet x 25 feet x 10 feet	4
	(C) Rail species less than 10 inches	1 foot x 1 foot x 1 foot	2	4 feet x 6 feet x 3 feet	4	4 feet x 6 feet x 6 feet	3
	(D) Rail species greater than 10 inches	1 foot x 1.5 feet x 1.5 feet	2	4 feet x 8 feet x 4 feet	2	4 feet x 8 feet x 8 feet	4
(6) Pelecaniformes	(A) Bittern, Egret, Heron, Ibis, Stork, (species less than 20 inches)	1 foot x 1 foot x 1 foot	4	4 feet x 12 feet x 8 feet	4	4 feet x 12 feet x 8 feet	4
	(B) Bittern, Egret, Heron, Ibis, Stork, (species Greater than 20 inches)	2 feet x 1 foot x 1 foot	3	10 feet x 25 feet x 10 feet	4	10 feet x 25 feet x 10 feet	2
	(C) Frigatebird	2 feet x 1 foot x 1 foot	3	12 feet x 30 feet x 12 feet	1	12 feet x 30 feet x 12 feet	1
	(D) Pelican, Brown	1.5 feet x 1.5 feet x 1.5 feet	3	12 feet x 30 feet x 10 feet	4	12 feet x 30 feet x 10 feet	6
	(E) Pelican, White	1.5 feet x 1.5 feet x 1.5 feet	3	12 feet x 30 feet x 10 feet	6	12 feet x 30 feet x 10 feet	4
(7) Podicipediformes	(A) Grebes	10 inches x 10 inches x 10 inches	6	Pool Only	4	Pool Only	4
(8) Procellariiformes	(A) Albatross	40 inches x 27 inches x 30 inches	1	15 feet x 30 feet x 12 feet	3	Pool Only	2
	(B) Fulmars, Storm Petrels	17 inches x 11 inches x 11 inches	1	Pool Only	4	Pool Only	5
	(C) Petrel species, Shearwaters (unless otherwise indicated)	17 inches x 11 inches x 11 inches	1	Pool Only	4	Pool Only	5
(9) Suliformes	(A) Boobies, Cormorants	1.5 feet x 1.5 feet x 1.5 feet	1	10 feet x 20 feet x 8 feet	1	20 feet x 10 feet x 8 feet	1

(m) Minimum Size Requirements for Pre-release Conditioning Pools; Waterbirds. Table 12.

(Pool diameter x depth included as part of total minimum enclosure size).

Order	Animal Type	Juvenile ² Pool	Adult ³ Pool
(1) Anseriformes	(A) Dabbling Ducks	4 feet x 1.5 feet	4 feet x 1.5 feet
	(B) Diving Ducks	6 feet x 2 feet	6 feet x 2 feet
	(C) Native geese	6 feet x 3 feet	6 feet x 3 feet
	(D) Native swan	8 feet x 3 feet	8 feet x 3 feet
(2) Charadriiformes	(A) Alcids	4 feet x 2 feet	4 feet x 2 feet
	(B) Gulls, Jaegers, Oystercatchers, Skimmers, Skuas, Terns (species less than 14 inches)	4 feet x 1 foot	4 feet x 1 foot
	(C) Gulls, Jaegers, Oystercatchers, Skimmers, Skuas, Terns (species greater than 14 inches)	4 feet x 1 foot	4 feet x 1 foot
	(D) Red Phalarope, Red-necked Phalarope	3 feet x 1 inch	4 feet x 6 inches
	(E) Plover, Sandpiper, Shorebirds (species less than 10 inches)	3 feet x 1 inch	3 feet x 1 inch
	(F) Plover, Sandpiper, Shorebirds (species greater than 10 inches)	3 feet x 2 inches	3 feet x 2 inches
(3) Coraciiformes	(A) Kingfishers	4 feet x 6 inches	4 feet x 6 inches
(4) Gaviiformes	(A) Loons	8 feet x 3 feet	8 feet x 3 feet
(5) Gruiformes	(A) Cranes	4 feet x 4 inches	4 feet x 4 inches
	(B) Rails (species less than 10 inches)	3 feet x 3 inches	3 feet x 3 inches
	(C) Rails (species greater than 10 inches)	4 feet x 8 inches	4 feet x 8 inches
	(D) Coots	4 feet x 1.5 feet	4 feet x 1.5 feet

Order	Animal Type	Juvenile ² Pool	Adult ³ Pool
(6) Pelecaniformes	(A) Bittern, Egret, Heron, Ibis, Stork (species less than 20 inches)	2 feet x 6 inches	2 feet x 6 inches
	(B) Bittern, Egret, Heron, Ibis, Stork (species greater than 20 inches)	2 feet x 6 inches	2 feet x 6 inches
	(C) Frigatebird	No Pool	No Pool
	(A) Pelican, Brown	10 feet x 2 feet	10 feet x 2 feet
	(B) Pelican, White	10 feet x 2 feet	10 feet x 2 feet
(7) Podicioediformes	(A) Grebes	6 feet x 3 feet	6 feet x 3 feet
(8) Procellariiformes	(A) Albatross	10 feet x 3 feet	10 feet x 1.5 feet
	(B) Fulmars, Storm Petrels	6 feet x 2 feet	4 feet x 1 foot
	(C) Petrel species, Shearwaters (unless otherwise indicated)	6 feet x 3 feet	6 feet x 3 feet
(9) Suliformes	(A) Boobies, Cormorants	8 feet x 2 feet	8 feet x 2 feet

(n) Specialty Rehabilitation Animal Requirements

(1) A permittee, their designee, or sub-permittee if applicable, may rehabilitate a species or taxa classified as a “specialty rehabilitation animal” only under specific authorization from the department pursuant to these regulations: large carnivore (black bear, mountain lion), ungulate (deer, elk, bighorn, pronghorn), venomous snakes, bald eagle, golden eagle, prairie falcon, peregrine falcon.

(2) Each specialty rehabilitation animal enclosure shall have a double-door entry system that is secured at all times. [Note: This requirement is intended to prevent animal escape, or ingress of the enclosure by any other animal or non-authorized person.]

(3) A specialty rehabilitation animal enclosure shall have a method to view the animals from outside the enclosure without opening the door, such as a viewing window, remote camera, or live video feed. [Note: This requirement is intended to prevent habituation or mal-imprinting of a specialty rehabilitation animal.]

(o) Specialty Rehabilitation Animal Enclosure Requirements for Pre-release Conditioning. Table 13.

Order	Animal Type	Requirements
(1) Accipitriformes	(A) Bald Eagle, Golden Eagle	<ol style="list-style-type: none"> 1. Walls shall be constructed of one or a combination of the following materials: <ol style="list-style-type: none"> a. Wood; or b. Plastic; or c. 0.5-inch x 0.5-inch welded steel wire covered with soft netting or hardware cloth on the interior wall [Note: This requirement is intended to provide visual barrier to prevent animal injury.]. 2. Roof shall be constructed in the following manner: <ol style="list-style-type: none"> a. Wood, fiberglass, or similar solid materials covering at least 1/3 up to 1/2 the total ceiling area; and b. 11-gauge chain link or 0.5-inch x 0.5-inch welded steel wire shall cover the remaining portion of the ceiling. 3. Wall and roof material shall be affixed to one of the following materials: <ol style="list-style-type: none"> a. 4-inch x 4-inch wood fence posts, or b. 2-inch galvanized metal fence posts. 4. Walls constructed of 0.5-inch x 0.5-inch welded steel wire shall be buried at least 1 foot down and 1 foot outward at a 90-degree angle. [Note: This requirement is intended to prevent predator ingress at will.] 5. Floor shall be constructed of either: <ol style="list-style-type: none"> a. Soil; or

Order	Animal Type	Requirements
		<ul style="list-style-type: none"> b. Non-abrasive sand; or c. Pea gravel; or d. Concrete covered with soil, non-abrasive sand, or pea gravel at least 3 inches deep. <p>6. Each enclosure shall have the following enrichment:</p> <ul style="list-style-type: none"> a. At least 2 perches or tree limbs of various diameters of at least 1.5 inches in diameter placed at different heights (minimum of 4 feet high); and b. 1 shallow pan constructed of plastic or metal, of at least 4 feet x 4 feet filled with water, soil, or bathing dust and minimum of 6 inches deep; or c. At least 16 square feet of floor space covered with at least 6 inches of soil or bathing dust. [Note: This requirement is intended for each animal to preen and clean its feathers.]
(2) Artiodactyla	(A) Deer, Bighorn, Elk, Pronghorn	<ul style="list-style-type: none"> 1. Walls shall be constructed of one of the following: <ul style="list-style-type: none"> a. Solid wood or metal panels; or b. 11-gauge chain link covered internally with woven wire mesh or shade cloth; or c. Bottom half constructed of solid wood or metal panels and top half constructed of 11-gauge chain link covered internally with woven wire mesh or shade cloth; and 2. Top of walls shall have an external 3-foot kick back at an angle between 30-degrees and 60-degrees [Note: This requirement is intended to prevent predatory animals from entering the enclosure] and constructed of either: <ul style="list-style-type: none"> a. galvanized steel panels; or b. polyvinyl chloride panels; or c. fiberglass panels; or d. barbed wire; and/or e. electric fencing. 3. Walls materials shall be affixed to fence posts that shall be constructed of one of the following and spaced at least 6 feet apart and no more than 12 feet apart: <ul style="list-style-type: none"> a. 4-inch X 4-inch wood fence post; or b. 2-inch diameter galvanized steel. 4. Floor shall be constructed of one of the following: <ul style="list-style-type: none"> a. soil or similar natural substrate; or b. concrete covered with mulch, soil, or other natural substrate at least 6 inches deep. 5. If natural shelter is unavailable within the enclosure, then a shelter of at least 100 square feet shall be constructed of wood or metal panels with a minimum of 2 walls and a roof [Note: This requirement is intended to allow each animal to fully ingress and egress at will].
(3) Carnivora	(A) American Black Bear	<ul style="list-style-type: none"> 1. Walls shall be constructed in the following manner: <ul style="list-style-type: none"> a. Vertical galvanized steel posts a minimum of 2 inches in diameter spaced no more than 8 feet apart; b. Horizontal galvanized bottom perimeter steel post a minimum of 2 inches in diameter no more than 3 inches above the ground; c. 9-gauge wire shall be affixed to the vertical and horizontal steel posts and will extend below grade buried at least 18 inches downward, and 18 inches inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 2. Each enclosure shall be secured in one of the following manners [Note: This requirement is intended to prevent animal escape by climbing.], either: <ul style="list-style-type: none"> a. A fully enclosed roof constructed of 9-gauge wire with horizontal beams of galvanized steel posts at least 2 inches in diameter, spaced no more than 8 feet apart, and attached to walls; or

Order	Animal Type	Requirements
		<ul style="list-style-type: none"> b. Walls constructed with an internal 3-foot kick back at an angle between 30-degrees and 60-degrees constructed of galvanized steel panels, or polyvinyl chloride panels, or fiberglass panels. The 3-foot kick back shall barbed wire or electric fencing affixed to the panels. 3. Floor shall be constructed in one of the following manners: <ul style="list-style-type: none"> a. Outside enclosures shall have soil, pea gravel, or similar natural substrate; and b. Inside enclosure shall be constructed of concrete. 4. Each enclosure shall have one den, at least 6 feet x 6 feet x 6 feet, with a lockable ground-level guillotine door [Note: This requirement is intended to allow for the safe capture, confinement, and transfer of each animal in a crate to and from the enclosure.] that shall be constructed of either: <ul style="list-style-type: none"> a. Concrete; or b. Cinder blocks. 5. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> a. At least 3 tree limbs at least 6 feet long and 12 inches in diameter securely attached horizontally or vertically. b. A pool constructed of metal, concrete, or high-density polyethylene plastic that is at least 3 feet x 3 feet and filled with clean water at least 1 foot deep.
	(B) Mountain Lions	<ul style="list-style-type: none"> 1. Walls shall be constructed in the following manner: <ul style="list-style-type: none"> a. Vertical galvanized steel posts a minimum of 2 inches in diameter spaced no more than 8 feet apart; b. Horizontal galvanized bottom perimeter steel post a minimum of 2 inches in diameter no more than 3 inches above the ground; c. 9-gauge wire shall be affixed to the vertical and horizontal steel posts and will extend below grade buried at least 18 inches downward, and 18 inches inward at a 90-degree angle [Note: This requirement is intended to prevent animal escape by digging]. 2. Roof shall be fully enclosed and constructed of 9-gauge wire, with 2-inch galvanized steel cross beams spaced no more than 10 feet apart and attached to walls. 3. Floor shall be constructed in one of the following manners: <ul style="list-style-type: none"> a. Outside enclosures shall have soil, pea gravel, or other natural substrate; and b. Inside enclosures shall be constructed of concrete. 4. Each enclosure shall have one den, at least 6 feet x 6 feet x 6 feet, with a lockable ground-level guillotine door [Note: This requirement is intended to provide transport crate access to safely capture, confine, and transfer each animal to and from the enclosure.] that shall be constructed of either: <ul style="list-style-type: none"> a. Concrete; or b. Cinder blocks. 5. Each enclosure shall have the following enrichment: <ul style="list-style-type: none"> a. At least 3 wood beams or tree limbs at least 6 feet long and 5 inches wide securely attached horizontally or at an angle between 30-degrees and 60-degrees [Note: This requirement is intended to allow each animal to climb and scratch]; and b. 1 elevated platform at least 4 feet by 8 feet, and at least 2 feet above the ground and no more than 5 feet above the ground. At least two sides of the elevated platform shall have a visual barrier constructed of vegetation, wood, or similar material; and c. Vegetation at least 3 feet high, such as bushes or shrubs, covering a minimum area of 6 feet x 6 feet of the enclosure [Note: This requirement is intended to allow each animal to be fully hidden at will and to express its natural behaviors such as to cache food.]

Order	Animal Type	Requirements
(4) Falconiformes	(B) Peregrine Falcon, Prairie Falcon	<ol style="list-style-type: none"> 1. Walls shall be constructed of one or a combination of the following materials: <ol style="list-style-type: none"> d. Wood; or e. Plastic; or f. 0.5-inch x 0.5-inch welded steel wire covered with soft netting or hardware cloth on the interior wall [Note: This requirement is intended to provide visual barrier to prevent animal injury.]. 2. Roof shall be constructed in the following manner: <ol style="list-style-type: none"> c. Wood, fiberglass, or similar solid materials covering at least 1/3 up to ½ the total ceiling area; and d. 11-gauge chain link or 0.5-inch x 0.5-inch welded steel wire shall cover the remaining portion of the ceiling. 3. Wall and roof material shall be affixed to one of the following materials: <ol style="list-style-type: none"> c. 4-inch x 4-inch wood fence posts, or d. 2-inch galvanized metal fence posts. 4. Walls constructed of 0.5-inch x 0.5-inch welded steel wire shall be buried at least 1 foot down and 1 foot outward at a 90-degree angle. [Note: This requirement is intended to prevent predator ingress at will.] 5. Floor shall be constructed of either: <ol style="list-style-type: none"> e. Soil; or f. Non-abrasive sand; or g. Pea gravel; or h. Concrete covered with soil, non-abrasive sand, or pea gravel at least 3 inches deep. 6. Each enclosure shall have the following enrichment: <ol style="list-style-type: none"> a. At least 2 perches or tree limbs of various diameters of at least 0.5 inches in diameter placed at different heights (minimum of 4 feet high); and b. 1 shallow pan constructed of plastic or metal, of at least 4 feet x 4 feet filled with water, soil, or bathing dust and minimum of 6 inches deep; or c. At least 16 square feet of floor space covered with at least 6 inches of soil or bathing dust. [Note: This requirement is intended for each animal to preen and clean its feathers.]
(5) Squamata	(A) Venomous Snake	<ol style="list-style-type: none"> 1. Walls, floor, and roof shall be constructed of plastic, glass, or similar smooth surface material with a secure locking lid, and at least 6 airholes with a minimum diameter of 0.25 inches or similar means of ventilation. 2. Each enclosure shall have the following items: <ol style="list-style-type: none"> a. at least 1 hide or shelter box; b. a full-spectrum ultraviolet light or access to sunlight between 8 hours and 10 hours in a 24-hour day [Note: This requirement is intended to mimic the natural diurnal process for each animal.]; and c. a heat and humidity source such as a heat lamp and humidity chamber. 3. Floor shall be covered with soil, non-abrasive sand, or other natural substrate at least 3 inches deep. 4. Each enclosure shall contain a label that is clearly and conspicuously posted on the outside, stating “Venomous animals” and the common and scientific name and number of snakes contained inside. 5. Each enclosure shall be kept inside a lockable building clearly posted with the following information: poison control telephone number and location of nearest hospital with antivenom. A first aid kit shall be made readily available within the building. 6. Capture equipment (e.g. wide-jaw humane snake tongs, snake hooks, snake tube, nylon snake bags) and personal protective equipment shall be used to handle a venomous snake for any purpose and be made readily available and accessible at all times. 7. A permittee, their sub-permittee, or designee shall notify the department in writing by email at Rehabwildlife@wildlife.ca.gov within 24 hours of a venomous snake bite resulting in human death or escape of a venomous snake from its enclosure.

(p) Neonate and Limited Mobility Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals. Table 3.

(Length x Width x Height, in feet, unless otherwise indicated).

Order	Animal Type	Neonate ¹	Max # ¹	Juvenile ²	Max # ²	Adult ²	Max # ²
(1) Accipitriformes	(a) Bald Eagle, Golden Eagle	3 feet x 3 feet x 3 feet	3	Based on animal condition	1	100 feet x 16 feet x 16 feet	3
(2) Artiodactyla	(a) Deer, Pronghorn, Bighorn Sheep	4 feet x 4 feet x 4 feet	2	8 feet x 8 feet x 8 feet	2	Not Allowed	N/A
	(b) Elk	6 feet x 6 feet x 4 feet	2	10 feet x 10 feet x 8 feet	2	Not Allowed	N/A
(3) Carnivora	(a) Mountain Lion	2 feet x 2 feet x 2.5 feet	3	8 feet x 6 feet x 4 feet	3	Not Allowed	N/A
	(b) Black Bear	2 feet x 2 feet x 2.5 feet	3	8 feet x 6 feet x 4 feet	3	Not Allowed	N/A
(4) Falconiformes	(a) Peregrine Falcon, Prairie Falcon	3 feet x 3 feet x 3 feet	4	Based on animal condition	1	100 feet x 16 feet x 16 feet	1
(5) Squamata	(a) Venomous Snake	1.5 times the length of the animal	1	1.5 times the length of the animal	1	1.5 times the length of the animal	1

(q) Pre-Release Enclosure Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals. Table 15.

(Length x Width x Height, in feet, unless otherwise indicated).

Order	Animal Type	Juvenile ³	Max # ³	Adult ³	Max # ³
(1) Accipitriformes	(a) Bald Eagle, Golden Eagle	100 feet x 16 feet x 16 feet	3	100 feet x 16 feet x 16 feet	3
(2) Artiodactyla	(a) Deer, Pronghorn, Bighorn Sheep	80 feet x 50 feet x 8 feet	6	Not Allowed	0
	(b) Elk	80 feet x 50 feet x 8 feet	6	Not Allowed	0
(3) Carnivora	(a) Mountain Lion	750 square feet per animal (10 feet minimum height)	5	Not Allowed	0
	(b) Black Bear	750 square feet per animal (10 feet minimum height)	5	Not Allowed	0
(4) Falconiformes	(a) Peregrine Falcon, Prairie Falcon	100 feet x 16 feet x 16 feet	1	100 feet x 16 feet x 16 feet	1
(5) Squamata	(a) Venomous Snake	1.5 times the length of the animal	1	1.5 times the length of the animal	1

Chapter 3. Humane Care Requirements (See CCR Title 14, Section 679.5(e))

(a) Care and Treatment Requirements

(1) A permittee, their designee, and sub-permittees shall only intake rehabilitation animals of a species that they are able to identify with reasonable certainty and temporarily possess in a manner that protects the welfare of that animal, human health, and human safety.

(2) A permittee, their designee, and sub-permittees shall transfer a rehabilitation animal to another wildlife rehabilitation facility if for any reason the welfare of the animal cannot be maintained or improved, such as inadequate enclosure, lack of species-specific expertise, inability to provide appropriate veterinary medical care, or unique conspecific requirements.

(3) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall triage rehabilitation animals upon intake and respond with proper treatment. [Note: The best initial course of action for many animals is to temporarily confine in a warm, quiet, and dark enclosure isolated from other animals; stabilize with fluid therapy; examine for signs of trauma; and monitor for signs of disease. Euthanasia may be the most appropriate and humane triage response to prevent unnecessary pain and suffering.]

(4) A permittee, their designee, and sub-permittees shall develop an individual treatment plan for each rehabilitation animal that includes a preliminary assessment of any proposed treatment, and the impact of the recovery process on the welfare of the animal, as based on the best available scientific literature, case studies, or derived from similar species or situational scenarios. [Note: A wildlife rehabilitator may seek veterinary consultation from any licensed veterinarian, or guidance from another wildlife rehabilitator, as needed.]

(5) A permittee, their designee, and sub-permittees shall adopt written standard procedures for basic veterinary medical treatment and treatment plans for specific species or taxa of rehabilitation animal provided by a licensed veterinarian (i.e., standing orders) pursuant to subsection 679.5(b). [Note: This requirement is intended to reduce a rehabilitation animal's risk of habituation or mal-imprinting, prolonged handling, and unnecessary physical or behavioral stress.]

(6) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall be able to reasonably determine when a rehabilitation animal is required to be seen by a veterinarian for veterinary medical care services including, but not limited to: surgery; diagnosis of medical condition; and prescribing of drugs, medicine, and appliances. [Note: This requirement is intended to protect animal welfare and prevent the unnecessary pain or needless suffering of each animal.]

(7) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall know the nutritional requirements of each rehabilitation animal based on the life history, species, age class, and physical condition of the animal. [Note: This requirement is intended to prevent common nutritional deficiencies known to affect the endocrine, gastrointestinal, nervous, skeletal, and vascular system, such as metabolic bone disease, by providing a proper diet. Rehabilitation animals with pre-existing nutritional disorders may or may not be recoverable, depending on the severity of the deficiency.]

(8) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall allow a rehabilitation animal to feed independently as soon as the animal is able to express the behavioral and physical traits required for feeding that are appropriate to its species, age class, and condition. [Note: This requirement is necessary as neonate and juvenile animals are at risk of habituation or mal-imprinting during any stage of rehabilitation; a habituated or mal-imprinted animal is unable to express the natural life history behaviors of its species and is less likely to survive in the wild.]

(b) Cleaning Requirements

(1) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall remove visible organic waste material prior to using disinfectant or cleaning products (including, but not limited to, those substances listed in subsection c, Table 15), and closely adhere to the safety data sheet if applicable and instructions for proper dilution, use, storage, and disposal of any disinfectant or cleaning products.

(2) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall disinfect the enclosure of any rehabilitation animal suspected of or known to have a communicable disease, including compliance with any requirements of a local or state public health agency with jurisdiction once that animal has been removed from the enclosure.

(3) A permittee, their designee, sub-permittees, and authorized persons shall maintain physical separation of raccoon and skunk enclosures from domestic animals, restricted species, and other rehabilitation animals. [Note: This requirement is intended to prevent transmitting raccoon or skunk roundworm (*Baylisascaris procyonis*, *B. columnaris*) to other wild animals, domestic animals, or humans.]

(4) Raccoon enclosures shall only be used to temporarily house raccoons and contain a label that is clearly and conspicuously posted on the outside, stating "Raccoons Only"; skunk enclosures shall only be used to temporarily house skunks and contain a label that is clearly and conspicuously posted on the outside, stating "Skunks Only. These enclosures shall not be used for any other species at any time. [Note: This requirement is intended to ensure that proper cleaning requirements are met for each enclosure. Raccoons and skunks are the primary hosts of roundworm (*B. procyonis*, *B. columnaris*) and typically have no clinical signs. Roundworm eggs are transmitted via feces and can lay dormant for years prior to infecting a host. Roundworm eggs can be killed by flame-sterilizing enclosures between each use. Common detergents and disinfectants are not effective.]

(c) Common Cleaning Agents to Limit the Transmission of Communicable Wildlife Diseases. Table 16.

Category	Uses
(1) Alcohols	Antiseptic, cleaning instruments (e.g., ethanol, isopropyl alcohol).
(2) Aldehydes	Cold sterilization, disinfectant (e.g., formaldehyde, Wavicide-01, Cidex®).
(3) Biguanides	Wound care, antiseptic, disinfectant (e.g., chlorhexidine-based products).
(4) Detergents	General cleaning (e.g., laundry/dish soap).
(5) Herbal-based Solutions	General cleaning, disinfectant (e.g., Concrobium® Broad Spectrum Disinfectant II).
(6) Hypochlorites	Disinfectant for nonmetallic surfaces (e.g., chlorine bleach).
(7) Iodophores	Surgical preparation, disinfectant, wound care (e.g., Betadine™ solution).
(8) Oxidizing Agents	Disinfectant for nonmetal surfaces (e.g., peroxide-based compounds).
(9) Phenols	General disinfectant, foot baths (e.g., Hil-Phene®).
(10) Quaternary Ammonium Compounds	General cleaning, disinfectant (e.g., KennelSol®).
(11) Stabilized Chlorine Dioxides	General cleaning, disinfectant (e.g., Oxine® Bio-Cide).

(d) Communicable Wildlife Diseases

(1) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall handle a rehabilitation animal using personal protective equipment (such as disposable gloves, face mask) that is appropriate to the life history, species, stage of rehabilitation, and specific risks associated with that animal such as claws, talons, teeth, or beak. [Note: This requirement is intended to protect animal welfare, native wildlife, human health, and human safety by reducing the risk of disease transmission and spread of etiological agents.]

(2) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall report any rehabilitation animal suspected or known to have a disease of concern, as determined by the Fish and Game Commission to be a communicable disease of potentially significant consequence to an affected population of native wildlife, domestic animal, or humans in California, to the proper reporting agency, as indicated in Table 16, pursuant to subsection 679.5(a)(7). [Note: This requirement is intended to aid the investigation and monitoring of potential disease outbreaks and mortality events by the department's Wildlife Health Laboratory pursuant to California Fish and Game Section 1008.]

(e) Wildlife Diseases of Concern in California and the Agency to Report Confirmed or Suspected Infected Wildlife.

Table 174.

Disease of Concern	Taxa Affected	Etiologic Agent	Clinical Signs or Symptoms	Reporting Agency
(1) Chronic Wasting Disease	Deer, elk	Prion	Progressive weight loss, loss of awareness, loss of natural fear	Department of Fish and Wildlife
(2) Highly Pathogenic Avian Influenza Virus	Avifauna, mammals	Virus	Lethargy, tremors, head tilt, death	Department of Fish and Wildlife
(3) Rabbit Hemorrhagic Disease Virus	Rabbits, hares	Virus	Lethargy, bleeding from nostril, neurologic symptoms, death	Department of Fish and Wildlife
(4) Rabies Virus	Mammals*	Virus	Loss of fear response, aggression, drooling, lethargy, paralysis, death *California primary vector species: Bat, skunk, fox.	Local Health Department
(5) SARS-COV-2	Mammals	Virus	Cough, fatigue, body pain, diarrhea, loss of taste/smell, death	Department of Public Health
(6) Snake Fungal Disease	Snakes	Fungus	Poor body condition, scabs, skin ulcers, discolored scales, cloudy eyes	Department of Fish and Wildlife
(7) White Nose Syndrome	Bats	Fungus	White powdery fungus on muzzle, ears, wings, limbs; emaciation; death.	Department of Fish and Wildlife

(f) Non-Releasable Animal Requirements

(1) A permittee, their designee, sub-permittees, or a licensed veterinarian shall deem a rehabilitation animal as non-releasable in accordance with section 679.6(a). [Note: Conditions that would likely prevent an animal from surviving in the wild, may include, but not be limited to: permanent visual impairment; amputated limb, foot, or wing; permanent damage to skin, scale, scute, fur, or feathers; permanent inability to display the natural life history behaviors of its species; permanent spinal injury, paralysis, or paresis.]

(2) A non-releasable rehabilitation animal shall be handled pursuant to subsection 679.5(c) of these regulations. [Note: In rare cases, the department may approve permanent placement of a non-releasable rehabilitation animal at a permitted facility if the department deems the animal to be a suitable candidate for placement and all conditions required to protect the welfare of the animal, native wildlife, human health, and human safety are met. Euthanasia is generally the most compassionate outcome for a wild animal rather than a life in captivity.]

(g) Euthanasia Requirements

(1) A permittee, their designee, sub-permittees, other properly trained personnel shall meet the euthanasia training minimum hour requirements listed in subsection 679.5(c)(1)(A) 1 through 3.

(2) A permittee, their sub-permittee, or designee shall maintain written documentation of all euthanasia training completed by any personnel as a required record.

(3) Euthanasia training curriculum shall include, but not be limited to, an overview of the history and reasons for euthanasia; humane animal restraint techniques; euthanasia methods and procedures; induction times and verification of death; personnel stress management and safety training; and record keeping and regulation compliance.

(4) A permittee, their designee, sub-permittees, other properly trained personnel, and licensed veterinarian shall euthanize a rehabilitation animal using only the methods of euthanasia listed in Table 17.

(5) A permittee, their designee, sub-permittees, authorized persons, and qualified handlers shall not use any method of euthanasia not listed in Table 17, including the following unacceptable methods of euthanasia: Thoracic compression, freezing, suffocation, carbon monoxide, ether, and any method of take prohibited pursuant to the California Fish and Game Code or any other ordinance, regulation, or statute. [Note: This requirement is intended to prohibit the use of any euthanasia method that does not protect animal welfare and determined to be inhumane.]

(6) A permittee, their designee, sub-permittees, other properly trained personnel, and licensed veterinarians shall obtain permission from the USFWS and the department prior to euthanizing a Bald or Golden Eagle or threatened or endangered species, unless humane considerations warrant prompt euthanasia prior to such notification.

(7) A permittee, their designee, and sub-permittees shall select the method of carcass disposal of a rehabilitation animal that is euthanized, or dies of natural causes, based on the condition of the animal carcass, cause of mortality, and species pursuant to all federal, state, and local jurisdiction requirements.

(h) Acceptable euthanasia methods for rehabilitation animals. Table 18.

EUTHANASIA TYPE	EUTHANASIA METHODS	ANIMAL TYPE
(1) Inhalant Methods	(A) Anesthetic gas [isoflurane, methoxyflurane, sevoflurane]	Small animals (< 15 lbs.)
	(B) Anesthetic gas [halothane, isoflurane]	Bats
	(C) CO ² [carbon dioxide]	Bird, reptile, small mammal (< 0.5 lbs.) excluding bats.
	(D) MS-222 [tricaine methanesulfate]	Amphibians
(2) Injectable Methods	(A) Barbiturate [pentobarbital sodium]	Amphibian, bird, mammal, reptile.
	(B) Potassium chloride [prior anesthesia required]	Amphibian, bird, mammal, reptile.
	(C) Acepromazine, butorphanol tartrate, xylazine [combination]	Bats
	(D) Pentobarbital sodium [prior anesthesia required]	Bats
	(E) Alfaxalone	Reptiles
(3) Physical Methods	(A) Cervical luxation/dislocation [prior anesthesia preferred]	Small animals only (< 0.5 lbs.)
	(B) Decapitation [emergency use only]	Small animals only (< 1.0 lbs.)
	(C) Firearm [emergency use only]	Amphibian, bird, mammal, reptile
	(D) Exsanguination [prior anesthesia required]	Amphibian, bird, mammal, reptile.
	(E) Pithing [prior anesthesia required]	Amphibian, reptile.

Appendices

Appendix A. California Fish and Game Code Excerpts

§1050. General License Provisions

(a) All licenses, permits, tags reservations, and other entitlements authorized by this code shall be prepared and issued by the department.

§2000. Taking And Possessing In General

It is unlawful to take any bird, mammal, fish, reptile, or amphibian except as provided in this code or regulations made pursuant thereto. Possession of a bird, mammal, fish, or reptile or parts thereof in or on the fields, forests, or waters of this state, or while returning therefrom with fishing or hunting equipment is prima facie evidence the possessor took the bird, mammal, fish or reptile or parts thereof.

§2120. Regulations Governing Wild Animals

(a) The commission, in cooperation with the Department of Food and Agriculture, shall adopt regulations governing both (1) the entry, importation, possession, transportation, keeping, confinement, or release of any and all wild animals that will be or that have been imported into this state pursuant to this chapter, and (2) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of these wild animals, and to provide for the welfare of wild animals and the safety of the public.

§2121. Escape or Release of Wild Animals

No person having possession or control over any wild animal under this chapter shall intentionally free, or knowingly permit the escape, or release of such an animal, except in accordance with the regulations of the commission.

§2122. Regulations for Guidance of Enforcement Officers

The commission shall promulgate regulations in cooperation with the State Department of Food and Agriculture for the guidance of enforcing officers. Such regulations shall include a list of the wild animals for which permits that may be issued under this chapter will be refused, and the disposition of such wild animals illegally imported into this state.

§2127. Eligible Local Entities

(a) The department may reimburse eligible local entities, pursuant to a memorandum of understanding entered into pursuant to this section, for costs incurred by the eligible local entities in the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(b) The department may enter into memorandums of understanding with eligible local entities for the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(c) The commission shall adopt regulations that establish specific criteria an eligible local entity shall meet in order to qualify as an eligible local entity.

(d) For the purposes of this division, "eligible local entity" means a county, local animal control officer, local humane society official, educational institution, or trained private individual that enters into a memorandum of understanding with the department pursuant to this section.

§2150.2. Establishment of Fees

The department shall establish fees for permits, permit applications, and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing this chapter.

§2150.4. Inspection of Wild Animal Facilities

(a) The department or an eligible local entity shall inspect the wild animal facilities, as determined by the director's advisory committee, of each person holding a permit issued pursuant to Section 2150 authorizing the possession of a wild animal.

(b) In addition to the inspections specified in subdivision (a), the department or an eligible local entity, pursuant to the regulations of the commission, may inspect the facilities and care provided for the wild animal of any person holding a permit issued pursuant to Section 2150 for the purpose of determining whether the animal is being cared for in accordance with all applicable statutes and regulations. The department shall collect an inspection fee, in an amount determined by the department pursuant to Section 2150.2.

(c) No later than January 1, 2009, the department, in cooperation with the committee created pursuant to Section 2150.3, shall develop, implement, and enter into memorandums of understanding with eligible local entities if the department elects not to inspect every wild animal facility pursuant to subdivisions (a) and (b). Eligible local entities shall meet the criteria established in regulations adopted pursuant to subdivision (b) of Section 2157.

§2192. Regulation and Enforcement

Notwithstanding Part 2.5 (commencing with Section 18900) of Division 13 of the Health and Safety Code, Section 11356 of the Government Code, or any other provision of law, regulations of the commission relating to the construction, fixtures, and other minimum caging standards adopted by the commission for the confinement of live wild animals pursuant to this chapter are not building standards subject to the approval of the State Building Standards Commission.

§3005.5. Methods of Taking

It is unlawful to capture any game mammal, game bird, nongame bird, nongame mammal, or furbearer, or to possess or confine any live game mammal, game bird, nongame bird, nongame mammal, or furbearer taken from the wild, except as provided by this code or regulations made pursuant thereto. Any bird or mammal possessed or confined in violation of this section shall be seized by the department. The commission may promulgate regulations permitting the temporary confinement of game mammals, game birds, nongame birds, nongame mammals, or furbearers for the purpose of treating the animals, if injured or diseased.

§3800. Nongame Birds

(a) All birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds are nongame birds. It is unlawful to take any nongame bird except as provided in this code or in accordance with regulations of the commission or, when relating to mining operations, a mitigation plan approved by the department.

§4150. Nongame Mammals

All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.

Appendix B. Federal Law and Regulation Excerpts

YEAR ENACTED	TITLE	DESCRIPTION	WEBSITE
1900	The Lacey Act	Regulates interstate and international commerce in wildlife and controls the transportation of wildlife across state lines. This statute applies to rehabilitators by preventing the rehabilitator from accepting animals from other states, transporting animals into or out of the state, or releasing a rehabilitated animal in another state. [Amended 1981, 2008.]	https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title18-section42&num=0&edition=prelim
1900	The Lacey Act Provision	Establishes that the importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles, or the offspring or eggs of any of the foregoing animals considered injurious by the Secretary of the Interior are prohibited.	https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title18-section42&num=0&edition=prelim
1918	Migratory Bird Treaty Act	Establishes that the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species; including its nest, eggs, or feathers; without prior authorization by the Department of Interior U.S. Fish and Wildlife Service is prohibited.	https://www.govinfo.gov/content/pkg/USCODE-2020-title16/pdf/USCODE-2020-title16-chap7-subchapII-sec703.pdf
1940	Bald and Golden Eagle Protection Act	Establishes the requirement that any person who handles these species for wildlife rehabilitation, education, or research purposes must obtain a special purpose permit from the U.S. Fish and Wildlife Service. This includes their parts: feathers, nests, or eggs.	https://www.govinfo.gov/content/pkg/USCODE-2010-title16/pdf/USCODE-2010-title16-chap5A-subchapII.pdf
1972	Marine Mammal Protection Act	Establishes a moratorium on taking and importing marine mammals, including parts and products. Rehabilitation of any marine mammal is only permitted by the National Marine Fisheries Service under NOAA.	https://www.govinfo.gov/content/pkg/USCODE-2017-title16/pdf/USCODE-2017-title16-chap31-subchapI-sec1361.pdf
1973	Endangered Species Act	Establishes protection for fish, wildlife, and plant species that are threatened or endangered with extinction.	https://www.fws.gov/law/endangered-species-act
2019	Standard Conditions for Care and Maintenance of Captive Sea Turtles	Establishes jurisdiction between National Oceanic and Atmospheric Administration's National Marine Fisheries Service and the United States Fish and Wildlife Service several codes of federal regulations. Facilities that care for sick or injured sea turtles must comply with the Standard Conditions for Care and Maintenance of Captive Sea Turtles.	https://www.fws.gov/sites/default/files/documents/seaturtle-standard-conditions-for-care-2019.pdf

Appendix C. Wildlife Rehabilitation Resources

Staying current with best practices, accepted techniques, and the latest advancements in wildlife rehabilitation is critical for all wildlife rehabilitators. Several valuable resources exist for reference and review, including books and guides on wildlife rehabilitation standards, ethical codes of conduct, and species-specific rehabilitation techniques, as well as field guides, natural history books, and various organizations. This broader knowledge is critical, as wildlife rehabilitators may often receive calls, questions, or even the animal itself, for a species outside their area of expertise. [NOTE: Additionally, the department has developed and maintains a robust list of opportunities for continuing education through its Continuing Education Framework (PDF) document available on the department website at <https://wildlife.ca.gov/WildlifeRehab>.]

Professional Associations

California Council for Wildlife Rehabilitators: <https://ccwr.org/>
 National Wildlife Rehabilitators Association: <https://www.nwrawildlife.org/>
 International Wildlife Rehabilitators Council (IWRC):
 IWRC Certified Wildlife Rehabilitator Program, <https://cwrexam.org>
 American Veterinary Medical Association: <https://www.avma.org/>

Agency Resources

CDFW, Native Wildlife Rehabilitation Program: <https://wildlife.ca.gov/wildliferehab>
 CDFW, Wildlife Health Laboratory: <https://wildlife.ca.gov/WHL>
 California Department of Food and Agriculture (CDFA): <https://www.cdfa.ca.gov/>
 CDFA, California Animal Response Emergency System: https://www.cdfa.ca.gov/AHFSS/Animal_Health/eprs/cares/
 California Department of Consumer Affairs (CDCA), Veterinary Medical Board License Search: <https://www.breeze.ca.gov/datamart/mainMenu.do>
 CDCA, California Veterinary Medical Board: <https://www.vmb.ca.gov/>
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 International Air Transport Association (IATA) Live Animals Regulations: <https://www.iata.org/en/publications/store/live-animals-regulations/>
 National Association of State Public Health Veterinarians: <http://nasphv.org/>

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Appendix DA. CDFW Wildlife Rehabilitation Examination (Example)**Definitions**

1. _____. Preventative measures taken to reduce the risk of transmission of communicable diseases from one human, animal, or place to others.
2. _____. An item or activity designed to stimulate and encourage a range of innate behaviors of an animal, specific to that species.
3. _____. A process that occurs when an animal, not normally domesticated, is repeatedly exposed to anthropogenic stimuli and no longer has a natural behavioral response to that stimuli.
4. _____. A specialized form of learning by an animal that occurs during a brief period in early development that provides it with a self-identity and social bonds that are rarely reversible.
5. _____. A facility authorized pursuant to Section 679.3, operated by a sub-permittee, that may temporarily possess rehabilitation animals at a location other than the location listed on the permit.

True/False

6. Wildlife rehabilitators are authorized to trap and remove "nuisance" wildlife to reduce conflict.
7. Wildlife rehabilitators may decline to intake any animal or species they so choose.
8. CDFW personnel may inspect a rehabilitator's facility and records at any reasonable time.
9. A wildlife rehabilitator may exhibit rehabilitation animals under their Wildlife Rehabilitation Permit.
10. It is permissible to use orphaned baby birds for educational program prior to releasing to the wild.

Multiple Choice

11. Which information is NOT required in the CDFW Wildlife Rehabilitation Annual Report?
 - a. Summary of patient outcome (e.g., how many were released, euthanized)
 - b. Name and mailing address of people who submitted animals
 - c. Species of animals received
 - d. Number and type of non-releasable animals held under a restricted species permit
12. Which of the following descriptions describes neonate altricial birds?
 - a. Virtually naked, helpless, and blind
 - b. Covered with a thick down layer
 - c. Active and relatively self-sufficient
 - d. Unable to vocalize
13. Most nestling songbirds fledge at:
 - a. 10-14 days
 - b. 7-10 days
 - c. 28-30 days
 - d. 18-21 days
14. Which characteristic will NOT help you identify a very young bird?
 - a. Foot type/shape
 - b. Length of tail feathers
 - c. Mouth color
 - d. Beak shape
15. Which of the following mammals is NOT a rodent?
 - a. California ground squirrel
 - b. Beaver
 - c. Mexican free-tailed bat
 - d. Nutria
 - e. Marmot

ANSWER KEY

1. Biosafety practice
2. Enrichment
3. Habituation
4. Imprinting
5. Satellite facility
6. False
7. True
8. True
9. False
10. False
11. b
12. a
13. d
14. b
15. c



A person may apply for a Wildlife Rehabilitation Permit pursuant to California Code of Regulations Title 14 Section 679.3.

New Permit – Complete Sections 1-7 **Permit Renewal** – Complete Sections 1, 3-7

1. APPLICANT INFORMATION

Applicant Name (Last, First)		Date of Birth	GO ID # (if applicable)	
Mailing Address (if different from physical address)	City		State	ZIP
Preferred Telephone	Secondary Telephone	Email Address		
Facility Name			County	
Facility Address (physical)	City		State	ZIP
Facility Telephone	Facility Email Address	Facility Website		

2. APPLICANT REQUIRED EXPERIENCE

Demonstrate completion of at least 1,000 hours of relevant experience completed no more than 5 years from the date of the application. Relevant education may be accepted as a substitute for up to 300 hours of the required experience.

VOLUNTEER/WORK EXPERIENCE

(1) Facility Name		Facility Address		
Contact Name and Title		Telephone	Email	
Start Date	End Date	Time Base (F/T, P/T)	Total Hours	
Describe Experience				

(2) Facility Name		Facility Address		
Contact Name and Title		Telephone	Email	
Start Date	End Date	Time Base (F/T, P/T)	Total Hours	
Describe Experience				

(3) Facility Name		Facility Address		
Contact Name and Title		Telephone	Email	
Start Date	End Date	Time Base (F/T, P/T)	Total Hours	
Describe Experience				

EDUCATION / TRAINING

1 Degree:	Completion Date:	1 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	
2 Degree:	Completion Date:	2 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	
3 Degree:	Completion Date:	3 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	



3A. DESIGNEE INFORMATION (if applicable)			
Designee Name (Last, First)	Date of Birth	Email Address	Primary Telephone
Mailing Address	City	State	Zip Code
Physical Address (if different from above)	City	State	Zip Code

3B. DESIGNEE REQUIRED EXPERIENCE
 Demonstrate completion of at least 500 hours of relevant experience completed no more than 5 years from the date of the application. Relevant education may be accepted as a substitute for up to 300 hours of the required experience.

VOLUNTEER/WORK EXPERIENCE			
(1) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			
(2) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			
(3) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			

EDUCATION / TRAINING			
1 Degree:	Completion Date:	1 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	
2 Degree:	Completion Date:	2 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	

4. PUBLIC CONTACT INFORMATION
Desired public contact information to be posted on the CDFW Wildlife Rehabilitation Program webpage (check all that apply): <input type="checkbox"/> Facility Name <input type="checkbox"/> County/City <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input type="checkbox"/> Type of Wildlife Accepted <input type="checkbox"/> Do Not Share

5. PROPOSED REHABILITATION ANIMALS					
Indicate the proposed species to rehabilitate and the maximum number that may be temporarily possessed at any one time.					
AMPHIBIANS	MAX #	REPTILES	MAX #		
Frogs, Treefrogs		Lizards			
Newts, Salamanders		Non-Venomous Snake			
Toads		Tortoises			
		Turtles			
CHIROPTERA	MAX #	INSECTIVORA	MAX #	LAGOMORPHA	MAX #
Bats		Mole		Hare	
DIDELPHIMORPHIA	MAX #	Shrew		Rabbit	
Opossum					



RODENTIA	MAX #	RODENTIA	MAX #	RODENTIA	MAX #
Chipmunk		Muskrat		North American Porcupine	
Ground Squirrel		Native Mouse, Rat, Vole		Pocket Gopher	
Flying Squirrel		North American Beaver		Tree Squirrel	
Marmot					
CARNIVORA	MAX #	CARNIVORA	MAX #	CARNIVORA	MAX #
Badger		Foxes		Skunk	
Bobcat		Ringtail		Weasel, Mink, Ermine	
Coyote		River Otter		Wolverine	
Fisher, Marten		Raccoon			

AVIFAUNA

U.S. Fish and Wildlife Service (USFWS) migratory bird rehabilitation permit is required *prior* to rehabilitating any wild bird.

No USFWS Permit USFWS Permit [In Progress] Application Date: _____ USFWS Permit #: _____

APODIFORMES	MAX #	ACCIPITRIFORMES	MAX #
Swifts		Turkey Vultures	
Hummingbirds		Northern Harrier	
CAPRIMULGIFORMES	MAX #	Swainson's Hawk, Ferruginous Hawk	
Nighthawk, Nightjar, Poorwill		Sharp-shinned Hawk	
CUCULIFORMES	MAX #	Red-shouldered Hawk, Cooper's Hawk	
Roadrunners		Harris' Hawk, Rough-legged Hawk, Red-tailed Hawk	
FALCONIFORMES	MAX #	Osprey	
American Kestrel		COLUMBIFORMES	MAX #
Kite		Doves, Pigeons	
Merlin		PASSERIFORMES	MAX #
PICIFORMES	MAX #	Species less than 6 inches (unless otherwise listed)	
Woodpecker (species less than 12 inches)		Species greater than 6 inches (unless otherwise listed)	
Woodpecker (species greater than 12 inches)		Swallows	
STRIGIFORMES	MAX #	Bushtits	
Burrowing owl		Quail	
Barn owl, Long-eared owl, Short eared owl		Sage Grouse	
Great horned, Spotted owl		Jays, Crackles, Magpies	
Flammulated owl, Northern pygmy owl, Northern saw-whet, Western screech owl		Crows, Ravens	
ANSERIFORMES	MAX #	CHARADRIIFORMES	MAX #
Dabbling Duck		Alcid	
Diving Duck, Merganser, Stiff-tailed Duck		Gull, Tern (species less than 14 inches)	
Native Geese		Gull (species greater than 14 inches), Jaeger, Skua	
Native Swan		Phalaropes	
CICONIIFORMES	MAX #	Shorebirds (species greater than 10 inches)	
Bittern, Heron, Egret, Stork, Ibis (species less than 20 inches)		Oystercatcher, Skimmer, Tern (species greater than 14 inches), Wilson's Phalarope	
Bittern, Heron, Egret, Stork, Ibis (species greater than 20 inches)		Plover, Sandpiper, Shorebirds (less than 10 inches) (unless otherwise listed)	
CORACIIFORMES	MAX #	GRUIFORMES	MAX #
Kingfishers		Cranes	
GAVIIFORMES	MAX #	Rail (species less than 10 inches)	
Loons		Rail (species greater than 10 inches)	
PELECANIFORMES	MAX #	Coots	
Brown Pelican		PROCELLARIIFORMES	MAX #
White Pelican		Albatross	
Frigatebird		Fulmars, Storm Petrels	
Other species		Shearwaters, Other Petrel species	



SULIFORMES	MAX #	PODICIOEDIFORMES	MAX #
Boobies, Cormorants		Grebes	

6. DECLARATION OF ENCLOSURES

Provide photographs, diagrams, or other plans, **for each type** of the following enclosures: neonate, pre-release conditioning. Attach documentation as needed.

Variance Request – New Permit Variance Request – Permit Renewal Existing Variance– Permit Renewal

AMPHIBIANS	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
REPTILES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CARNIVORA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CHIROPTERA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
DIDELPHIMORPHIA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
EULIPOTYPHIA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
LAGOMORPHA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
RODENTIA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
RACCOONS	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
SKUNKS	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
APODIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					



ACCIPITRIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CAPRIMULGIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CUCULIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
COLUMBIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
FALCONIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PASSERIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PICIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
STRIGIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
ANSERIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CHARADRIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CICONIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CORACIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
GAVIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					



GRUIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PELECANIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PROCELLARIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PODICIOEDIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
SULIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					

7. FACILITY OPERATION PLAN

Briefly describe or attach the following standard procedures for the proposed facility pursuant to these regulations.

- Data Storage Method:
- Animal Intake and Triage Protocol:
- Euthanasia Protocol:
- Animal Care Protocol:
- Animal Husbandry Protocol:
- Biosafety Protocol:
- Training Protocol:
- Contingency Plan: List of person(s) requested by the applicant for Department approval to provide temporary possession and continuity of care for rehabilitation animals if the applicant or their designee are unable to provide care for any reason.

Full Name (Last, First)1	Date of Birth	Email Address	Primary Telephone	
Mailing Address	City		State	Zip Code
Physical Address (if different from above)	City		State	Zip Code
Full Name (Last, First)2	Date of Birth	Email Address	Primary Telephone	
Mailing Address	City		State	Zip Code
Physical Address (if different from above)	City		State	Zip Code



SUB-PERMIT APPLICATION

A permittee shall request approval from the Department to add a sub-permittee pursuant to requirements outlined in California Code of Regulations Title 14, Section 679.3.

1. PERMITTEE INFORMATION			
Applicant Name (Last, First)		Date of Birth	GO ID # (if applicable)
Mailing Address (if different from physical address)	City		State ZIP
Preferred Telephone	Secondary Telephone	Email Address	
Facility Name			County
Facility Address (physical)	City		State ZIP

1A. SUB-PERMITTEE INFORMATION			
Sub-Permittee Name (Last, First)		Date of Birth	GO ID #
Satellite Mailing Address	City		State Zip Code
Satellite Physical Address (if different from above)	City		State Zip Code
Satellite Facility Name (if applicable)	Preferred Telephone	Secondary Telephone	Email

2. REQUIRED EXPERIENCE

Sub-permittee must be at least 21 years of age and demonstrate completion of at least 500 hours of work or volunteer experience under the supervision of a wildlife rehabilitation permittee in California completed no more than 5 years from the date of the application. Relevant education may be accepted as a substitute for up to 150 hours of the required experience.

EXPERIENCE

(1) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			
(2) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			
(3) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			

EDUCATION / TRAINING

1 Degree:	Completion Date:	1 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	
2 Degree:	Completion Date:	2 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	



3A. DESIGNEE INFORMATION (if applicable)			
Designee Name (Last, First)	Date of Birth	Email Address	Primary Telephone
Mailing Address	City		State Zip Code
Physical Address (if different from above)	City		State Zip Code

3B. DESIGNEE REQUIRED EXPERIENCE
 Demonstrate completion of at least 500 hours of relevant experience completed no more than 5 years from the date of the application. Relevant education may be accepted as a substitute for up to 300 hours of the required experience.

VOLUNTEER/WORK EXPERIENCE			
(1) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			
(2) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			
(3) Facility Name		Facility Address	
Contact Name and Title		Telephone	Email
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Describe Experience			

EDUCATION / TRAINING			
1 Degree:	Completion Date:	1 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	
2 Degree:	Completion Date:	2 Certificate/License:	Completion Date:
Accredited Institution:		Program / Course Name:	

4. PUBLIC CONTACT INFORMATION
Desired public contact information to be posted on the CDFW Wildlife Rehabilitation Program webpage (check all that apply): <input type="checkbox"/> Satellite Facility Name <input type="checkbox"/> County/City <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input type="checkbox"/> Type of Wildlife Accepted <input type="checkbox"/> Do Not Share

5. PROPOSED REHABILITATION ANIMALS					
Indicate the proposed species to rehabilitate and the maximum number that may be temporarily possessed at any one time.					
AMPHIBIANS	MAX #	REPTILES	MAX #		
Frogs, Treefrogs		Lizards			
Newts, Salamanders		Non-Venomous Snake			
Toads		Tortoises			
		Turtles			
CHIROPTERA	MAX #	INSECTIVORA	MAX #	LAGOMORPHA	MAX #
Bats		Mole		Hare	
DIDELPHIMORPHIA	MAX #	Shrew		Rabbit	
Opossum					



SUB-PERMIT APPLICATION

RODENTIA	MAX #	RODENTIA	MAX #	RODENTIA	MAX #
Chipmunk		Muskrat		North American Porcupine	
Ground Squirrel		Native Mouse, Rat, Vole		Pocket Gopher	
Flying Squirrel		North American Beaver		Tree Squirrel	
Marmot					
CARNIVORA	MAX #	CARNIVORA	MAX #	CARNIVORA	MAX #
Badger		Foxes		Skunk	
Bobcat		Ringtail		Weasel, Mink, Ermine	
Coyote		River Otter		Wolverine	
Fisher, Marten		Raccoon			

AVIFAUNA

U.S. Fish and Wildlife Service (USFWS) migratory bird rehabilitation permit is required *prior* to rehabilitating any wild bird.

No USFWS Permit USFWS Permit [In Progress] Application Date: _____ USFWS Permit #: _____

APODIFORMES	MAX #	ACCIPITRIFORMES	MAX #
Swifts		Turkey Vultures	
Hummingbirds		Northern Harrier	
CAPRIMULGIFORMES	MAX #	Swainson's Hawk, Ferruginous Hawk	
Nighthawk, Nightjar, Poorwill		Sharp-shinned Hawk	
CUCULIFORMES	MAX #	Red-shouldered Hawk, Cooper's Hawk	
Roadrunners		Harris' Hawk, Rough-legged Hawk, Red-tailed Hawk	
FALCONIFORMES	MAX #	Osprey	
American Kestrel		COLUMBIFORMES	MAX #
Kite		Doves, Pigeons	
Merlin		PASSERIFORMES	MAX #
PICIFORMES	MAX #	Species less than 6 inches (unless otherwise listed)	
Woodpecker (species less than 12 inches)		Species greater than 6 inches (unless otherwise listed)	
Woodpecker (species greater than 12 inches)		Swallows	
STRIGIFORMES	MAX #	Bushtits	
Burrowing owl		Quail	
Barn owl, Long-eared owl, Short eared owl		Sage Grouse	
Great horned, Spotted owl		Jays, Crackles, Magpies	
Flammulated owl, Northern pygmy owl, Northern saw-whet, Western screech owl		Crows, Ravens	
ANSERIFORMES	MAX #	CHARADRIIFORMES	MAX #
Dabbling Duck		Alcid	
Diving Duck, Merganser, Stiff-tailed Duck		Gull, Tern (species less than 14 inches)	
Native Geese		Gull (species greater than 14 inches), Jaeger, Skua	
Native Swan		Phalaropes	
CICONIIFORMES	MAX #	Shorebirds (species greater than 10 inches)	
Bittern, Heron, Egret, Stork, Ibis (species less than 20 inches)		Oystercatcher, Skimmer, Tern (species greater than 14 inches), Wilson's Phalarope	
Bittern, Heron, Egret, Stork, Ibis (species greater than 20 inches)		Plover, Sandpiper, Shorebirds (less than 10 inches) (unless otherwise listed)	
CORACIIFORMES	MAX #	GRUIFORMES	MAX #
Kingfishers		Cranes	
GAVIIFORMES	MAX #	Rail (species less than 10 inches)	
Loons		Rail (species greater than 10 inches)	
PELECANIFORMES	MAX #	Coots	
Brown Pelican		PROCELLARIIFORMES	MAX #
White Pelican		Albatross	
Frigatebird		Fulmars, Storm Petrels	
Other species		Shearwaters, Other Petrel species	



SULIFORMES	MAX #	PODCIOEDIFORMES	MAX #
Boobies, Cormorants		Grebes	

6. DECLARATION OF ENCLOSURES

Provide photographs, diagrams, or other plans, **for each type** of the following enclosures: neonate, pre-release conditioning. Attach documentation as needed.

Variance Request – New Permit Variance Request – Permit Renewal Existing Variance– Permit Renewal

AMPHIBIANS	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
REPTILES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CARNIVORA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CHIROPTERA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
DIDELPHIMORPHIA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
EULIPOTYPHIA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
LAGOMORPHA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
RODENTIA	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
RACCOONS	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
SKUNKS	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
APODIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					



SUB-PERMIT APPLICATION

ACCIPITRIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CAPRIMULGIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CUCULIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
COLUMBIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
FALCONIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PASSERIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PICIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
STRIGIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
ANSERIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CHARADRIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CICONIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
CORACIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
GAVIIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					



GRUIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PELECANIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PROCELLARIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
PODICIOEDIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					
SULIFORMES	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Size (L x W x H)					
Quantity					
Material					

7. FACILITY OPERATION PLAN

Briefly describe or attach the following standard procedures for the proposed facility pursuant to these regulations.

Data Storage Method:

Animal Intake and Triage Protocol:

Euthanasia Protocol:

Animal Care Protocol:

Animal Husbandry Protocol:

Biosafety Protocol:

Training Protocol:

Contingency Plan: List of person(s) requested by the applicant for Department approval to provide temporary possession and continuity of care for rehabilitation animals if the sub-permittee or their designee are unable to provide care for any reason.

Full Name (Last, First)1	Date of Birth	Email Address	Primary Telephone	
Mailing Address	City	State	Zip Code	
Physical Address (if different from above)	City	State	Zip Code	
Full Name (Last, First)2	Date of Birth	Email Address	Primary Telephone	
Mailing Address	City	State	Zip Code	



A person can apply for a specialty rehabilitation authorization pursuant to California Code of Regulations (CCR) Title 14 Section 679.3.

1. APPLICANT AND FACILITY INFORMATION			
Name (Last, First)		Date of Birth	GO ID # (if applicable)
Mailing Address (if different from physical address)		City	State ZIP
Primary Telephone	Secondary Telephone	Email Address	
Facility Name			County
Facility Address (physical)		City	State ZIP
Facility Telephone	Facility Email	Facility Website	
2. REQUIRED EXPERIENCE			
Completion of the minimum hours of experience within a 5-year period from the date of the initial application request.			
EXPERIENCE			
(1) Employer Name		Employer Address	
Contact Name and Title	Telephone	Email Address	
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Specialty Rehabilitation Species Handled			
(2) Employer Name		Employer Address	
Contact Name and Title	Telephone	Email Address	
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Specialty Rehabilitation Species Handled			
(3) Employer Name		Employer Address	
Contact Name and Title	Telephone	Email Address	
Start Date	End Date	Time Base (F/T, P/T)	Total Hours
Specialty Rehabilitation Species Handled			
EDUCATION / TRAINING			
1 Degree:	Completion Date:	1 Certificate / License:	Completion Date:
Academic Institution:		Program / Course Name:	
2 Degree:	Completion Date:	2 Certificate / License:	Completion Date:
Academic Institution:		Program / Course Name:	
3 Degree:	Completion Date:	3 Certificate / License:	Completion Date:
Academic Institution:		Program / Course Name:	
3. SPECIALTY REHABILITATION ANIMALS			
Indicate the species of specialty authorization animals and proposed maximum number that may be temporarily possessed at any time.			
LARGE CARNIVORE	UNGULATE	EAGLE, FALCON	VENOMOUS SNAKE
American Black Bear	Deer	Bald Eagle	<i>Crotalus</i> species
Mountain Lion	Elk	Golden Eagle	
	Pronghorn	Peregrine Falcon	
	Bighorn	Prairie Falcon	



4. DECLARATION OF ENCLOSURES

Provide photographs, diagrams, or other plans, for each type of pre-release conditioning enclosure that meets all minimum requirements listed in Chapter 2 of the 679 Wildlife Rehabilitation Regulation Manual. Attach documentation as needed.

New Variance Request – New Permit New Variance Request – Renewal Existing Variance– Renewal

LARGE CARNIVORE	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Dimensions					
Quantity					
Material					
Substrate					
UNGULATE	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Dimensions					
Quantity					
Material					
Substrate					
VENOMOUS SNAKE	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Dimensions					
Quantity					
Material					
Substrate					
EAGLE, FALCON	ENCLOSURE 1	ENCLOSURE 2	ENCLOSURE 3	ENCLOSURE 4	ENCLOSURE 5
Dimensions					
Quantity					
Material					
Substrate					

5. Qualified Handlers

List of qualified handlers, one of which may be the applicant, for *each* type of specialty rehabilitation animal. Large carnivores and ungulates require 3 qualified handlers; eagles, falcons, venomous snakes require 2 qualified handlers.

1. Name (Last, First)		Date of Birth	Telephone Number	Email Address	
Mailing Address		City		State	ZIP
HOURS OF RELEVANT EXPERIENCE / TRAINING					
2. Name (Last, First)		Date of Birth	Telephone Number	Email Address	
Mailing Address		City		State	ZIP
HOURS OF RELEVANT EXPERIENCE / TRAINING					
3. Name (Last, First)		Date of Birth	Telephone Number	Email Address	
Mailing Address		City		State	ZIP
HOURS OF RELEVANT EXPERIENCE / TRAINING					
4. Name (Last, First)		Date of Birth	Telephone Number	Email Address	
Mailing Address		City		State	ZIP
HOURS OF RELEVANT EXPERIENCE / TRAINING					
5. Name (Last, First)		Date of Birth	Telephone Number	Email Address	
Mailing Address		City		State	ZIP
HOURS OF RELEVANT EXPERIENCE / TRAINING					



A permittee or their designee shall revoke the authorization of a sub-permittee pursuant to CCR Title 14 subsection 679.9(c).
 A permittee or their designee shall notify the department within 5 calendar days of a sub-permit revocation.

1. PERMITTEE INFORMATION			
Permittee Name (Last, First)		GO ID # (if applicable)	
Mailing Address (if different from physical address)	City	State	ZIP
Preferred Telephone	Secondary Telephone	Email Address	
Facility Name			
Facility Address (physical)	City	State	ZIP
1A. SUB-PERMITTEE INFORMATION			
Name (Last, First)		GO ID # (if applicable)	
Mailing Address	City	State	Zip Code
Physical Address (if different from above)	City	State	Zip Code
Telephone	Email Address	Satellite Facility Name (if applicable)	
2. REASON(S) FOR REVOCATION (CHECK ALL THAT APPLY)			
<input type="checkbox"/> Person relocated. <input type="checkbox"/> Person retired. <input type="checkbox"/> Person no longer able to work/volunteer.			
<input type="checkbox"/> Person refused 3 or more inspections. (Provide dates and brief description of attempts to schedule inspection)			
<hr/> <hr/>			
<input type="checkbox"/> Person failed inspection. (Brief description of non-compliant items)			
<hr/> <hr/>			
<input type="checkbox"/> Person not in good standing under permit. (Brief description of why no longer in good standing)			
<hr/> <hr/>			

ACKNOWLEDGEMENT AND SIGNATURE

“I hereby request that the above listed sub-permittee or authorized person be removed from my wildlife rehabilitation permit. I request that the department update any required records, including the Automated License Database System, related to this individual. I have notified the sub-permittee or authorized person of this action.

I certify that all rehabilitation animals temporarily possessed by the sub-permittee or authorized person have been returned to the primary facility or another location, as designated by the Department, or returned to the wild in good condition. I understand that wildlife remains the property of the State of California and is subject to control by the State. I affirm and attest under penalty of perjury that the information provided herein and any additional information that may be provided to the Department is true and accurate to the best of my knowledge.”

With accordance to [California Civil Code §1633.5\(b\)](#), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

✎ Permittee / Designee: _____
Signature
Print Name
Date



The Veterinarian of Record Agreement must be signed by a licensed veterinarian in good standing pursuant to the California Veterinary Medical Practice Act and California Code of Regulation Title 14 subsection 679.3(b)(6)2.

Applicant – Complete Sections 1 and 3 **Licensed Veterinarian** – Complete Sections 2, 4-5

1. APPLICANT INFORMATION				
Full Name (First)		(Last)	(M.I.)	GO ID# (if applicable)
Title	Primary Telephone		Primary Email	
Facility Name		Facility Telephone		
Facility Mailing Address (if different from physical address)		City	State	ZIP
Facility Physical Address		City	State	ZIP
2. VETERINARIAN INFORMATION				
Full Name (First)		(Last)	(M.I.)	Veterinary License Number (Expiration Date)
Name of Employer		Employer Address		
Primary Telephone		Email Address		
3. APPLICANT RESPONSIBILITIES				INITIAL
Maintain current schedule of availability for a licensed veterinarian to provide treatment of rehabilitation animals.				
Provide all required records if applicable for a rehabilitation animal so that a veterinarian can make an informed assessment of the condition of the animal to determine the treatment plan and outcome of the animal.				
Adhere to the standing orders of a licensed veterinarian for medication use and treatment prescribed for the rehabilitation animal.				
Rely on the licensed veterinarian to best address the administration of medication and veterinary treatment prescribed for the rehabilitation animal.				
Recognize that the purpose of providing care or treatment of a rehabilitation animal is to restore that animal to a condition of good health for its release to the wild.				
4. VETERINARIAN RESPONSIBILITIES				INITIAL
Provide veterinary consultation for a rehabilitation animal such as standing orders to perform routine procedures for animal care, treatment procedures, or similar protocol				
Provision, storage, and documentation of controlled and non-controlled substances pursuant to all federal and state laws.				
Ethical consideration of the welfare and natural history of a rehabilitation animal when providing any treatment.				
Rely on the permittee or their designee to best address the humane care and husbandry needs of a rehabilitation animal.				
Recognize that the purpose of providing care or treatment of a rehabilitation animal is to restore that animal to a condition of good health for its release to the wild.				
5. VETERINARIAN SERVICES THAT MAY BE PROVIDED (check all that apply):				
Physical examinations	<input type="checkbox"/> Yes <input type="checkbox"/> No	Diagnostic Services	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Dispensing Medication	<input type="checkbox"/> Yes <input type="checkbox"/> No	Surgical Procedures	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Administering Medication	<input type="checkbox"/> Yes <input type="checkbox"/> No	Euthanasia	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Prescribing Medication	<input type="checkbox"/> Yes <input type="checkbox"/> No	Necropsy	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Screening / Preventative Care	<input type="checkbox"/> Yes <input type="checkbox"/> No	Carcass Disposal	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Species <u>not</u> able to handle or provide services for (if applicable):				
Special training or experience with the following species (if applicable):				



ACKNOWLEDGMENT AND SIGNATURE

“I understand that any information provided to the Department in this application and any additional information provided to the Department related to this application will be subject to the Public Records Act and may be publicly available.

I affirm and attest under penalty of perjury that the information provided in this application and any additional information may be provided to the Department related to this application is true and accurate to the best of my knowledge.

I understand the veterinary client patient relationship and responsibilities associated with providing veterinary medical care for rehabilitation animals. I acknowledge that this agreement does not authorize the veterinarian of record to act as a wildlife rehabilitator. I certify that I shall comply with all codes, regulations, the California Veterinary Medical Practice Act, and the standards listed in the department’s 679 Native Wildlife Rehabilitation Manual. I acknowledge that any violation of these requirements can result in revocation of the permit. I understand that the permittee may select a new veterinarian of record for any reason and shall notify the department of any such change in writing within 10 business days.”

The Department reserves the right to verify the undersigned claims. Should this verification reveal intentional falsehood by the claimant, the undersigned may be legally obligated to compensate the State for costs associated with verification.

With accordance to [California Civil Code §1633.5\(b\)](#), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

Licensed Veterinarian _____
Signature Print Name Date

Applicant _____
Signature Print Name Date



A permittee or their designee shall provide a current list of authorized persons approved to conduct certain activities under the permit (e.g., homecare foster volunteers) pursuant to CCR Title 14 Section 679.3. Provide all required information for each authorized person. Additional pages and/or supplemental documentation may be provided with the form.

1. APPLICANT AND FACILITY INFORMATION			
Applicant Name (Last, First)		Date of Birth	GO ID #
Primary Telephone	Secondary Telephone	Email Address	
Facility Name		Facility Website (if applicable)	
Physical Address	City	State	ZIP
Mailing Address (if different from physical address)	City	State	ZIP
2. AUTHORIZED PERSONS			
Full Name		Primary Telephone	Email Address
Mailing Address		Physical Address (if different)	
Relevant Experience – Minimum 40 hours (mark all that apply): <input type="checkbox"/> Education/Degree <input type="checkbox"/> License/Certification <input type="checkbox"/> Permittee Training <input type="checkbox"/> External Training <input type="checkbox"/> Other: _____			
Species or taxonomic group of rehabilitation animal(s) authorized to handle:			
Full Name		Primary Telephone	Email Address
Mailing Address		Physical Address (if different)	
Relevant Experience – Minimum 40 hours (mark all that apply): <input type="checkbox"/> Education/Degree <input type="checkbox"/> License/Certification <input type="checkbox"/> Permittee Training <input type="checkbox"/> External Training <input type="checkbox"/> Other: _____			
Species or taxonomic group of rehabilitation animal(s) authorized to handle:			
Full Name		Primary Telephone	Email Address
Mailing Address		Physical Address (if different)	
Relevant Experience – Minimum 40 hours (mark all that apply): <input type="checkbox"/> Education/Degree <input type="checkbox"/> License/Certification <input type="checkbox"/> Permittee Training <input type="checkbox"/> External Training <input type="checkbox"/> Other: _____			
Species or taxonomic group of rehabilitation animal(s) authorized to handle:			
Full Name		Primary Telephone	Email Address
Mailing Address		Physical Address (if different)	
Relevant Experience – Minimum 40 hours (mark all that apply): <input type="checkbox"/> Education/Degree <input type="checkbox"/> License/Certification <input type="checkbox"/> Permittee Training <input type="checkbox"/> External Training <input type="checkbox"/> Other: _____			
Species or taxonomic group of rehabilitation animal(s) authorized to handle:			



2. AUTHORIZED PERSONS (Continued)

Full Name	Primary Telephone	Email Address
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Mailing Address	Physical Address (if different)
-----------------	---------------------------------

Relevant Experience – Minimum 40 hours (mark all that apply):
 Education/Degree License/Certification Permittee Training External Training Other: _____

Species or taxonomic group of rehabilitation animal(s) authorized to handle:

Full Name	Primary Telephone	Email Address
-----------	-------------------	---------------

Mailing Address	Physical Address (if different)
-----------------	---------------------------------

Relevant Experience – Minimum 40 hours (mark all that apply):
 Education/Degree License/Certification Permittee Training External Training Other: _____

Species or taxonomic group of rehabilitation animal(s) authorized to handle:

Full Name	Primary Telephone	Email Address
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Mailing Address	Physical Address (if different)
-----------------	---------------------------------

Relevant Experience – Minimum 40 hours (mark all that apply):
 Education/Degree License/Certification Permittee Training External Training Other: _____

Species or taxonomic group of rehabilitation animal(s) authorized to handle:

Full Name	Primary Telephone	Email Address
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Mailing Address	Physical Address (if different)
-----------------	---------------------------------

Relevant Experience – Minimum 40 hours (mark all that apply):
 Education/Degree License/Certification Permittee Training External Training Other: _____

Species or taxonomic group of rehabilitation animal(s) authorized to handle:

ACKNOWLEDGEMENT AND SIGNATURE

I understand that any information provided to the Department in this application and any additional information provided to the Department related to this application will be subject to the Public Records Act and may be publicly available.

I affirm and attest under penalty of perjury that the information provided in this application and any additional information may be provided to the Department related to this application is true and accurate to the best of my knowledge.

The Department reserves the right to verify the undersigned claims. Should this verification reveal intentional falsehood by the claimant, the undersigned may be legally obligated to compensate the State for costs associated with verification and may be subject to criminal, civil, and/or denial or revocation of all rehabilitation-related privileges. The Department requires the signature of the property owner and shall not accept any form signed by a designee or third party for permission to enter the property.

With accordance to [California Civil Code §1633.5\(b\)](#), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

Applicant: _____
Signature Print Name Date



A permittee, their designee, or a sub-permittee shall maintain a written facility emergency action plan pursuant to Section 679.3(a). Retain all supporting documentation with this form as a required record.

1. APPLICANT INFORMATION							
Applicant Name (Last, First)		Date of Birth		GO ID # (if applicable)			
Mailing Address (if different from physical address)		City	State	ZIP			
Primary Telephone		Secondary Telephone		Email Address			
Facility Name (if applicable)			County				
Physical Address		City	State	ZIP			
2. ANIMAL CAPTURE EQUIPMENT (Check All That Apply)							
<input type="checkbox"/>	Nets (Birds)	<input type="checkbox"/>	Catch pole	<input type="checkbox"/>	Dart gun		
<input type="checkbox"/>	Nets (Bats)	<input type="checkbox"/>	Leads / leashes	<input type="checkbox"/>	Darts		
<input type="checkbox"/>	Nets (Mammals)	<input type="checkbox"/>	Bite sticks	<input type="checkbox"/>	Pole syringe / Jab stick		
<input type="checkbox"/>	Nets (Reptiles/Amphibians)	<input type="checkbox"/>	Bite gloves	<input type="checkbox"/>	Immobilization drugs (if applicable)		
<input type="checkbox"/>	Net gun	<input type="checkbox"/>	Animal control pole	<input type="checkbox"/>	Snake tongs		
<input type="checkbox"/>	Live trap	<input type="checkbox"/>	Animal grasper / Y pole	<input type="checkbox"/>	Animal shields		
<input type="checkbox"/>	Protective gloves	<input type="checkbox"/>	Protective eyewear	<input type="checkbox"/>	Protective footwear		
3. ANIMAL TRANSPORT EQUIPMENT							
ITEM [AS APPLICABLE]	BRIEF DESCRIPTION			QUANTITY			
Large animal carrier, metal							
Large animal carrier, plastic							
Large animal carrier, soft sided							
Medium animal carrier, metal							
Medium animal carrier, plastic							
Medium animal carrier, soft sided							
Small animal carrier, metal							
Small animal carrier, plastic							
Small animal carrier, soft sided							
Small animal carrier, cardboard							
Terrarium, mesh							
Reptile / snake bucket							
Aquariums, glass							
Aquariums, plastic							
Transport Carrier "Tie Downs"							
Animal bags							
Trailers							
4. ANIMAL EMERGENCY SUPPLIES							
ITEM	QUANTITY	ITEM	QUANTITY				
Animal food supply (minimum 3-days)		Heating source (e.g., heating pad)					
Food receptacles		Cooling source (e.g., fan)					
Water receptacles		Bedding					
Portable water container(s)		Cleaning supplies					
Specialty feeding supplies		Basic veterinary medical supplies					
5. FACILITY SAFETY [Check all that apply]							
<input type="checkbox"/>	First aid kits	<input type="checkbox"/>	Utility shut off/Breaker	<input type="checkbox"/>	'Animals on	<input type="checkbox"/>	Emergency Exit sign
<input type="checkbox"/>	Smoke/CO ₂ detectors	<input type="checkbox"/>	Fire extinguishers	<input type="checkbox"/>	Eye wash station(s)	<input type="checkbox"/>	Landline telephone
If item NOT checked, briefly describe why:							



The Department may conduct visits during a reasonable time of the day, on any day of the week, to inspect any facility, equipment, or wildlife possessed by the permittee, sub-permittee, or their designee, and may enter the facilities when the permittee, sub-permittee, or their designee are present pursuant to CCR Section 679.7.

1. APPLICANT INFORMATION			
Applicant Name (Last, First)	Date of Birth	GO ID # (if applicable)	
Mailing Address (if different from physical)	City	State	ZIP
Preferred Telephone	Secondary Telephone	Email Address	
Facility Name			
Facility Address (physical)	City	State	ZIP
2. PROPERTY OWNER INFORMATION			
Property Owner Name (Last, First)	Title		
Preferred Telephone	Email Address		
Mailing Address (if different from physical)	City	State	ZIP
Physical Address	City	State	ZIP
3. PROPERTY OWNER ACKNOWLEDGEMENT AND SIGNATURE			
<p>I understand that the Department requires the signature of the property owner and shall not accept any form signed by a designee or third party for permission to enter the property. I understand that wildlife remains the property of the State and is subject to control by the State. I understand that the permit is a privilege, and that a permit holder may be subject to inspection at any reasonable time or day.</p> <p>I hereby give permission for the Department, or its designee, to enter my property to conduct visits during a reasonable time of the day, on any day of the week, to inspect any facility, enclosures, equipment, written records, and rehabilitation animals.</p> <p>With accordance to California Civil Code §1633.5(b), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.</p>			
<p> Property Owner: _____</p> <p style="text-align: center; margin-top: 10px;"> Signature Print Name Date </p>			
4. APPLICANT ACKNOWLEDGEMENT AND SIGNATURE			
<p>I understand that any information provided to the Department in this application and any additional information provided to the Department related to this application will be subject to the Public Records Act and may be publicly available.</p> <p>I affirm and attest under penalty of perjury that the information provided in this application and any additional information that may be provided to the Department related to this application is true and accurate to the best of my knowledge. The Department reserves the right to verify the undersigned claims. Should this verification reveal intentional falsehood by the claimant, the undersigned may be legally obligated to compensate the State for costs associated with verification and may be subject to criminal, civil, and/or denial or revocation of all rehabilitation-related privileges.</p> <p>I understand that wildlife remains the property of the State and is subject to control by the State. I understand that the permit is a privilege, and that I may be subject to inspection at any reasonable time or day. I acknowledge that any violation of these requirements can result in revocation of a permit.</p> <p>With accordance to California Civil Code §1633.5(b), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.</p>			
<p> Applicant: _____</p> <p style="text-align: center; margin-top: 10px;"> Signature Print Name Date </p>			



DATE OF INSPECTION:			INSPECTED BY:						
1. REASON FOR INSPECTION [check all that apply]									
<input type="checkbox"/> Facility (New) <input type="checkbox"/> Facility (Renewal) <input type="checkbox"/> Facility (Satellite) <input type="checkbox"/> Re-Inspection <input type="checkbox"/> Variance <input type="checkbox"/> Speciality Rehabilitation Authorization <input type="checkbox"/> Other - Authorized Person <input type="checkbox"/> Other-Qualified Handler									
2. PERSONAL INFORMATION									
Full Name (Last, First)		Permittee Name (if different)		GO ID # (if applicable)	Federal Permit # (if applicable)				
Mailing Address		City	State	ZIP					
Physical Address (if different)			City		State	ZIP			
Primary Telephone		Secondary Telephone		Email Address					
3. FACILITY INFORMATION									
Facility Name		Facility Physical Address		<input type="checkbox"/> Property Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Other					
Number of Staff		Number of Volunteers	Number of Sub-Permittees	Number of Authorized Persons	Number of Qualified Handlers				
TAXONOMIC GROUP [select all that apply] <input type="checkbox"/> Herptile <input type="checkbox"/> Mammal <input type="checkbox"/> Waterbird <input type="checkbox"/> Raptor <input type="checkbox"/> Passerine/Other Avifauna				SPECIALTY REHABILITATION [select all that apply] <input type="checkbox"/> Large Carnivore <input type="checkbox"/> Ungulate <input type="checkbox"/> Venomous Snake <input type="checkbox"/> Eagle, Osprey, Falcon					
4. INSPECTION REQUIREMENTS (E = Exceed Requirements, M = Meets Requirements, F = Fails to meet Requirements, N/A = Not Applicable)									
FACILITY REQUIREMENTS (TITLE 14 CCR § 679.3 AND 679.4)						E	M	F	N/A
Permit(s) clearly visible and on display at the facility									
Veterinarian of Record Agreement									
Facility Operation Plan									
Facility Emergency Action Plan - current and readily accessible									
Fire alarms, fire extinguishers, emergency exits (if applicable)									
Emergency evacuation procedures - clearly visible and on display									
Current List of Sub-Permittees									
Current List of Authorized Persons									
Current List of Qualified Handlers									
Personnel training protocol (if applicable)									
Public Reporting protocol									
Satellite facility inspection records									
Authorized persons inspection records									
Succession Plan for continued care of rehabilitation animals if no longer able to provide care									
ENCLOSURE REQUIREMENTS (TITLE 14 CCR § 679.4 (b))						E	M	F	N/A
Enclosures constructed and secured at all times to prevent ingress or egress by any animal.									
Enrichment suitable for the development stage and condition of each rehabilitation animal.									
Enclosures have sufficient drainage to prevent standing water from accumulating.									
Enclosure Labels: Common species name(s), number of animals, identification of each animal.									
Visual and physical separation between rehabilitation animals and non-conspecific rehabilitation animals.									
Visual/physical separation between rehabilitation animals and domestic animals and restricted species.									
Rehabilitation animals have minimal direct human contact and not displayed to the public.									
Pre-Release Enclosures Minimum Size - Waterbirds									
Pre-Release Enclosures Minimum Size - Raptors									
Pre-Release Enclosures Minimum Size – Passerines/Other Avifauna									
Pre-Release Enclosures Minimum Size - Mammals									
Pre-Release Enclosures Minimum Size - Herptiles									
Pre-Release Enclosures Minimum Size - Venomous Snake									



Table 1. Mammal Enclosure Inspection (including specialty rehabilitation).

	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____
	SPECIES:	SPECIES:	SPECIES:	SPECIES:
679 Enclosure Dimensions*				
Dimensions				
Construction				
Double door with locks (if applicable)				
Secured doors				
Substrate				
Predator proof				
Visual barrier				
Hide boxes or sheltered retreat				
Sufficient drainage				
Pool (if applicable)				
Enrichment				
Additional notes:				

*679 Native Wildlife Rehabilitation Regulation Manual – refer to tables for minimum enclosure and enrichment requirements.
 Mammals – Table 5-6
 Specialty Mammals – Table 12-13
 Duplicate this page as needed



Table 2. Avian Enclosure Inspection (including specialty rehabilitation).

	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____
	SPECIES:	SPECIES:	SPECIES:	SPECIES:
679 Enclosure Dimensions*				
Dimensions				
Construction				
Double door with locks (if applicable)				
Secured doors				
Substrate				
Predator proof				
Visual barrier				
Hide boxes, nest box, or sheltered retreat (if applicable)				
Sufficient Drainage				
Pools (if applicable)				
Enrichment				
Additional notes:				

*679 Native Wildlife Rehabilitation Regulation Manual – refer to tables for minimum enclosure and enrichment requirements.
 Bird (not waterbirds) – Tables 7 and 8
 Waterbirds – Tables 9-11
 Eagles & Falcons – Tables 12-13
 Duplicate this page as needed



Table 3. Amphibian and Reptile Enclosure Inspection (including specialty rehabilitation).

	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____
	SPECIES:	SPECIES:	SPECIES:	SPECIES:
679 Enclosure Dimensions*				
Dimensions				
Construction				
Securable door/enclosure				
Substrate				
Predator proof				
Hide box/sheltered retreat				
Temperature/humidity control				
UV light				
Water feature (if applicable)				
Labeled "Venomous" (if applicable)				
Enrichment				
Additional notes:				

*679 Native Wildlife Rehabilitation Regulation Manual – refer to tables for minimum enclosure and enrichment requirements.
 Amphibians and Reptiles – Table 4
 Venomous Snakes – Table 12-13
 Duplicate this page as needed



DATE OF INSPECTION:		INSPECTED BY:					
1. REASON FOR INSPECTION (check all that apply)							
<input type="checkbox"/> Inspection (New) <input type="checkbox"/> Re-Inspection <input type="checkbox"/> Speciality Rehabilitation (no large carnivores) <input type="checkbox"/> Authorized Person <input type="checkbox"/> Variance							
2. PERMITTEE INFORMATION							
Permittee Name (Last, First)		GO ID # (if applicable)		Federal Permit # (if applicable)			
3. SUB-PERMITTEE INFORMATION							
Sub-Permittee Name (Last, First)		Telephone Number		Federal Permit # (if applicable)			
Mailing Address (if different from physical address)		City		State	Zip Code		
Physical Address		City		State	Zip Code		
Email Address:		Facility Name (if applicable)					
4. FACILITY INFORMATION							
Facility Name		Facility Physical Address		<input type="checkbox"/> Property Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Other			
Number of Staff		Number of Volunteers	Number of Sub-Permittees	Number of Authorized Persons	Number of Qualified Handlers		
TAXONOMIC GROUP [select all that apply] <input type="checkbox"/> Herptile <input type="checkbox"/> Mammal <input type="checkbox"/> Waterbird <input type="checkbox"/> Raptor <input type="checkbox"/> Passerine/Other Avifauna			SPECIALTY REHABILITATION [select all that apply] <input type="checkbox"/> Large Carnivore <input type="checkbox"/> Ungulate <input type="checkbox"/> Venomous Snake <input type="checkbox"/> Eagle, Osprey, Falcon				
5. INSPECTION REQUIREMENTS (E = Exceed Requirements, M = Meets Requirements, F = Fails to Meet Requirements, N/A = Not Applicable).							
REQUIREMENT (FACILITY OPERATIONS)				E	M	F	N/A
Permit is at the facility and easily accessible							
Proof of other valid permit(s), if applicable							
Required records (Section 679.5(c))							
Procedure for accepting calls from the public							
Procedure for accepting injured, sick, or orphaned wild animals from the public							
Procedure for keeping domestic animals on property separate from rehabilitation animals							
Training Protocols for staff/volunteers, including training records (i.e., dates, description of training)							
REQUIREMENT (HEALTH AND SAFETY)				E	M	F	N/A
Protocol for handling rabies vector species							
Protocol for communicable disease transmission, prevention, and control							
Protocol for Personal Protection Equipment (PPE) use							
Location of fire alarms, fire extinguishers, emergency exits (if applicable)							
Emergency evacuation procedures clearly visible and on display							
Food safety protocols to safely handle, prepare, and store animal food and human food							
Carcass storage and disposal protocols							
Facility and enclosure cleaning schedule protocol							
REQUIREMENT (ANIMAL WELFARE)				E	M	F	N/A
Procedures for the use & storage of controlled substances							
Euthanasia protocols including list of euthanasia certified staff							
Indoor and outdoor enclosure requirements (Section 679.4(b))*							



6. ENCLOSURES INSPECTION
Use Tables 1-3. Add additional documentation as needed.
7. INSPECTION NOTES
ITEMS THAT FAIL TO MEET REQUIREMENTS (OBSERVED DEFICIENCIES):
ITEMS THAT EXCEED REQUIREMENTS:
OTHER ITEMS OBSERVED DURING THE INSPECTION:
8. INSPECTION DETERMINATION
<input type="checkbox"/> PASS - Meets all requirements <input type="checkbox"/> FAIL - Does not meet all requirements (recommend re-inspection) <input type="checkbox"/> FAIL - Does not meet all requirements (recommend denial) <input type="checkbox"/> FAIL - Does not meet all requirements (recommend revocation)

ACKNOWLEDGEMENT AND SIGNATURE

I understand that any information provided to the Department in this application and any additional information provided to the Department related to this application will be subject to the Public Records Act and may be publicly available.

I affirm and attest under penalty of perjury that the information provided in this application and any additional information may be provided to the Department related to this application is true and accurate to the best of my knowledge.

The Department reserves the right to verify the undersigned claims. Should this verification reveal intentional falsehood by the claimant, the undersigned may be legally obligated to compensate the State for costs associated with verification and may be subject to criminal, civil, and/or denial or revocation of all rehabilitation-related privileges. The Department requires the signature of the property owner and shall not accept any form signed by a designee or third party for permission to enter the property.

With accordance to [California Civil Code §1633.5\(b\)](#), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

✎ Permittee: _____

Signature
Print Name
Date

“I have inspected these facilities and affirm that the information provided herein is accurate regarding the requirements listed in Title 14 CCR 679. I hereby certify the following results of the inspection.

✎ Inspector: _____

Signature
Print Name
Date



Table 1. Mammal Enclosure Inspection (including specialty rehabilitation).

	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____
	SPECIES:	SPECIES:	SPECIES:	SPECIES:
679 Enclosure Dimensions*				
Dimensions				
Construction				
Double door with locks (if applicable)				
Secured doors				
Substrate				
Predator proof				
Visual barrier				
Hide boxes or sheltered retreat				
Sufficient drainage				
Pool (if applicable)				
Enrichment				
Additional notes:				

*679 Native Wildlife Rehabilitation Regulation Manual – refer to tables for minimum enclosure and enrichment requirements.

Mammals – Table 5-6

Specialty Mammals – Table 12-13

Duplicate this page as needed



Table 2. Avian Enclosure Inspection (including specialty rehabilitation).

	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____
	SPECIES:	SPECIES:	SPECIES:	SPECIES:
679 Enclosure Dimensions*				
Dimensions				
Construction				
Double door with locks (if applicable)				
Secured doors				
Substrate				
Predator proof				
Visual barrier				
Hide boxes, nest box, or sheltered retreat (if applicable)				
Sufficient Drainage				
Pools (if applicable)				
Enrichment				
Additional notes:				

*679 Native Wildlife Rehabilitation Regulation Manual – refer to tables for minimum enclosure and enrichment requirements.

Bird (not waterbirds) – Tables 7 and 8

Waterbirds – Tables 9-11

Eagles & Falcons – Tables 12-13

Duplicate this page as needed



Table 3. Amphibian and Reptile Enclosure Inspection (including specialty rehabilitation).

	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____	ENCLOSURE # _____
	SPECIES:	SPECIES:	SPECIES:	SPECIES:
679 Enclosure Dimensions*				
Dimensions				
Construction				
Securable door/enclosure				
Substrate				
Predator proof				
Hide box/sheltered retreat				
Temperature/humidity control				
UV light				
Water feature (if applicable)				
Labeled "Venomous" (if applicable)				
Enrichment				
Additional notes:				

*679 Native Wildlife Rehabilitation Regulation Manual – refer to tables for minimum enclosure and enrichment requirements.
 Amphibians and Reptiles – Table 4
 Venomous Snakes – Table 12-13
 Duplicate this page as needed



A permittee, their sub-permittee, or designee may request to the Department approval for permanent placement of a rehabilitation animal considered by such persons to be unsuitable for release to the wild pursuant to CCR Title 14 Section 679.6. A requestor shall notify the department via email at RehabWildlife@wildlife.ca.gov within 30 calendar days of the last examination and submit required information.

1. REQUESTING PARTY			
Name (Last, First)		GO ID #	
Mailing Address (if different from physical address):		City	State Zip
Physical Address:		City	State Zip
Telephone Number	Email Address	Facility Name (if applicable)	
2. ANIMAL INFORMATION			
Common Species or Scientific Name:		Animal Intake #:	Intake Date:
Age/Age Class:	Sex:	Weight:	Microchip/Tag/Other Identifier (if applicable):
3. ANIMAL EXAMINATION (*NO LATER THAN 30 CALENDAR DAYS FROM DATE OF REQUEST)			
Date of Last Exam*	Name (Last, First)	Title	
Physical Address of Exam	Telephone Number	Email address	
Signature of Examiner		Veterinarian / Registered Veterinary Technician License No. (if applicable)	
4. ANIMAL CONDITION (Check all that apply)			
<input type="checkbox"/> Amputated limb, foot, or wing at or above humero-ulnar joint		<input type="checkbox"/> Permanent visual impairment	
<input type="checkbox"/> Permanent damage to skin, scales, scute, fur, feathers		<input type="checkbox"/> Permanent spinal injury, paralysis, or paresis	
<input type="checkbox"/> Permanent inability to display the physical ability needed to survive in the wild (e.g., forage, hunt, fly)			
<input type="checkbox"/> Permanent inability to display natural life history behaviors of its species (e.g., habituate, mal-imprint)			
Briefly describe:			
5. ANIMAL WELFARE REQUIREMENTS (Check all that apply)			
<input type="checkbox"/> Requires Medication (temporary)		<input type="checkbox"/> Requires Medication (long-term)	
<input type="checkbox"/> Requires Medical Treatment (temporary)		<input type="checkbox"/> Requires Medical Treatment (long-term)	
<input type="checkbox"/> Requires Enclosure Modifications		<input type="checkbox"/> Requires Special Diet / Modified Feeding	
<input type="checkbox"/> Must Be Housed with Other Animals		<input type="checkbox"/> Must Be Housed Alone	
6. SUGGESTED PLACEMENT OPTIONS (If applicable)			

Acknowledgement and Signature

"I understand that any information provided to the Department in this document and any additional information provided to the Department related to this report will be subject to the Public Records Act and may be publicly available. I affirm and attest under penalty of perjury that the information provided in this document and any additional information that may be provided to the Department related to this report is true and accurate to the best of my knowledge."

The Department reserves the right to verify the undersigned claims. Should this verification reveal intentional falsehood by the claimant, the undersigned may be legally obligated to compensate the State for costs associated with verification.

With accordance to [California Civil Code §1633.5\(b\)](#), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

Requesting Party: _____
 Signature Print Name Date

PERMANENT PLACEMENT DETERMINATION [***Official Use Only***]			
<input type="checkbox"/> Approve [No Other Examination Required]	<input type="checkbox"/> Approve [Other Examination Required]	Approved Facility:	
<input type="checkbox"/> Deny [Fails to protect animal welfare, native wildlife, human health, or human safety]		<input type="checkbox"/> Euthanize <input type="checkbox"/> Transfer <input type="checkbox"/> Release	
Authorized Staff: _____ Signature Print Name Title Date			

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE
ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)
STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Add Sections 679.1 et seq. 679.9, Title 14, CCR, Re: Possession of Wildlife and Wildlife Rehabilitation			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance
- g. Impacts individuals
- h. None of the above (Explain below):

No new compliance costs necessarily incurred

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

Fish and Game Commission

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: **80**

Describe the types of businesses (Include nonprofits): **Nonprofit wildlife rehabilitation facilities and supporting satellite facilities**

Enter the number or percentage of total businesses impacted that are small businesses: **100%**

4. Enter the number of businesses that will be created: **0** eliminated: **0**

Explain: **Regulatory amendments are to clarify and codify facility standards that are already widely practiced.**

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: **0** and eliminated: **0**

Describe the types of jobs or occupations impacted: **N/A; No change induced for labor demand or jobs to meet standards that are already widely practiced.**

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 14,000
- a. Initial costs for a small business: \$ 1,000 Annual ongoing costs: \$ 0 Years: 1
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- c. Initial costs for an individual: \$ 500 Annual ongoing costs: \$ 0 Years: 1
- d. Describe other economic costs that may occur: No new costs for typical businesses as most already meet standards. Approx. 5% of primary rehabilitation & satellite facilities may spend from \$500-\$1,000 in initial costs (see Addendum).

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A

4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: CA Fish and Game Commission has authority to regulate wildlife rehabilitation facilities within the state.

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ N/A

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Regs. propose site-specific conditions to protect native wildlife, agriculture interests, animal welfare, health & welfare of CA residents, and worker safety with enhanced biosecurity protocols, improved caging requirements, and protocols for animals suspected to have a communicable disease (see Addendum).

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: CA Fish and Game Commission has authority to regulate wildlife rehabilitation facilities within the state.

3. What are the total statewide benefits from this regulation over its lifetime? \$ See Addendum

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: N/A

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No other alternatives were considered that would meet the program objectives.

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ best practices* Cost: \$ 14,000
Alternative 1: Benefit: \$ N/A Cost: \$ N/A
Alternative 2: Benefit: \$ N/A Cost: \$ N/A

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: *The proposed regulations are to clarify and codify wildlife rehab. best practices and facility standards that are already widely implemented to ensure continued benefits. Costs are for enclosure improvements.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: In many instances, performance standards are specified without the requirement of particular means.

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: No effect on the level of investment in the State is anticipated.

The incentive for innovation in products, materials or processes: No effect on the incentive for innovation in products, materials, or processes is anticipated.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: Benefits to the health and welfare of CA residents, worker safety, and the environment are anticipated.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- a. Implements the Federal mandate contained in _____

- b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain See addendum

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE



The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE



Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD 399 Addendum

Repeal Section 679

Add Sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9, and Chapters 2 and 3 of the Native Wildlife Rehabilitation 679 Regulations manual Title 14, California Cod of Regulations

Re: Possession of Wildlife and Wildlife Rehabilitation

Economic Impact Statement

Background

The California Department of Fish and Wildlife (Department) currently oversees 80 permitted wildlife rehabilitators who operate wildlife rehabilitation facilities throughout the state. These facilities employ or involve approximately 3,000 staff and volunteers. Additionally, there are approximately 550 satellite facilities overseen by sub-permittees operating under a wildlife rehabilitation permit, which is valid for three years.

Section 679 of Title 14, California Code of Regulations underwent a minor regulatory change in 2007. However, several necessary changes were not addressed during that rulemaking process. The proposed regulations aim to establish current requirements for the care and possession of injured, orphaned, and diseased wildlife, address known deficiencies regarding facility operations, enclosures, humane care, and treatment standards and protect the animal welfare, safety, and well-being of rehabilitation animals.

Section A. Estimated Private Sector Cost Impacts

Question 1.

Answer b. Minor impacts to small businesses. 80 Wildlife Rehabilitation Permitholders operate Wildlife Rehabilitation Facilities throughout the state (more than half operate as nonprofit entities); approximately 550 satellite facilities operated by sub-permittees.

Many wildlife rehabilitation facilities currently meet or exceed the proposed requirements of this rulemaking. Extensive outreach and feedback have been incorporated into the crafting of these provisions to avoid undue cost impacts to affected private sector entities. For those few facilities that have not met all the specified standards, variances are available to permit additional time to upgrade. It is estimated that approximately 5% of wildlife rehabilitation facilities, including satellite facilities and home-based wildlife rehabilitators, will require minor improvements to their enclosures to meet the new requirements. It is estimated that 4 wildlife rehabilitation facilities will have to perform minor to moderate improvements to their enclosures at a cost of \$1,000 or less. It is estimated that approximately 28 satellite facilities will have to perform minor modifications to their enclosures at a cost of \$500 or less. The total estimated cost (statewide) is estimated to be \$14,000 or less. A wildlife rehabilitator, including permitholders, their designees and sub-permittees may submit a variance request for department approval of alternative enclosure sizes, design, or construction materials that differ from the proposed requirements at no cost (\$0).

Additionally, attention has been given to ensure that training requirements can be met at no cost or optional additional costs to wildlife rehabilitation staff. Training options have been expanded to include such options as monthly facility safety meetings. The proposed annual reports and triage plans have already been prepared by wildlife rehabilitation staff, but submittal to the Department will now be required.

Question 6. Number of jobs created and eliminated.

The Commission does not anticipate that the proposed regulation would induce any impact on the creation or elimination of jobs because the proposed regulatory action is not anticipated to stimulate or diminish demand for services related to wildlife rehabilitation as no new tasks are induced by the proposed regulatory action.

Section B. Estimated Costs

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime?

Compliance with the proposed regulation is expected to incur minimal to no new costs. Most businesses already adhere to the new standards. An estimated 5% of rehabilitation and satellite facilities may incur initial costs between \$500 and \$1,000. The total statewide cost of this regulation over its lifetime is estimated to be \$14,000 for businesses and individuals.

Section C. Estimated Benefits

Question 1. Briefly summarize the benefits of the regulation.

Anticipated benefits of the regulation include consistency with current wildlife rehabilitation standards: with the codification that California's wildlife rehabilitation practices align with the most current standards and scientifically based requirements to 1) protect animal welfare, native wildlife, human health and safety; 2) meet Department goals for conservation and management of native wildlife species; and 3) increase public awareness of the ethical standards maintained by wildlife rehabilitators in California.

While most wildlife rehabilitation facilities currently meet the proposed requirements, codifying best practices ensures that these facilities will continue to maintain current standards and scientifically based requirements for temporarily possessing and rehabilitating native wildlife for release back into the wild. The proposed changes allow the Department to require site-specific best practices to protect, native wildlife, agricultural interests, the state's environment, animal welfare, health and welfare of California residents, and worker safety. Additionally, best practices will include enhanced biosecurity protocols, improved caging requirements, and standardized reporting protocols for animals known or suspected to have a communicable disease.

This action will increase the efficiency and ability for public to get wildlife to rehabilitators (currently record keeping for satellite facilities and regulation/MOU information is limited). Requiring an emergency action plan will prevent costly responses from having to have the state respond to facilities impacted by wildfires or storms.

Question 3. What are the total statewide benefits from this regulation over its lifetime?

The total statewide benefits of the proposed regulation are difficult to specify as the majority of regulated wildlife rehabilitation facilities are currently meeting the standards described in this

action, such that the benefits are already in full effect. The proposed regulations are to ensure that these standards are codified and may be updated as needed to the latest best practices so as to perpetuate the benefits over time.

Question 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation.

The Commission does not anticipate that the proposed regulation would induce any impacts on the expansion of businesses currently doing business within the state.

Fiscal Impact Statement

Section A. Fiscal Effect on Local Government

Answer 5. No Fiscal impact exists. This regulation does not affect any local entity or program.

Section B. Fiscal Impact on State Government

Answer 3. No fiscal impact exists. This regulation does not affect any State agency or program. No change in costs or savings to state agencies is expected as a direct result of the proposed amendments to Section 679. The Department currently oversees 80 wildlife rehabilitation facilities and approximately 550 satellite facilities each year. The Department has estimated that the specification of standards for wildlife rehabilitation facilities, improved oversight, and support to permittees throughout the state by the Department's Native Wildlife Rehabilitation Program will not change costs for staff time or materials. The Department's Wildlife Health Laboratory program costs will remain unchanged and within currently existing budgets and resources.

Answer 4. Other. Explain: Per California Code, Fish and Game Code - FGC § 713, the fees charged by the department and printed on application forms will be updated to the most current year fee amounts. The change in fee amount is not a result of this rulemaking, but due to FGC Section 713, which directs the Department to adjust fees consistent with the implicit price deflator for state government each year. The fees have been continuously adjusted by the Department's License and Revenue Branch. This action will update the fee amount shown on the forms to the most current year's fee.

Section C. Fiscal Effect on Federal Funding of State Programs

Answer 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.



POSSESSION OF WILDLIFE AND WILDLIFE REHABILITATION

Title 14 California Code of Regulations §679



PRESENTATION TO THE CALIFORNIA FISH AND GAME COMMISSION

June 19, 2024 | Vicky Monroe

Wildlife Branch/Wildlife Health Laboratory

Proposed Changes to Title 14

- Update requirements for the possession and care of injured and diseased wildlife, and to address issues in the rehabilitation of wildlife.
- The regulation change requires the repeal of the current Section 679 adopted in 1994 and amended in 2007.
- Proposed changes are necessary because the acceptable standards and requirements for wildlife rehabilitation and veterinary care have changed.



Photo Credit: Wildlife Care of Silicon Valley



Background Information

- CDFW currently oversees 80 permitted wildlife rehabilitation facilities throughout the State.
- Facility operations for these permittees include: 3,000+ staff and volunteers, 500+ satellite facilities, and hundreds of home-care fosters.
- Annual intakes: 100,000+ wild animals; 66% birds, 33% mammals, 1% amphibians & reptiles.



Photo Credit: Tri County Wildlife Rescue

Summary of Proposed Changes (Pt. 1)

- Repeal T14 CCR Section 679
- Add 679.1 Definitions
- Add 679.2 Transportation and Confinement
- Add 679.3 Permits for Wildlife Rehabilitation
- Add 679.4 Facility and Enclosure Standards for Rehabilitation Animals
- Add 679.5 Humane Animal Care Standards
- Add 679.6 Release of Rehabilitation Animals into the Wild



Photo Credit: Department of Fish and Wildlife



Summary of Proposed Changes (Pt. 2)

- Add 679.7 Inspection of Wildlife Rehabilitation Facilities
- Add 679.8 Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals
- Add 679.9 Revocation of Permit, Sub-Permit, or Variance Request; Proof of Service; Request for Reconsideration; Appeal of Revocation
- Incorporate by reference Chapters 2 and 3 of the Native Wildlife Rehabilitation 679 Regulations Manual.



Photo Credit: Lake Tahoe Wildlife Care



Requirements and Standards

- The proposed changes set forth with specificity the necessary experience of a wildlife rehabilitator, permitting process requirements, treatment and care requirements (intake to release), inspection standards, administrative determinations, and the appeals process.
- CDFW has created 14 proposed forms, as described in their respective subsections of these regulations, to aid persons who wish to apply for a permit and those who currently hold a permit.

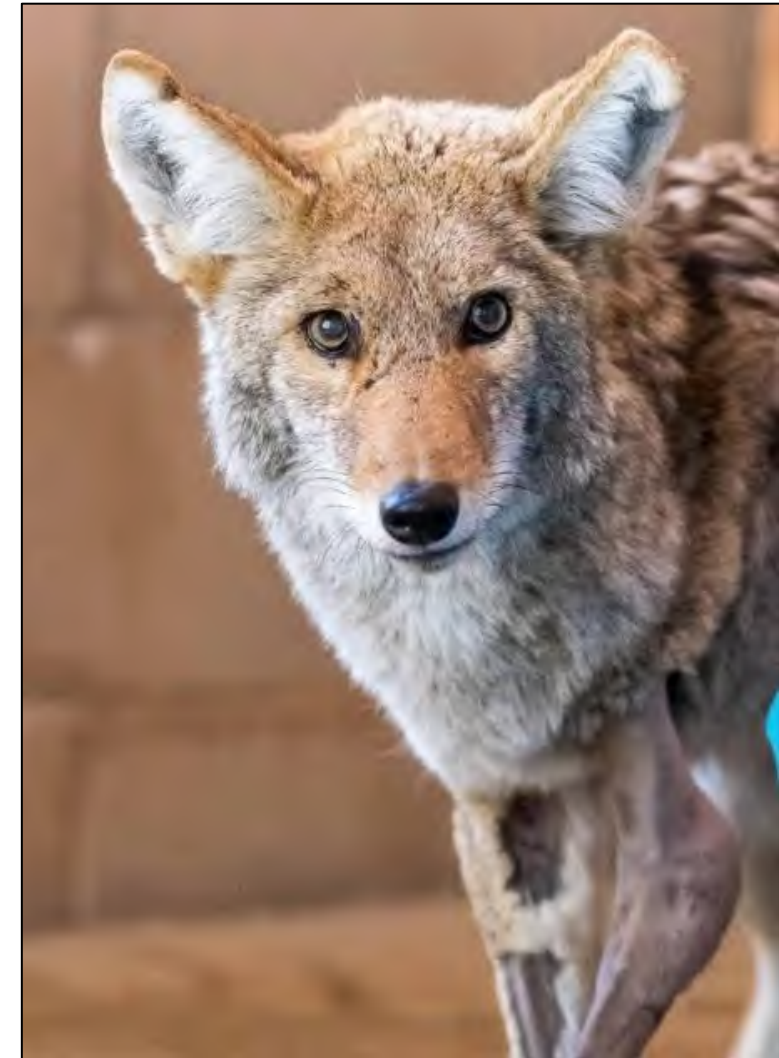


Photo Credit: Lake Tahoe Wildlife Care

Benefits of Proposed Changes

- These proposed changes ensure that California aligns with the most current scientifically-based wildlife rehabilitation practices; and the sustainable management of wildlife resources to ensure their continued existence.
- These proposed changes enable CDFW to better meet the needs of current and future wildlife rehabilitators.
- Ethical, skilled wildlife rehabilitators are partners in wildlife conservation and conservation education.



Photo Credit: International Bird Rescue



Thank You! | Questions?



Vicky Monroe

Conflict Programs Coordinator

Native Wildlife Rehabilitation Program

Rehabwildlife@wildlife.ca.gov



Staff Summary for April 17-18, 2024
 (For background purposes only)

17. White Sturgeon Sport Fishing Regular Rulemaking

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations through a regular rulemaking to adopt the emergency rules for the recreational take of white sturgeon.

Summary of Previous/Future Actions

- Adoption hearing for *emergency regulations* regarding recreational take of white sturgeon October 11-12, 2023
- Wildlife Resources Committee (WRC) discussed a regular rulemaking regarding recreational take of *white sturgeon in 2025* January 16, 2024; WRC
- Today's adoption hearing for first 90-day extension of *emergency regulations* April 17-18, 2024
- **Today's notice hearing for regular rulemaking regarding recreational take of white sturgeon** **April 17-18, 2024**
- Discussion hearing for *regular rulemaking* June 19-20, 2024
- Notice hearing for rulemaking concerning recreational take of *white sturgeon in 2025* June 19-20, 2024
- Adoption hearing for *regular rulemaking* August 14-15, 2024
- Discussion hearing for rulemaking regarding recreational take of *white sturgeon in 2025* August 14-15, 2024
- Adoption hearing for rulemaking regarding recreational take of *white sturgeon in 2025* October 9-10, 2024

Background

Three rulemakings related to white sturgeon are actively being advanced or considered by the Commission: extension of the regulation changes first adopted through an *emergency rulemaking* in October 2023, a request to publicly notice a *regular rulemaking* for the same regulation changes that would be effective for as long as necessary once adopted and approved, and another regular rulemaking for different regulation changes to take effect for *white sturgeon in 2025*. If approved at this meeting, the *white sturgeon in 2025* rulemaking will be introduced for potential notice at the June 2024 Commission meeting.

Emergency Regulations

At its October 2023 meeting, the Commission took emergency action to amend regulations regarding inland and ocean recreational take of white sturgeon to support recovery of populations and to track fishing pressure and success. The emergency regulation went into effect on November 16, 2023 and, if not extended by the Commission, will expire May 15, 2024. The Commission will be asked to consider re-adopting the emergency regulations for an additional 90-day period during Agenda Item 14 of today's meeting. If approved, the

Staff Summary for April 17-18, 2024
(For background purposes only)

emergency regulations will then expire August 13, 2024. Staff may recommend a second and final extension at the June 2024 Commission meeting.

Prior to the effective date of the emergency regulations, recreational anglers were permitted to keep one white sturgeon per day, and a combined total of three per year, between 40- and 60-inches fork length. The season was open year-round, with some limited regional and/or seasonal closures.

At the October 2023 Commission meeting, the Department recommended the Commission adopt regulations for recreational catch-and-release only for white sturgeon (see Exhibit 1). However, after receiving public testimony regarding the impact of a catch-and-release only fishery on the recreational fishing industry, the Commission adopted regulations that allow limited recreational harvest of white sturgeon. The emergency regulations:

- Reduced the annual bag limit for white sturgeon from three fish to one fish;
- reduced the legal slot limit from 40 to 60 inches fork length to 42 to 48 inches fork length;
- established a limit of two white sturgeon per day per vessel;
- closed white sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31, and specified other portions of the Sacramento and San Joaquin rivers and ocean waters remained open year-round except for a seasonal closure in the San Francisco Bay;
- specified that once an angler has retained and tagged a white sturgeon, they may not continue to catch-and-release white sturgeon on the same day, but may catch-and-release white sturgeon starting the day after;
- specified that once the white sturgeon vessel limit is reached, only anglers who have not retained and tagged a white sturgeon that day may continue to catch-and-release white sturgeon;
- amended white sturgeon report card and tagging requirements for consistency with the changes to the white sturgeon annual bag limit and catch-and-release restrictions;
- added a requirement to report length of sturgeon caught and released on the report card; and
- required anglers to report additional sturgeon caught and released on the back of the report card once all the lines on the front of the card are filled.

Proposed Regulations through Regular Rulemaking

The proposed regulatory action under this agenda item seeks to continue through a regular rulemaking the emergency amendments to sections 5.79, 5.80, 27.90 and 27.92 that specify report card and tagging requirements, and seasons and bag limits for white sturgeon sport fishing in inland waters and ocean waters. The intent is to continue the limited harvest regimen until the effective date of the 2025 regulations concerning recreational take of white sturgeon.

Staff Summary for April 17-18, 2024
(*For background purposes only*)

Further details on the proposed changes are available in the draft initial statement of reasons (ISOR) and proposed regulatory language (exhibits 3 and 4).

Future Rulemaking for 2025

At the January 16, 2024 WRC meeting, the Department proposed for 2025 a limited-entry harvest tag system with a set number of tags for a regular rulemaking. Guides and sturgeon anglers proposed an alternative tag system with an unlimited number of tags and close monitoring of harvest levels. Discussions considered the status of white sturgeon populations and potential economic losses from businesses that support the recreational sturgeon fishery. The Department underscored the importance of protecting spawning areas to conserve white sturgeon populations in the long-term. Some stakeholders voiced reservations about the reliability of data presented by the Department and whether population declines are real.

WRC Chair Zavaleta explained the range of options, from closure through catch-and-release, to the tag system proposals, to the current emergency regulations. She expressed concerns about the status of white sturgeon as a species and requested that the Department include an option for catch-and-release fishing only in the proposal it presents to the Commission.

At its February 14-15, 2024 meeting, the Commission approved WRC's recommendation that the Commission support a future regular rulemaking regarding white sturgeon, with options for both the Department's recommendation and catch-and-release. Under Agenda Item 27 today, the Department proposes that the Commission, at its June 2024 meeting, issue a notice of intent to amend white sturgeon regulations for the 2025 rulemaking.

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of notice of proposed changes to regulations regarding recreational take of white sturgeon as recommended by the Department.

Department: Authorize publication of notice of proposed changes to regulations regarding recreational take of white sturgeon as described in the draft ISOR.

Exhibits

1. Staff summary for October 11-12, 2023 Commission meeting, Agenda Item 9 (*for background purposes only*)
2. Department memo, received April 8, 2024
3. Draft ISOR
4. Draft proposed regulatory language
5. Draft economic and fiscal impact statement (STD. 399) and addendum

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 5.79, 5.80, 27.90 and 27.92 related to recreational take of white sturgeon.

State of California
Fish and Game Commission

Initial Statement of Reasons for Regulatory Action
Certificate of Compliance

Amend Sections 5.79, 5.80, 27.90, and 29.72,
Title 14, California Code of Regulations
Re: White Sturgeon Fishing

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: April 18, 2024

Location: San Jose

(b) Discussion Hearing:

Date: June 20, 2024

Location: Mammoth Lakes

(c) Adoption Hearing:

Date: August 15, 2024

Location: Fortuna

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR). Commission refers to the California Fish and Game Commission unless otherwise specified. Department and CDFW both refer to the California Department of Fish and Wildlife unless otherwise specified.

The proposed changes to the White Sturgeon (*Acipenser transmontanus*) sport fishing regulations aim to continue the one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023 (Office of Administrative Law file #2023-1106-01E). The existing emergency regulations are set to expire in November 2024, following planned readoptions of the emergency regulations in April and August. It is anticipated that a standard rulemaking with long-term changes to the White Sturgeon fishery will be received by the Commission in summer 2024. The proposed amendments in this current rulemaking are necessary to protect the White Sturgeon population until the long-term regulation can be implemented.

Background

White Sturgeon Sport Fishing

White Sturgeon are an anadromous species of fish that reside primarily in the San Francisco Bay Delta (SF Bay) and migrate as adults into the major rivers of the Central Valley to spawn. Most spawning occurs in the Sacramento River approximately between

Verona and Colusa (Schaffter 1997), with a lesser amount of spawning on the lower San Joaquin River (Jackson et al. 2015). Some additional spawning may occur in tributaries such as the Feather, Bear, and Yuba rivers. White Sturgeon are long lived, potentially in excess of 100 years, with most reaching maturity by approximately 19 years, spawning every two to five years once mature (Chapman et al. 1996; Hildebrand et al. 2016). Successful recruitment to the adult population is uncommon, occurring approximately every six to seven years, highly correlated with above normal water years as measured by high mean daily Delta outflow (CDFW 2023; Fish 2010). The abundance of legal-sized White Sturgeon has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish (CDFW 2023; Danos et al. 2019). In 2015, the Department estimated abundance at about 48,000 fish (Danos et al. 2019), and the most recent estimate was about 33,000 fish (CDFW 2023).

Until the start of the emergency action on November 16, 2023, recreational anglers were permitted to keep one White Sturgeon per day, and a combined total of three per year, between 40 and 60 in. fork length (FL), meaning the measurement of the fish from the front of its head to the fork in its tail. The season was open year-round, with some limited regional and/or seasonal closures. As of November 16, 2023, the emergency action a) reduced the annual bag limit for White Sturgeon from three to one fish, b) reduced the legal-sized slot limit from 40-60" FL to 42-48" FL, c) placed a limit of two fish per day per boat, and d) closed White Sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31.

Fishing pressure for White Sturgeon has remained stable at roughly 40,000 to 45,000 anglers per year since 2013 when fees were first charged for the Sturgeon Fishing Report Card (Card). Based on Card returns, the number of fish harvested by anglers has remained relatively stable. However, the number of fish caught and released has declined precipitously, indicating that fewer fish overall are being caught. According to Card data, in 2021, anglers kept 46% of landed fish (Hause et al. 2021). The majority of anglers that harvest fish keep only one per year (75%), with only about 5% of anglers that harvest (1% of Card-holders) keeping the full three-fish limit. Exploitation rate of White Sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015 (Blackburn et al. 2019) and averaging 8.1% in the years since then (CDFW 2023). It is suggested that the highest exploitation rate that a sturgeon population can sustain is approximately 5 to 10% (Beamesderfer and Farr 1997) and that does not account for other anthropogenic sources of mortality such as habitat loss, altered hydrology, or contaminants. For comparison, Washington and Oregon use 3.8% as a target for management in areas that permit harvest.

During July and August 2022, the San Francisco Bay region experienced a major Harmful Algal Bloom (HAB) of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including sturgeon. The Department recorded over 850 sturgeon carcasses, the majority legal-sized or larger and within the age range of the core spawning population (CDFW 2023). The number of carcasses observed during the HAB was 62% of the number harvested by anglers in 2022. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected (Fox et al. 2020). While the absolute magnitude of the HAB's impact on the

White Sturgeon population is unknown, it is thought to be quite significant. In addition, in July and August of 2023, a HAB of the same species was detected in San Francisco Bay and at least 15 white sturgeon carcasses were reported, though the total impacts are unknown.

The fish kill resulting from the HAB exacerbated what the Department believed to be an already unsustainable level of fishery exploitation of White Sturgeon into a crisis situation. In order to protect the surviving population of White Sturgeon and maintain a recreational fishery into the future, immediate steps were necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully and new individuals can recruit to the population. The Department recommended that all harvest of White Sturgeon within the recreational fishery be paused starting January 2024, until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry. At its October 11, 2023 meeting, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits, and institution of per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat. This was intended to protect the existing population in the short term while allowing time for the Department to develop new long-term management measures for the future population.

Proposed Regulations

This proposed regulatory action seeks to continue amendments to sections 5.79, 5.80, 27.90, and 27.92, Title 14, CCR, which describe report card and tagging requirements, and seasons and bag limits for White Sturgeon sport fishing in inland and ocean waters. The proposed changes aim to continue the existing one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023.

Subsection 5.79, White Sturgeon Report Card and Tagging Requirements for Inland Waters

The proposed regulations amend White Sturgeon report card and tagging requirements for inland waters in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (b): Edit text to reflect that report cards will come with only one tag rather than three. Add subsections (7) and (8) to clarify when anglers can continue to fish catch and release after harvesting a fish. Anglers will not be permitted to fish catch and release the same day they harvest a fish in order to prevent 1) take over the daily possession limit and 2) “high grading” (holding a fish in captivity while continuing to fish in the hopes of catching a larger individual).
- Subsection (c)(1): Add a requirement for anglers to report length of fish caught and released. This is necessary to provide more data availability on the nature of size to inform future management options related to age.

- Subsection (c)(2): Remove the current language that tells anglers if all lines on the card are filled, any additional sturgeon caught and released do not need to be recorded, and replace with language specifying that anglers may report additional sturgeon caught and released on the back of the card. This is necessary in order to track fishing pressure and success. It is valuable to track all fish caught by anglers and this should not be restricted simply by the size of the printed card. This type of data allows the Department to form a better understanding of the fishery as it plans long-term regulations for the fishery.

Section 5.80, White Sturgeon

The proposed regulations amend the White Sturgeon open season and daily and annual bag limit in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (a): From the west Carquinez Bridge east to the Highway 50 bridge on the Sacramento River and the Interstate 5 bridge on the San Joaquin River, the fishing season will remain open all year. Above the Highway 50 bridge on the Sacramento River and the Interstate 5 bridge on the San Joaquin River, including all tributaries of both rivers, fishing will be allowed from June 1 through December 31 and all fishing for sturgeon will be unlawful from January 1 to May 31. This is necessary to maintain recreational fishing, which has economic and cultural benefits, while preventing additional mortality of the impacted White Sturgeon population and minimizing harassment and handling of migrating and spawning individuals. White Sturgeon are known to handle catch and release fishing with minimal adverse impacts except during migration and spawning season when additional stress of catch can cause fish to abort spawning activities.
- Subsection (b), now (b) and (c): Divide this subsection so there are individual subsections for daily and annual limits. Proposed subsection (b) specifies the daily limit and provides unambiguous clarification of when catch and release angling is permitted. Proposed subsection (c) changes the annual bag limit of “three fish per year statewide” to “one fish per calendar year statewide”. This is necessary to reduce harvest of White Sturgeon in inland waters to ensure protection of the population impacted by the HAB-induced fish kill and provide protection during migration and spawning.
- Add subsection (d): Add a daily vessel maximum limit of two fish per day per vessel, regardless of how many anglers are on board. This will help reduce the daily amount of harvest associated with multi-angler vessels, both private and professional, and should contribute to less overall harvest of the adult population.
- Subsection (c), now (e): Change the minimum legal size from 40 to 42 in. fork length and the maximum size from 60 to 48 in. fork length. Reducing the slot limit to target a lower size range of adults is expected to reduce overall harvest and provide more protection of the larger, most reproductively valuable fish in the population.

- Subsections (d) through (j) will need to be re-lettered as subsections (f) through (l) to account for the splitting of subsection (b) and the addition of subsection (d) daily vessel maximum harvest.

Section 27.90, White Sturgeon

These regulations refer to areas west of the Carquinez Bridge, which fall under the jurisdiction of marine fisheries. The proposed regulations amend the White Sturgeon open season and daily and annual bag limit in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (a): West of the Carquinez Bridge, angling will be allowed all year, except as described in Section 27.95. This note has been added to explicitly draw attention the existing seasonal closure in San Francisco Bay.
- Subsection (b), now (b) and (c): Divide this subsection so there are individual subsections for daily and annual limits. Proposed subsection (b) specifies the daily limit and provides unambiguous clarification of when catch and release angling is permitted. Proposed subsection (c) changes the annual bag limit of “three fish per year statewide” to “one fish per calendar year statewide.” This is necessary to reduce harvest of White Sturgeon in marine waters to ensure protection of the population impacted by the HAB-induced fish kill and provide protection during migration and spawning.
- Add subsection (d): Add a daily vessel maximum limit of two fish per day per vessel, regardless of how many anglers are on board. This will help reduce the daily amount of harvest associated with multi-angler vessels, both private and professional, and should contribute to less overall harvest of the adult population.
- Subsection (c), now (e): Change the minimum legal size from 40 to 42 in. fork length and the maximum size from 60 to 48 in. fork length. Reducing the slot limit to target a lower size range of adults is expected to reduce overall harvest and provide more protection of the larger, most reproductively valuable fish in the population.
- Subsections (d) through (h) will need to be re-lettered as subsections (f) through (j) to account for the splitting of subsection (b) and the addition of subsection (d) daily vessel maximum harvest.

Subsection 27.92, White Sturgeon Report Card and Tagging Requirements for Ocean Waters

The proposed regulations amend White Sturgeon report card and tagging requirements for ocean waters in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (b): Edit text to reflect that report cards will come with only one tag rather than three. Add subsections (7) and (8) to clarify when anglers can continue to fish catch and release after harvesting a fish. Anglers will not be permitted to fish catch and release the same day they harvest a fish in order to prevent 1) take over the

daily possession limit and 2) “high grading” (holding a fish in captivity while continuing to fish in the hopes of catching a larger individual).

- Subsection (c)(1): Add a requirement for anglers to report length of caught fish to provide more data availability to inform future management options.
- Subsection (c)(2): Remove the current language that tells anglers if all lines on the card are filled any additional sturgeon caught and released do not need to be recorded and replace with language specifying that anglers may report additional sturgeon caught and released on the back of the card. This is necessary in order to track fishing pressure and success. It is valuable to track all fish caught by anglers and this should not be restricted simply by the size of the printed card. This type of data allows the Department to form a better understanding of the fishery as we plan long-term regulations for the fishery.

(b) Goals and Benefits of the Regulation

These harvest restrictions will protect the remaining population while new long-term regulations are developed, providing opportunity for surviving fish to spawn unmolested.

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

Section 5.79

Authority cited: Sections 200, 205, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.

Section 5.80

Authority cited: Sections 200, 205, 265, 270, 275, 315 and 399, Fish and Game Code.

Reference: Sections 110, 200 and 205, Fish and Game Code.

(note: Sections 270 and 315 were added to the authority with this action to allow for Commission consideration for actions needed to manage the White Sturgeon fishery.)

Section 27.90

Authority cited: Sections 200, 205, 265, 275 and 399, Fish and Game Code.

Reference: Sections 110, 200, and 205, Fish and Game Code.

Section 27.92

Authority cited: Sections 200, 205, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change

California Department of Fish and Wildlife (CDFW). 2023. White Sturgeon 2023 Emergency Regulation Change: Supporting Material. California Department of Fish and Wildlife, Fisheries Branch, West Sacramento, California.

Danos, A., J. DuBois, R. Baxter, J. T. Kelly, and M. L. Gingras. 2019. White Sturgeon, *Acipenser transmontanus*, Enhanced Status Report. California Department of Fish and Wildlife. <https://marinespecies.wildlife.ca.gov/white-sturgeon/>

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(f) Documents Providing Background Information

Beamesderfer, R. C. P., and R. A. Farr. 1997. Alternatives for the protection and restoration of sturgeons and their habitat. *Environmental Biology of Fishes* 48:407–417.

Blackburn, S. E., M. L. Gingras, J. DuBois, Z. J. Jackson, and M. C. Quist. 2019. Population Dynamics and Evaluation of Management Scenarios for White Sturgeon in the Sacramento–San Joaquin River Basin. *North American Journal of Fisheries Management* 39(5):896–912.

Chapman, F. A., J. P. Van Eenennaam, and S. I. Doroshov. 1996. The reproductive condition of white sturgeon, *Acipenser transmontanus*, in San Francisco Bay, California. *Fishery Bulletin* 94:628–634.

Fish, M. A. 2010. White Sturgeon Year-Class Index for the San Francisco Estuary and its Relation to Delta Outflow. *IEP Newsletter* 23(2):80–84.

Fox, D. A., E. A. Hale, and J. A. Sweka. 2020. Examination of Atlantic Sturgeon Vessel Strikes in the Delaware River Estuary: Final Report. NOAA-NMFS Award No. NA16NMF4720357.

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Hildebrand, L. R., A. Drauch Schreier, K. Lepla, S. O. McAdam, J. McLellan, M. J. Parsley, V. L. Paragamian, and S. P. Young. 2016. Status of White Sturgeon (*Acipenser transmontanus* Richardson, 1863) throughout the species range, threats to survival, and prognosis for the future. *Journal of Applied Ichthyology* 32:261–312.

Jackson, Z. J., J. J. Gruber, and J. P. Van Eenennaam. 2015. White Sturgeon Spawning in the San Joaquin River, California, and Effects of Water Management. *Journal of Fish and Wildlife Management* 7(1):171–180.

Lamansky, J. A., K. A. Meyer, J. M. DuPont, B. J. Bowersox, B. Bentz, and K. B. Lepla. 2018. Deep hooking, landing success and gear loss using inline and offset circle and J

hooks when bait fishing for white sturgeon. Fisheries Management and Ecology 25(2):100–106.

Schaffter, R. G. 1997. White sturgeon spawning migrations and location of spawning habitat in the Sacramento River, California. California Fish and Game 83(1):1–20.

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

Wildlife Resources Committee meeting, September 19, 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to a regulatory change were identified by or brought to the attention of Commission staff that would have the same desired effect. At the October 11, 2023 Commission meeting, the Department recommended that all harvest of White Sturgeon within the recreational fishery be paused until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry. Following a discussion between Department staff and sturgeon fishing industry representatives, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits and instituted per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat.

(b) No Change Alternative

A delay in prompt action to amend the regulations for White Sturgeon puts the species at risk. Under current environmental and management conditions, the White Sturgeon population cannot handle the current rate of exploitation and is not sustainable. The fish kill resulting from the 2022 HAB exacerbated what the Department believes to be an already unsustainable level of fishery exploitation of White Sturgeon. In order to protect the surviving population of White Sturgeon and maintain a recreational fishery into the future, it is necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully, and new individuals can recruit to the population.

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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. A bag limit maintains the existing economic climate because the reduction is not significant enough to alter fishing behavior beyond reducing daily harvest.

- (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 any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. This proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs or the demand for goods and services. The Commission does not anticipate any benefits to the health and welfare of California residents, or worker safety. The Commission anticipates benefits to the State's environment by sustainably managing California's sportfishing resources.

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

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No change in fees, nor gear or equipment requirements are introduced for the recreational White Sturgeon fishery.

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

No costs or savings to state agencies or costs/savings in federal funding to the state are anticipated. The Department's existing level of monitoring and enforcement activities is expected to be unchanged by the proposed regulation. However, the Department anticipates a continuation of the reduction in White Sturgeon Report Cards sales revenue since the emergency had been implemented. Card sales revenue losses are estimated to be about \$20,000 in the 2024 license year.

- (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

The proposed rulemaking would make the emergency White Sturgeon fishing regulations permanent. This is necessary to maintain current and future recreational fishing's economic and cultural benefits, while preventing additional mortality of the impacted White Sturgeon population and minimizing harassment of spawning individuals.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs.

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

The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for goods and services related to White Sturgeon fishing within the state.

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

The Commission does not anticipate any impacts on the expansion of businesses in California because this action will not affect the demand for goods and services related to White Sturgeon fishing within the state.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any impacts to worker safety because the proposed regulation does not impact working conditions.

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

The Commission anticipates benefits to the state's environment through this regulatory action to make near-term changes directed at reducing exploitation rate and protecting reproduction of the species until more updated management actions for the fishery are enacted that will adequately protect the remaining White Sturgeon population in the long-term. Based on fishery data, the White Sturgeon population was already overexploited under current regulations, and updated regulations were needed and are being considered.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

White Sturgeon are an anadromous species of fish that reside primarily in the San Francisco Bay Delta (SF Bay) and migrate as adults into the major rivers of the Central Valley to spawn. Most spawning occurs in the Sacramento River approximately between Verona and Colusa (Schaffter 1997), with a lesser amount of spawning on the lower San Joaquin River (Jackson et al. 2015). Some additional spawning may occur in tributaries such as the Feather, Bear, and Yuba rivers. White Surgeon are long lived, potentially in excess of 100 years, with most reaching maturity by approximately 19 years, spawning every two to five years once mature (Chapman et al. 1996; Hildebrand et al. 2016). Successful recruitment to the adult population is uncommon, occurring approximately every six to seven years, highly correlated with above normal water years as measured by high mean daily Delta outflow (CDFW 2023; Fish 2010). The abundance of legal-sized White Sturgeon has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish (CDFW 2023; Danos et al. 2019). In 2015, the Department estimated abundance at about 48,000 fish (Danos et al. 2019), and the most recent estimate was about 33,000 fish (CDFW 2023).

Until the start of the emergency action on November 16, 2023, recreational anglers were permitted to keep one White Sturgeon per day, and a combined total of three per year, between 40 and 60 in. fork length (FL), meaning the measurement of the fish from the front of its head to the fork in its tail. The season was open year-round, with some limited regional and/or seasonal closures. As of November 16, 2023, the emergency action a) reduced the annual bag limit for White Sturgeon from three to one fish, b) reduced the legal-sized slot limit from 40-60" FL to 42-48" FL, c) placed a limit of two fish per day per boat, and d) closed White Sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31.

Fishing pressure for White Sturgeon has remained stable at roughly 40,000 to 45,000 anglers per year since 2013 when fees were first charged for the Sturgeon Fishing Report Card (Card). Based on Card returns, the number of fish harvested by anglers has remained relatively stable. However, the number of fish caught and released has declined precipitously, indicating that fewer fish overall are being caught. According to Card data, in 2021, anglers kept 46% of landed fish (Hause et al. 2021). The majority of anglers that harvest fish keep only one a year (75%), with only about 5% of anglers that harvest (1% of Card-holders) keeping the full three-fish limit. Exploitation rate of White Sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015 (Blackburn et al. 2019) and averaging 8.1% in the years since then (CDFW 2023). It is suggested that the highest exploitation rate that a sturgeon population can sustain is approximately 5 to 10% (Beamesderfer and Farr 1997) and that does not account for other anthropogenic sources of mortality such as habitat loss, altered hydrology, or contaminants. For comparison, Washington and Oregon use 3.8% as a target for management in areas that permit harvest.

During July and August 2022, the San Francisco Bay region experienced a major Harmful Algal Bloom (HAB) of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including sturgeon. The Department recorded over 850 sturgeon carcasses, the majority legal-

sized or larger and within the age range of the core spawning population (CDFW 2023). The number of carcasses observed during the HAB was 62% of the number harvested by anglers in 2022. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected (Fox et al. 2020). While the absolute magnitude of the HAB's impact on the White Sturgeon population is unknown, it is thought to be quite significant. In addition, in July and August of 2023, a HAB of the same species was detected in San Francisco Bay and at least 15 white sturgeon carcasses were reported, though the total impacts are unknown.

The fish kill resulting from the HAB exacerbated what the Department believed to be an already unsustainable level of fishery exploitation of White Sturgeon into a crisis situation. In order to protect the surviving population of White Sturgeon and maintain a recreational fishery into the future, immediate steps were necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully and new individuals can recruit to the population. The Department recommended that all harvest of White Sturgeon within the recreational fishery be paused starting January 2024, until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry.

At its October 11, 2023 meeting, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits, and institution of per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat. This was intended to protect the existing population in the short term while allowing time for the Department to develop new long-term management measures for the future population. The proposed subject standard rulemaking would continue the existing one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023.

Benefit of the Regulations:

The Commission anticipates benefits to the state's environment through this regulatory action to make near-term the emergency action directed at reducing exploitation rate and protecting reproduction of the species is necessary until more updated management actions for the fishery are enacted that will adequately protect the remaining White Sturgeon population in the long-term. Based on fishery data, the White Sturgeon population was already overexploited under current regulations, and updated regulations were needed and are being considered.

Consistency and Compatibility with Existing Regulations:

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, and 315). The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no

other state agency regulations pertaining to temporarily prohibiting harvest of White Sturgeon due to population decline.

Proposed Regulatory Language

Sections 5.79, Title 14, CCR, is amended to read as follows:

§ 5.79. White Sturgeon Report Card and Tagging Requirements for Inland Waters(FG 683, See Section 701).

- (a) Sturgeon Fishing Report Card Required. All anglers must have a valid Sturgeon Fishing Report Card in their possession while fishing for or taking Wwhite Ssturgeon. Cardholders must complete and return the card pursuant to regulations in this Section and in Section 1.74.
- (b) Tagging and Recording Requirements for Retained Fish. A Sturgeon Fishing Report Card includes a detachable tag that shall be used to tag any Wwhite Ssturgeon that is taken and retained in the sport fishery. Any Wwhite Ssturgeon possessed by any person shall be tagged.
 - (1) Upon taking and retaining a Wwhite Ssturgeon, the cardholder shall immediately record the following information:
 - (A) The fishing location, time of catch and length of the fish shall be recorded legibly and permanently in the appropriate spaces on the tag. The cardholder shall immediately and completely punch out the date of catch (month and day) on the sturgeon tag. ~~Tags shall be used in sequential order.~~
 - (B) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the Sturgeon Fishing Report Card ~~which corresponds to the number on the tag.~~
 - (2) Immediately after recording the information above, the cardholder shall remove and completely detach the tag from the card and affix it to the Wwhite Ssturgeon. Cardholders shall not wait until completion of fishing activity to tag any Wwhite Ssturgeon in possession.
 - (3) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through the tag at the location specified on the sturgeon tag and attached to the fish.
 - (4) ~~Tags~~The tag shall not be removed from the report card until immediately prior to affixing to a Wwhite Ssturgeon. Any tags detached from the report card and not affixed to a Wwhite Ssturgeon shall be considered used and therefore invalid. No person shall possess any used or otherwise invalid sturgeon tags.
 - (5) Records of Prior Activity. The tag ~~All tags~~ must be accounted for at all times by entry of a record on the Sturgeon Fishing Report Card ~~corresponding to all tags that are not in the cardholder’s possession.~~ Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the Sturgeon Fishing Report Card.
 - (6) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.
 - (7) After retaining and tagging a White Sturgeon, a cardholder shall not continue to fish catch and release for White Sturgeon on the same day.

(8) Cardholders that have retained and tagged a White Sturgeon are permitted to catch and release White Sturgeon starting on the day after the tag was used.

(c) Reporting Requirements for Released Fish.

(1) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, length, and species of sturgeon.

(2) If all lines in the "sturgeon released" field of the report card are filled, any additional sturgeon caught and released ~~need not be recorded on the card~~ may be recorded on the back of the card.

(3) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.

(d) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.

(e) The annual fee for the Sturgeon Fishing Report Card is specified in Section 701(c).

NOTE: Authority cited: Sections 200, 205 ~~and 265~~, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.

Proposed Regulatory Language

Section 5.80, Title 14, CCR, is amended to read as follows:

§ 5.80. White Sturgeon.

- (a) Open season: ~~All year, except for closures listed under special regulations.~~
 - (1) All year: from the west Carquinez Bridge east to the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River.
 - (2) From June 1 through December 31: above the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River, including all tributaries of both rivers. From January 1 through May 31: it is unlawful to take White Sturgeon.
- ~~(b) Daily and annual bag limit: One fish per day. Three fish per year statewide.~~
- (b) Daily limit: One fish per day. After harvesting a White Sturgeon, anglers shall not continue to catch and release White Sturgeon on the same day. Anglers that have retained and tagged a fish are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.
- (c) Annual bag limit: One fish per calendar year statewide.
- (d) Daily vessel maximum harvest: All persons aboard a vessel may be cited for violation of a daily vessel maximum harvest limit. No more than two White Sturgeon may be harvested per day on a vessel, regardless of the number of anglers on board. Anglers must have in their possession a report card with a valid tag in order to retain a White Sturgeon. When the daily vessel maximum harvest is reached, only anglers that have not tagged a White Sturgeon that day may continue to fish catch and release for White Sturgeon.
- ~~(e)~~ (ee) Size limit: No fish less than ~~40~~42 inches fork length or greater than ~~60~~48 inches fork length may be taken or possessed.
- ~~(f)~~ (df) Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure inside its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon. For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.
- ~~(g)~~ (eg) Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.
- ~~(h)~~ (fh) Report card required: Any person fishing for or taking sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 5.79, Title 14, CCR.

- (g) Special North Coast District Sturgeon Closure (Humboldt, Del Norte, Trinity and Siskiyou cos.). It is unlawful to take any sturgeon in the North Coast District at anytime.
- (h) For regulations on take and possession of sturgeon in ocean waters as defined in Section 27.00, see Sections 27.90, 27.91, and 27.95.
- (i) Special Sierra and Valley District Sturgeon Closure from January 1 to December 31 (Shasta, Tehama, Butte and Glenn cos.).
 - (1) Sacramento River from Keswick Dam to the Highway 162 Bridge.
 - (A) It is unlawful to take any sturgeon.
 - (B) It is unlawful to use wire leaders.
 - (C) It is unlawful to use lamprey or any type of shrimp as bait.
- (j) Special Yolo Bypass Flood Control System Sturgeon Closure. It is unlawful to take any sturgeon in the Yolo Bypass, Toe Drain Canal, and Tule Canal upstream of Lisbon Weir at any time.

NOTE: Authority cited: Sections 200, 205, 265 and ~~275~~, 270, 275, 315 and 399, Fish and Game Code.

Reference: Sections 110, 200 and 205, Fish and Game Code.

Proposed Regulatory Language

Section 27.90, Title 14, CCR, is amended to read as follows:

§ 27.90. White Sturgeon.

- (a) Open season: All year except as described in Section 27.95 of these regulations.
- ~~(b) Daily and annual bag limit: One fish per day. Three fish per year statewide.~~
- (b) Daily limit: One fish per day. After harvesting a White Sturgeon, anglers shall not continue to catch and release White Sturgeon on the same day. Anglers that have retained and tagged a fish are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.
- (c) Annual bag limit: One fish per calendar year statewide.
- (d) Daily vessel maximum harvest: All persons aboard a vessel may be cited for violation of a daily vessel maximum harvest limit. No more than two White Sturgeon may be harvested per day on a vessel, regardless of the number of anglers on board. Anglers must have in their possession a report card with a valid tag in order to retain a White Sturgeon. When the daily vessel maximum harvest is reached, only anglers that have not tagged a White Sturgeon that day may continue to fish catch and release for White Sturgeon.
- (~~ee~~) Size limit: No fish less than 40~~42~~ inches fork length or greater than ~~60~~48 inches fork length may be taken or possessed.
- (~~ef~~) Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon. For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.
- (~~eg~~) Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.
- (~~eh~~) Report card required: Any person fishing for or taking sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 27.92, Title 14, CCR.
- (~~ei~~) For regulations on take and possession of sturgeon in inland waters as defined in Section 1.53, see Section 5.80 and Section 5.81.
- (~~ej~~) Boat limits, as defined in Subsection 27.60(c) and Section 195, are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of Wwhite Ssturgeon.

NOTE: Authority cited: Sections 200, ~~202~~, 205 ~~and 220~~, 265, 275, and 399, Fish and Game Code.

Reference: Sections 110, 200, and 205, ~~and 206~~, Fish and Game Code.

Proposed Regulatory Language

Section 27.92, Title 14, CCR, is amended to read as follows:

§ 27.92. White Sturgeon Report Card and Tagging Requirements for Ocean Waters (FG 683, See Section 701).

- (a) Sturgeon Fishing Report Card Required. All anglers must have a valid Sturgeon Fishing Report Card in their possession while fishing for or taking Wwhite Ssturgeon. Cardholders must complete and return the card pursuant to regulations in this Section and in Section 1.74.
- (b) Tagging and Recording Requirements for Retained Fish. A Sturgeon Fishing Report Card includes a detachable tags that shall be used to tag any Wwhite Ssturgeon that is taken and retained in the sport fishery. Any Wwhite Ssturgeon possessed by any person shall be tagged.
 - (1) Upon taking and retaining a Wwhite Ssturgeon, the cardholder shall immediately record the following information:
 - (A) The fishing location, time of catch and length of the fish shall be recorded legibly and permanently in the appropriate spaces on the tag. The cardholder shall immediately and completely punch out the date of catch (month and day) on the sturgeon tag. ~~Tags shall be used in sequential order.~~
 - (B) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the Sturgeon Fishing Report Card ~~which corresponds to the number on the tag.~~
 - (2) Immediately after recording the information above, the cardholder shall remove and completely detach the tag from the card and affix it to the Wwhite Ssturgeon. Cardholders shall not wait until completion of fishing activity to tag any Wwhite Ssturgeon in possession.
 - (3) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through the tag at the location specified on the sturgeon tag and attached to the fish.
 - (4) ~~The Tag~~ tag shall not be removed from the report card until immediately prior to affixing to a Wwhite Ssturgeon. Any tags detached from the report card and not affixed to a Wwhite Ssturgeon shall be considered used and therefore invalid. No person shall possess any used or otherwise invalid sturgeon tags.
 - (5) Records of Prior Activity. ~~The tag~~ ~~All tags~~ must be accounted for at all times by entry of a record on the Sturgeon Fishing Report Card ~~corresponding to all tags that are not in the cardholder's possession.~~ Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the Sturgeon Fishing Report Card.

- (6) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.
- (7) After retaining and tagging a White Sturgeon, cardholders shall not continue to catch and release White Sturgeon on the same day.
- (8) Cardholders that have retained and tagged a White Sturgeon are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.

(c) Reporting Requirements for Released Fish.

- (1) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, length, and species of sturgeon.
- (2) If all lines in the “sturgeon released” field of the report card are filled, any additional sturgeon caught and released ~~need not be recorded on the card~~ may be recorded on the back of the card.
- (3) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.

(d) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.

(e) The annual fee for the Sturgeon Fishing Report Card is specified in Section 701, Title 14, CCR.

NOTE: Authority cited: Sections 200, 205 ~~and 265~~, 265 and 399, Fish and Game Code.
Reference: Sections 200, 205 and 265, Fish and Game Code.

**A PETITION TO THE STATE OF CALIFORNIA
FISH AND GAME COMMISSION TO LIST**

**The California White Sturgeon (*Acipenser transmontanus*) as
Threatened under the California Endangered Species Act (CESA)**



Photo by Thomas Hasenberger, Adobe Stock

Submitted by Petitioners



November 29, 2023

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1. Executive Summary

The White Sturgeon (*Acipenser transmontanus*) is the largest freshwater fish species in North America. The species as a whole is considered to be “endangered” by the American Fisheries Society (AFS 2008). Reproducing populations occur in the Columbia River and Fraser River Basins and in California, where the only such population occurs in the Central Valley (Sacramento River and San Joaquin River watersheds). The landlocked White Sturgeon population of the Kootenai River (a tributary of the Columbia River) is listed as endangered under the federal Endangered Species Act (ESA). White Sturgeon that spawn in the Central Valley and rear and/or migrate through the San Francisco Bay Estuary (SFE) are regarded as a species of “High” management concern by California Department of Fish and Wildlife (CDFW 2015); hereafter we refer to this population as the California White Sturgeon population.

Studies indicate that annual recruitment of California White Sturgeon has decreased since the early 1980s. Recent evidence indicates that this decline is continuing (Blackburn et al. 2019; Ulaski et al. 2022). Environmental conditions necessary to support population viability are deteriorating (SWRCB 2017; CDFW 2023). High levels of water diversion combined with adverse reservoir storage operations generate extremely altered hydrographs throughout the SFE watershed (TBI 2016; SWRCB 2016, 2017; Reis et al. 2019) – where California White Sturgeon spawn and rear – impairing successful reproduction. The population also suffers from overharvest in the recreational fishery (Blackburn et al. 2019; CDFW 2023; California Fish and Game Commission 2023). Furthermore, a massive harmful algal bloom in San Francisco Bay and San Pablo Bay in 2022 killed large numbers of adult California White Sturgeon, demonstrating the population’s vulnerability to future algal blooms (CDFW 2023). A smaller harmful algal bloom in 2023 caused additional mortality to adult California White Sturgeon – 15 dead adults were detected on the shoreline by community scientists in the vicinity of the bloom soon after it occurred (California Fish and Game Commission 2023). California White Sturgeon population growth is most sensitive to survival of sexually mature adults (Blackburn et al. 2019), so these consecutive fish kills almost certainly have exacerbated the chronic declines in California White Sturgeon abundance. Persistent blooms in the Delta are likely to impede California White Sturgeon migration to and from their spawning grounds in the San Joaquin River watershed. Harmful algal blooms are fueled by chronically high nutrient levels in the SFE (Cloern et al. 2020); bloom formation in the Delta is also tied to high levels of water diversion and subsequent high residence time (low flow) in certain Delta channels (Berg and Sutula 2015).

Existing environmental regulations are inadequate to prevent further decline; without additional protections afforded to species listed under the Endangered Species Act (ESA), the California White Sturgeon is increasingly likely to become endangered in the near future.

Current regulation of river flow and water quality conditions in the SFE are inadequate to support native fish viability and fisheries (SWRCB 2010, 2017; CDFW 2010), including California White Sturgeon. The prospect of increasingly frequent and prolonged droughts related to global climate change (Difffenbaugh et al. 2015), combined with several planned water development projects in the SFE watershed are likely to increase the frequency and severity of inadequate

river flow conditions in the future. Similarly, current White Sturgeon fishing regulations are not sufficiently protective to prevent further decline of the population (Blackburn 2019; CDFW 2023; California Fish and Game Commission 2023) and future regulations under development now are inadequate to maintain population stability, much less reverse the decline of the California White Sturgeon population. Finally, harmful algal blooms in San Francisco Bay proper, which are facilitated by nutrient enrichment, threaten to cause repeated mass mortality events for California White Sturgeon in the future. Regulations to limit nutrient pollution to levels that will prevent harmful algal blooms have not yet been proposed and are not likely to be completely implemented for at least a decade. Meanwhile, water quality conditions in the Delta, particularly in the San Joaquin River near Stockton, likely impair migration of adult and juvenile California White Sturgeon to and from spawning grounds in the San Joaquin basin. More protective flow standards for the lower San Joaquin River have been adopted by the State Water Resources Control Board (SWRCB 2018); however, five years later, the state has yet to implement these standards.

Each of these major impacts — inadequate river flow and water quality conditions, overharvest, and the loss of habitat and potential for catastrophic mortality due to harmful algal blooms — represent a grave threat to the California White Sturgeon population. These problems are independent of each other — addressing just one or two of these major problems will not eliminate the high risk that California White Sturgeon become endangered — that is, experience further declines in viability such that it is in danger of extinction — in the near future. Also, California White Sturgeon are impacted by numerous other environmental stressors that threaten the population. A coordinated response to these individual and collective threats is required in order to prevent endangerment and then extirpation of this unique population.

For these reasons, we petition the California Fish and Game Commission to list the California White Sturgeon population as threatened, meaning it is “likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by [CESA].” (Cal. Fish & Game Code § 2067; <https://wildlife.ca.gov/Conservation/CESA/FESA>).

2. Natural History

2.1. Description

The California Department of Fish and Wildlife (CDFW) describes White Sturgeon as follows:

“... adults have wide, rounded snouts, with four barbels in a row on the underside, closer to the tip of the snout than to the mouth (Moyle 2002). They feed with a toothless, highly protrusible mouth and process food with a palatal organ in the pharynx. Their bodies have 5 widely separated rows of bony plates (scutes). Scute counts per row are: 11-14 (dorsal row), 38-48 (two lateral rows) and 9-12 (bottom

rows). Four to eight scutes are also found between the pelvic and anal fin. Although they lack the large scutes behind the dorsal and anal fins found in green sturgeon (*A. medirostris*), small remnant scutes (fulcra) may be present. The dorsal fin has one spine followed by 44-48 rays. The anal fin has 28-31 rays. The first gill arch has 34-36 gill rakers. Body coloration is gray-brown on the dorsal surface above the lateral scutes, while the ventral surface is white and fins are gray. Their viscera are black. Dispersing juveniles tend to be darker than dispersing free embryos (Kynard and Parker 2005). Juveniles less than one year old have 42 dorsal fin rays, 35 lateral scutes, and 23 gill rakers on the first arch.” (CDFW 2015 at p. 224.)

White Sturgeon may grow to 6 m fork length (FL), live more than 100 years, and weigh over 600 kg. In California, the largest individual on record – caught in Lake Shasta in 1963 – measured 2.9 m and 225 kg, and was at least 67 years old (CDFW 2015 at p. 225).

2.2. Taxonomy

All modern sturgeon are polyploid; White Sturgeon belong to ploidy group B with 240 chromosomes (Hildebrand et al. 2016). Phylogenetic relationships revealed by analysis of multiple mitochondrial gene sequences indicate that White Sturgeon’s closest relatives are Asian species, including *A. schrenckii*, *A. sinensis*, and *A. dabryanus* (Krieger et al. 2008; Hildebrand et al. 2016). Analysis of multiple mtDNA sequences suggested that White Sturgeon shared a common ancestor with *A. schrenckii* (Amur Sturgeon) approximately 46 million years ago (Hildebrand et al. 2016 citing Peng et al. 2007).

2.3. Life History

Hildebrand et al. (2016) provided a rangewide overview of White Sturgeon life history stages. California White Sturgeon spawn and develop one to several months earlier than populations elsewhere in their range (see Hildebrand et al. 2016 at Table 1).

White Sturgeon are iteroparous. A small proportion of adults spawn in any given year. Successful reproduction occurs episodically, when spring-summer river flows are high enough to support incubation and early rearing success. In the SFE, females may mature reproductively as early as age 10, but more commonly between ages 12-16 (95-135 cm FL); 50% of females mature by age 14 and all mature by age 19 (CDFW 2015; Blackburn et al. 2019; CDFW 2023).

Males mature earlier, generally between 10-12 years of age (75-105 cm FL), and appear to spawn more frequently than females (Willis et al. 2022). Following maturation, males may spawn every 1-2 years. Females are physiologically capable of spawning every 2-3 years (Hildebrand et al. 2016 citing Paragamian et al. 2005); they typically wait at least 2-4 years between reproductive events, longer if spawning conditions are not favorable (Moyle 2002 at p. 108). Adult California White Sturgeon prepare to spawn by moving into the lower reaches of Central Valley rivers during the winter months and migrate upstream into spawning areas

between December and late May or early June (Israel et al. 2009; CDFW, 2015, pp. 225-226; Hildebrand et al. 2016; CDFW 2023).

Fecundity of female California White Sturgeon averages 5,648 eggs per kilogram of body weight, which translates to hundreds of thousands of eggs per female at maturity (CDFW 2015 citing Chapman et al. 1996; Klimley et al. 2015; Willis et al. 2022). Eggs are negatively buoyant and become adhesive upon fertilization (Moyle 2002; Israel et al. 2009; Hildebrand et al. 2016).

Embryonic development is rapid and temperature-dependent, ranging from 3-13 days in the California White Sturgeon population. Optimal egg incubation occurs between 14-17°C; mortality is nearly complete at temperatures <8°C and > 20°C (Wang 1985; CDFW 2023).

Hildebrand et al. (2016) suggest that populations may differ in their upper lethal temperature.

Among California White Sturgeon, yolk-sac larvae are 10-11mm total length (TL) at hatch; at temperatures between 14°C and 17°C, the yolk sac is completely absorbed approximately 20-23 days post-fertilization (Wang et al. 1985). Larvae are photonegative upon hatching and swim near the bottom of rivers (Kynard and Parker 2005). In a laboratory study, the presence of physical cover in well-lit mesocosms decreased predation on White Sturgeon larvae <17 mm TL; however, larger individuals did not benefit from the presence of cover and other studies have observed that White Sturgeon leave cover at the size where exogenous feeding begins (Gadmoski and Parsley 2005).

Recruitment of juvenile California White Sturgeon is positively correlated with high river flows and Delta Outflow during spring and early summer months (Israel et al. 2009; CDFW 2015, 2023; SWRCB 2017; *see also* Parsley and Beckman 1994; AFRP 2001; Moyle 2002; Willis 2022). CDFW's conceptual model for California White Sturgeon life history states:

“The dispersal of larval white sturgeon is dependent on high spring river flows, which optimally consists of multiple large flow pulses and a relationship between the mean monthly outflow from April–July and white sturgeon [young-of-year] has been developed (Kohlhorst et al. 1991). Reduced seasonal flows or flows mismatched ecologically with sensitive early life stages may reduce dispersal of these life stages when they are most vulnerable to native and nonnative predation. Flow reductions may serve to reduce or eliminate [young-of-year] survival even if spawning was successful.” (Israel et al. 2009 at p. 17).

The mechanism underlying the relationship between high river flows and California White Sturgeon recruitment has been attributed to improved survival and transport of larval sturgeon into suitable rearing areas, increases in the number of females spawning during high flow periods, or both (Fish 2010; CDFW 2015 at p. 226). It is also possible that high river flows improve spawning habitat by cleaning sand and silt out of gravel and cobble spawning substrates (Paragamian 2012; Hildebrand et al. 2016). Juvenile sturgeon actively swim downstream towards the estuary, suggesting that their capacity to osmoregulate in brackish environments develops as larvae mature into juvenile fish (Israel et al. 2009; CDFW 2015 citing McEnroe and Cech 1987). In the Central Valley, California White Sturgeon spawning has been

detected during wet and dry years in both the San Joaquin River and the Sacramento River, indicating that adults will attempt to spawn even when flows are low (Jackson et al. 2016). The fact that juvenile recruitment appears to be successful only in years when elevated river flows occur during larval dispersal and early juvenile rearing (i.e., between April and July) suggests that flows during the spring and early summer are essential (SWRCB 2017). CDFW (2015 at p. 227) states: “The first few months of life are considered to be critical for sustaining populations [of White Sturgeon].”

California White Sturgeon appear to grow more rapidly than conspecifics in more northerly populations. Young-of-year (YOY) White Sturgeon reach 18-30 cm TL by the end of their first year in the SFE, before growth rates slow such that they reach 102 cm TL by Age 7 or 8. California White Sturgeon grow faster than fish from any other populations through age 10 and growth remains fast relative to most populations throughout their life span (see Figure 2 of Hildebrand et al. 2016). California White Sturgeon are predicted to reach approximately 147 cm length by age 15, whereas fish of the same age in the lower Columbia River are predicted to be 116 cm (Blackburn et al. 2019, citing DeVore et al. 1995). California White Sturgeon in the SFE grow approximately 4.6 cm/year between ages 10-50, whereas those in the Kootenai River grow approximately 2.5 cm/year (Blackburn et al. 2019 at p. 907, citing Paragamian et al. 2005).

The relatively rapid growth of California White Sturgeon may reflect availability of water temperatures and/or high-quality habitats that support rapid growth, weak or absent density-dependence (i.e., low competition), or elevated marine-based prey availability. Alterations in hydrology resulting from dam operations are also suspected to produce differences in White Sturgeon growth (Blackburn et al. 2019 at p. 907, citing Beamesderfer et al. 1995 and Van Poorten and McAdam 2010). Whether this phenotypic difference in growth rates has any genetic basis is unknown.

In the SFE, California White Sturgeon larger than 2 m and older than 27 years are not common (CDFW 2015 at p. 225). Blackburn et al. (2019 at p. 906) reported a maximum age of 29 years, although they acknowledged uncertainty in estimation of age for fish older than 20 years old. They attributed truncated maximum age span in the SFE to harvest and sampling gear bias (the trammel net gear used by CDFW’s Adult Sturgeon Study has a mesh size that targets legal-sized fish; oversized fish are captured less frequently).

2.4. Natural Mortality

Natural mortality of adult and sub-adult fish is expected to be low. Adult sturgeon are heavily armored and extremely large relative to most potential predators. White Sturgeon may be preyed upon by large sharks, sea lions, and other marine mammals (CDFW 2023, <https://marinespecies.wildlife.ca.gov/white-sturgeon/the-species/>), but mortality due to predation on adults is likely to be rare. Reliably high adult survival is essential to the success of the White Sturgeon life history strategy, which features late maturation, iteroparity, and multi-year intervals between spawning attempts.

On the other hand, larval and early juvenile White Sturgeon are susceptible to predation prior to ossification of their bony scutes (Gadomsky and Parsely 2015). Rates of predation on larval and juvenile White Sturgeon are unknown. In the SFE and its watershed, Sacramento Pikeminnow (*Ptychocheilus grandis*), Channel Catfish, (*Ictalurus punctatus*), Prickly Sculpin (*Cottus asper*), Common Carp (*Cyprinus carpio*), Largemouth Bass (*Micropterus salmoides*), and Striped Bass (*Morone saxatilis*) are likely to prey opportunistically on larval and juvenile White Sturgeon (CDFW 2015; see <https://marinespecies.wildlife.ca.gov/white-sturgeon/the-species/>). Predation would be expected to increase under low river flow conditions, which correspond to lower river stage and reductions in suspended sediment, both of which enable light penetration to the dark benthic environments that provide cover for larval and juvenile White Sturgeon.

2.5. Status

Twenty-two species in the order Acipenseriformes (sturgeon and paddlefishes) are categorized as “extinct in the wild”, “critically endangered”, or “endangered” by the International Union for Conservation of Nature

(IUCN: <https://www.iucnredlist.org/search/list?query=sturgeon&searchType=species>). The most recent IUCN list categorizes White Sturgeon as “vulnerable;” the change from the previous IUCN rating as “least concern” reflects this fish’s declining status range-wide. White Sturgeon populations in the Columbia River above Grand Coulee Dam, Kootenai River, Fraser River and Nechako River are recognized as threatened or endangered by the United States and/or Canadian governments (Hildebrand et al. 2016; Ulaski et al. 2022 at p. 335). The American Fisheries Society considers White Sturgeon to be “endangered” (AFS 2008).

The SFE population of White Sturgeon – the only reproducing population in California – is a Species of Special Concern (CDFW 2015; Hildebrand et al. 2016). The 1992 Central Valley Project Improvement Act (CVPIA) established as federal policy that “natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967–1991.” (CVPIA §3406(b)(1)). Under this “doubling policy”, the Anadromous Fish Restoration Program (AFRP) established a production target of 11,000 White Sturgeon in the Central Valley, wherein “production” refers to the number of first-time spawners each spawning season (AFRP 2001 appendix A-2, *sensu* Ricker 1958). The AFRP Final Plan identifies as a “high priority” the need to “[s]upplement Delta outflow for migration and rearing of white sturgeon, green sturgeon, striped bass, and American shad by modifying [Central Valley Project] operations...” (AFRP 2001 at 97). Despite habitat and ecosystem restoration projects funded by the CVPIA and other governmental programs, there is no evidence that the AFRP White Sturgeon production target has ever been attained (Ulaski et al. 2022 at p. 335).

Like most sturgeon species, White Sturgeon life history allows them to capitalize on spawning, incubation, and juvenile rearing conditions that are available only infrequently. Historically, their long-life spans, variable and opportunistic reproduction, and high fecundity made it possible for California White Sturgeon to persist and maintain a relatively stable population through periods when riverine spawning and early rearing habitats were unsuitable (e.g., due to low river flows

associated with drought conditions). However, as the State Water Resources Control Board (SWRCB) noted, the California White Sturgeon population currently “does not appear stable and exhibits progressively diminishing recruitment in recent wet years” (SWRCB 2017 at p. 3-63).

Although longevity and fecundity may buffer populations through periods of low recruitment, delayed maturation and the multi-year interval between egg clutches of individual females also make White Sturgeon vulnerable to sustained anthropogenic modification of river and estuarine flow regimes, overharvest, and sustained degradation of other habitat conditions (Blackburn et al. 2019). Willis et al. (2022 at p. 2) cautioned: “...long-term viability of white sturgeon depends on regularly favorable climate and flow conditions, as well as access to appropriate spawning and rearing habitat.” See Hildebrand et al. 2016. The low intrinsic population growth rate of White Sturgeon means it is highly sensitive to overharvest (Blackburn et al. 2019; Ulaski et al. 2022 citing Boreman 1997) and catastrophic adult mortality events. Furthermore, because White Sturgeon recruitment is heavily influenced by survival at early life stages (Jackson et al. 2016 at p. 172 citing Kohlhorst et al. 1991, Hildebrand et al. 1999, Secor et al. 2002), persistent reduction in the frequency of high magnitude spring-summer river flows leads to increases in the interval between successful cohorts, reducing the population’s resilience and viability during periods of poor recruitment or high levels of sub-adult/adult mortality.

3. Range and Distribution

3.1. Range

Reproducing populations of White Sturgeon have been documented in the Sacramento, San Joaquin, Columbia, and Fraser River drainages (Hildebrand et al. 2016). Land-locked populations exist in the Columbia River basin above major dams (Figure 1). White Sturgeon have also been introduced to watersheds outside of their native range (Figure 1) but none of these introduced populations appears to have persisted (USGS; <https://nas.er.usgs.gov/queries/factsheet.aspx?SpeciesID=300>). In California, White Sturgeon spawning is documented only in the Sacramento River (Moyle 2002; CDFW 2015) and in the San Joaquin River (Jackson et al. 2016). Spawning probably occurs, or occurred historically, in other reaches of major Central Valley Rivers (Moyle 2002). For instance, the National Marine Fisheries Service (NMFS) reports that “Green and white sturgeon adults have been observed periodically in small numbers in the Feather River” (17388 Federal Register/Vol. 70, No. 65 citing Beamesderfer et al. 2004). White Sturgeon have been detected in California river systems north of the SFE (Figure 2), but the origins and reproductive fates of these fish are unknown; CDFW (2015) reports:

“Historically, small runs also occurred in the Russian, Klamath and Trinity rivers. White sturgeon have also been documented in the Eel River (M. Gilroy, CDFW, pers. comm. 2011). It is doubtful that any of these latter four rivers currently support populations of white sturgeon.”

In salt water, White Sturgeon have occasionally been found far from likely natal rivers, including in the Aleutian Islands, and near Baja California, Mexico (Hildebrand et al. 2016 citing PSMFC 1992 and Ruiz-Campos et al. 2011, respectively). Individuals tagged in the SFE have been recaptured outside of their natal basin, including one in the Lower Fraser River (Welch et al. 2006) but it is generally thought that long-distance marine migrations of White Sturgeon are infrequent (Drauch Schreier et al. 2013). In the SFE, White Sturgeon may occasionally be found in tidal habitats of larger tributary streams such as Coyote Creek, the Guadalupe River, the Napa River, Sonoma Creek, and the Petaluma River (Leidy 2007 citing Stevenson et al. 1987 and CDFG 2006).

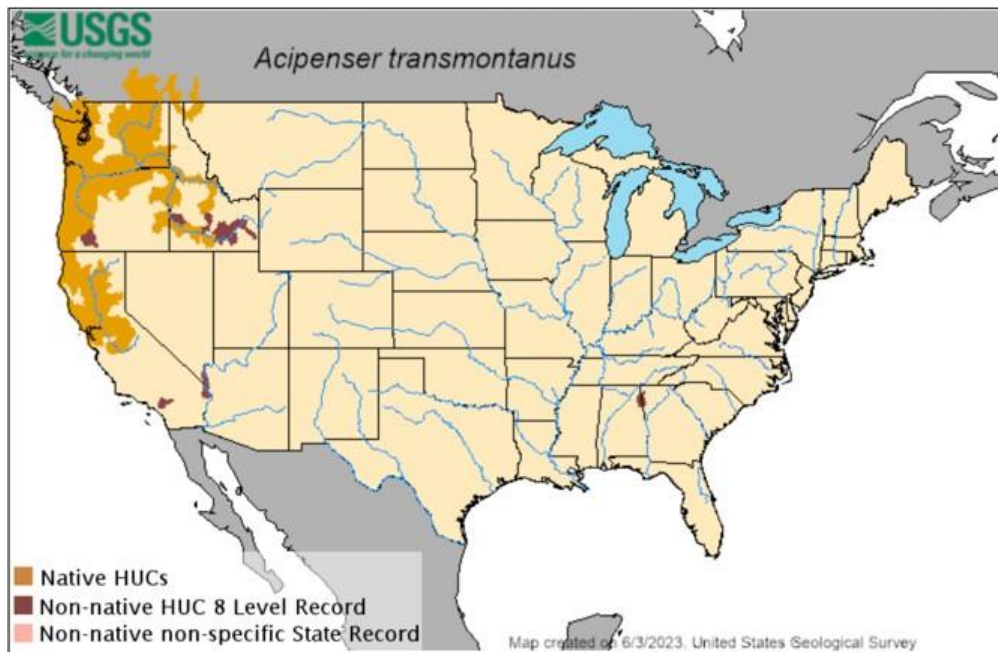


Figure 1: Native range of White Sturgeon (Acipenser transmontanus) in the lower 48 United States. Documented introductions outside of the native range are also depicted. USGS; <https://nas.er.usgs.gov/queries/factsheet.aspx?SpeciesID=300>

The small spawning range of California White Sturgeon relative to its large body size is characteristic of most endangered fish species in North America (Rosenfield 2002). The challenges of maintaining adequate population size and geographic insulation from localized catastrophic events are magnified for distinct populations of large-bodied fishes, like the California White Sturgeon, that are more geographically constrained than the species as a whole.

3.2. Distribution

Adequate distribution of spawning and rearing sites (population spatial structure) is a key factor determining the viability of anadromous fish species (McElhany et al. 2000). When key life stages are confined to a few small locations, the entire population is at risk from localized catastrophic mortality or destruction of habitat (Rosenfield 2002). The current distribution of

California White Sturgeon spawning is highly constrained relative to the population's historic range (Figure 2).

Impassable dams have blocked access to important spawning habitats throughout the Central Valley (CDFW 2015). Indeed, Sellheim et al. (2002 at p. 2) observed that "Much of historical California freshwater spawning and rearing habitat is now either inaccessible or severely degraded due to impassable barriers, insufficient freshwater flows, agricultural diversions, elevated water temperatures, invasive species, and environmental contaminants such as selenium." A relic population that persisted in Shasta Reservoir after construction of Shasta Dam indicates that California White Sturgeon likely migrated and spawned upstream of the current damsite historically, including in major tributaries to the upper Sacramento River such as the Pit River (Moyle 2002; CDFW 2015). Spawning in the Sacramento River is believed to occur only in the 140 km reach between Knights Landing and Colusa (Moyle 2002; CDFW 2015). In the San Joaquin River, spawning has been documented at sites between rkm 115.2 and rkm 139.8 (Jackson et al. 2016). NMFS reports "periodic" spawning of White Sturgeon in the Feather River (17388 Federal Register/Vol. 70, No. 65 citing Beamesderfer et al. 2004; see CDFW 2015). Heublein et al. (2017) report the presence of gravid White Sturgeon females near potential spawning habitat on the Feather River during spawning season. However, we are unaware of documented successful egg deposition or recruitment from the Feather River watershed.

The absence of evidence for consistent spawning activity in the Central Valley outside of the Sacramento River and San Joaquin River mainstems may reflect a lack of recent systematic sampling in other Central Valley rivers. Although Moyle (2002) correctly surmised that White Sturgeon spawned in the San Joaquin River, evidence of successful spawning was not documented until 2011. Extensive levels of water development limit the frequency and spatial extent of successful California White Sturgeon spawning in the San Joaquin River (Jackson et al. 2016). Furthermore, low flow levels, construction and maintenance of the Stockton Deepwater Ship Channel, and high nutrient inputs to the San Joaquin River from agriculture upstream foster low dissolved oxygen conditions and frequent harmful algal blooms (e.g., of the toxic cyanobacteria *Microcystis*) (Berg and Sutula 2015) in the lower San Joaquin River, both of which are likely to impair California White Sturgeon migrations to and from spawning grounds in the San Joaquin River and its tributaries (CBDA & CV RWQCB 2006; CDFW 2015). The frequency of flow and temperature conditions suitable for California White Sturgeon spawning and incubation in the Feather River are likely to be far lower now than occurred historically, due to construction and operations of Oroville Dam and the Thermalito water management infrastructure (Heublein et al. 2017).

The geographic range of sub-adult and adult California White Sturgeon rearing in the estuary is also at risk of being severely constrained. According to Leidy (2007), California White Sturgeon were most abundant in Suisun and San Pablo Bays, and the western Delta, although they are also found in Central and South San Francisco Bay. However, because adult and sub-adult White Sturgeon are relatively sedentary, heavy fishing harvest and repeated fish kills after harmful algal blooms in San Pablo Bay threaten to eliminate California White Sturgeon in this area. Similarly, intense fishing pressure in the western Delta, and increasingly sophisticated fishing

technology and communication among sport-anglers (CDFW 2023 at 55) may limit California White Sturgeon use of this area.



*Figure 2: Current and historic distribution of White Sturgeon (*Acipenser transmontanus*) in California. The San Francisco Estuary (SFE) watershed is the only known spawning population in the state; detection of White Sturgeon in rivers north of the SFE is not believed to reflect presence of a current spawning population (CDFW 2015). California Fish and Game Commission (2023).*

4. Abundance and Population Trends

4.1. Abundance

California White Sturgeon briefly supported a commercial fishery before the turn of the 20th Century. Skinner (1962) reports estimated landings of White Sturgeon, although he acknowledges high uncertainty in these estimates due to variable record keeping (Figure 3). High harvest led to a population crash and, as a result, the commercial fishery was closed from 1901-1910. Records indicate much smaller landings in 1916 and 1917. The commercial fishery was closed by the state legislature after 1917 and all possession of White Sturgeon was prohibited until 1953. A recreational White Sturgeon fishery was opened in 1954 and continues to this day.

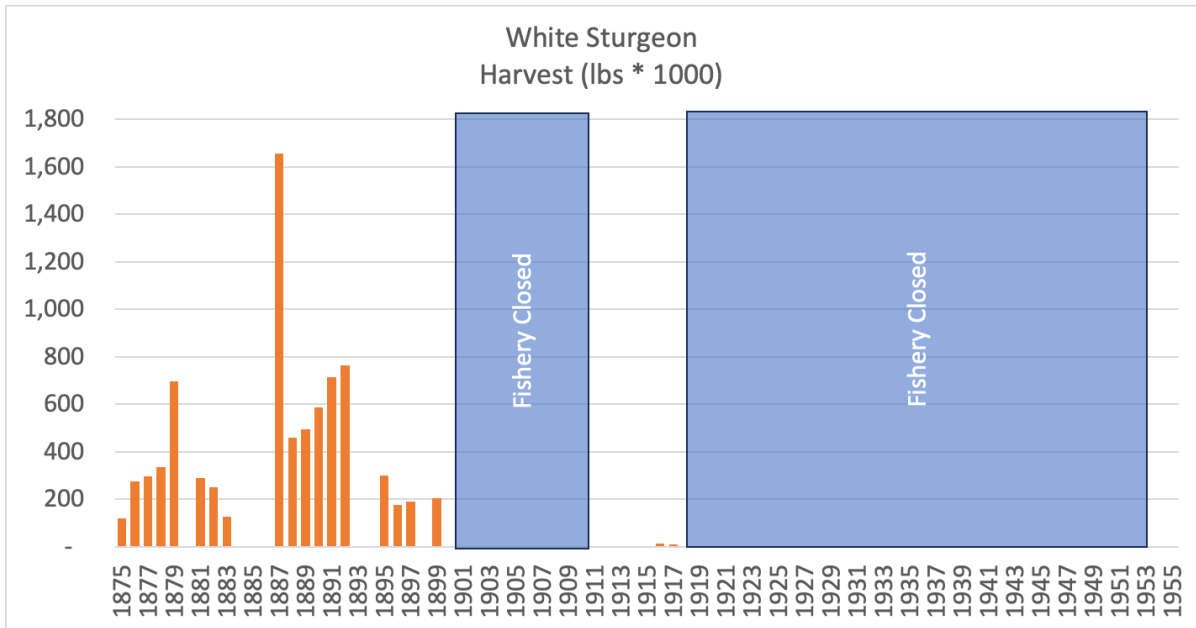


Figure 3 Commercial harvest of California White Sturgeon (in thousands of lbs). Data from Skinner 1962.

Several data sets reveal a decline in California White Sturgeon abundance over the past 25 years. For example, catches of Age 0 YOY White Sturgeon by the CDFW/Interagency Ecological Program’s Bay Study reveal a decreasing trend in juvenile abundance over the past 40 years, punctuated by increases in years with high spring-summer freshwater flows out of the Delta and into San Francisco Bay (Figure 4; see Fish 2010).

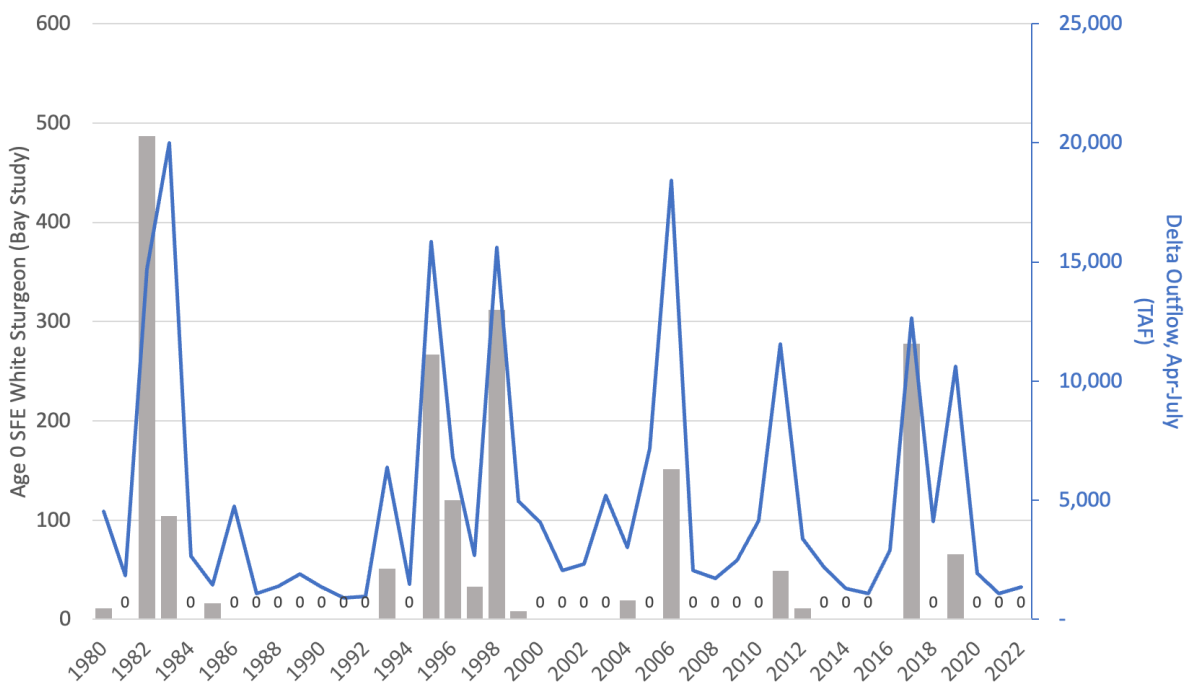


Figure 4: Relationship of spring-summer Delta ou[low and California White Sturgeon juvenile recruitment. Left axis: Abundance index of Age 0 White Sturgeon caught in pelagic waters of the San Francisco Bay estuary (source: CDFW/Interagency Ecological Program’s San Francisco Bay Study otter trawl). Right axis: Average Delta Ou[low during April-July, in thousand acre-feet (source: Dayflow; <https://data.cnra.ca.gov/dataset/dayflow>). Abundance is strongly correlated with April-July Delta ou[low ($r=0.762$, $n=42$). No index was generated in 2016.

Similarly, over the past 25 years, CDFW’s mark-recapture studies of sub-adult and adult California White Sturgeon reveals a decline of approximately 80% (Figure 4). For such a long-lived species, a decline of this magnitude in less than three decades is concerning. CDFW’s most recent estimate of the 5-year average of the harvestable (slot-sized) population (33,000 fish) (CDFW 2023) does not account for potentially massive losses to the California White Sturgeon population resulting from harmful algal blooms in 2022 and 2023. CDFW’s Adult Sturgeon Study confirms a substantial decline in California White Sturgeon density from levels commonly observed in the latter half of the 20th century to those observed over the last decade (Figure 5); CDFW reports that, “2022 represented the most survey days with zero catch since the onset of [CDFW’s Adult Sturgeon Study]” (California Fish and Game Commission 2023 at PDF p. 49).

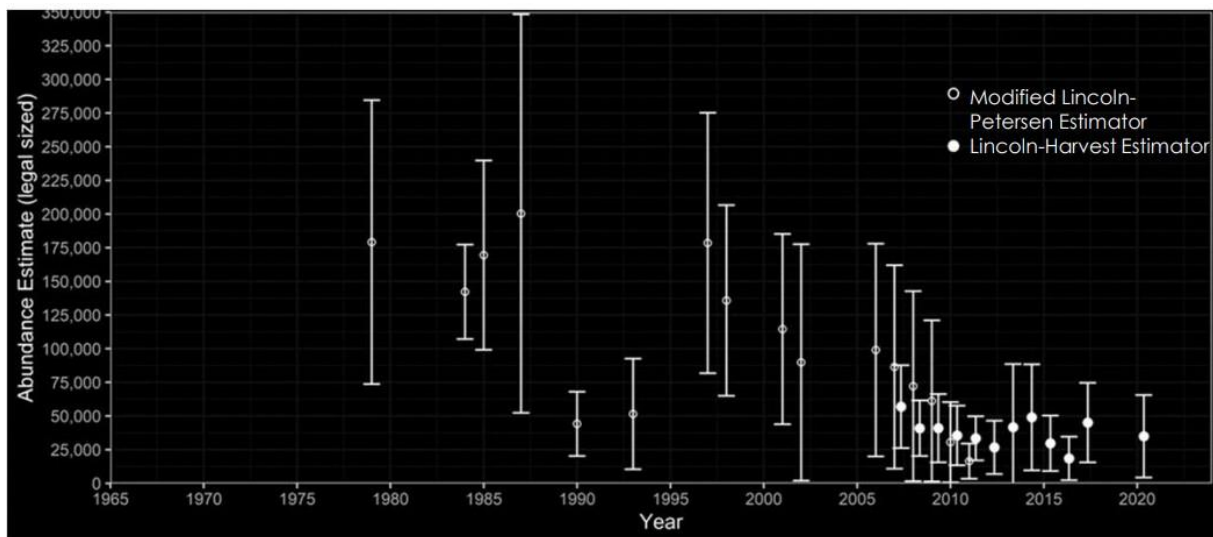


Figure 5: Estimated abundance of "slot-sized" California White Sturgeon based on CDFW mark-recapture studies. Whiskers represent error bounds. The latest year of data (2021) precedes fish kills related to harmful algal blooms in 2022 and 2023. CDFW 2023, slide 28.

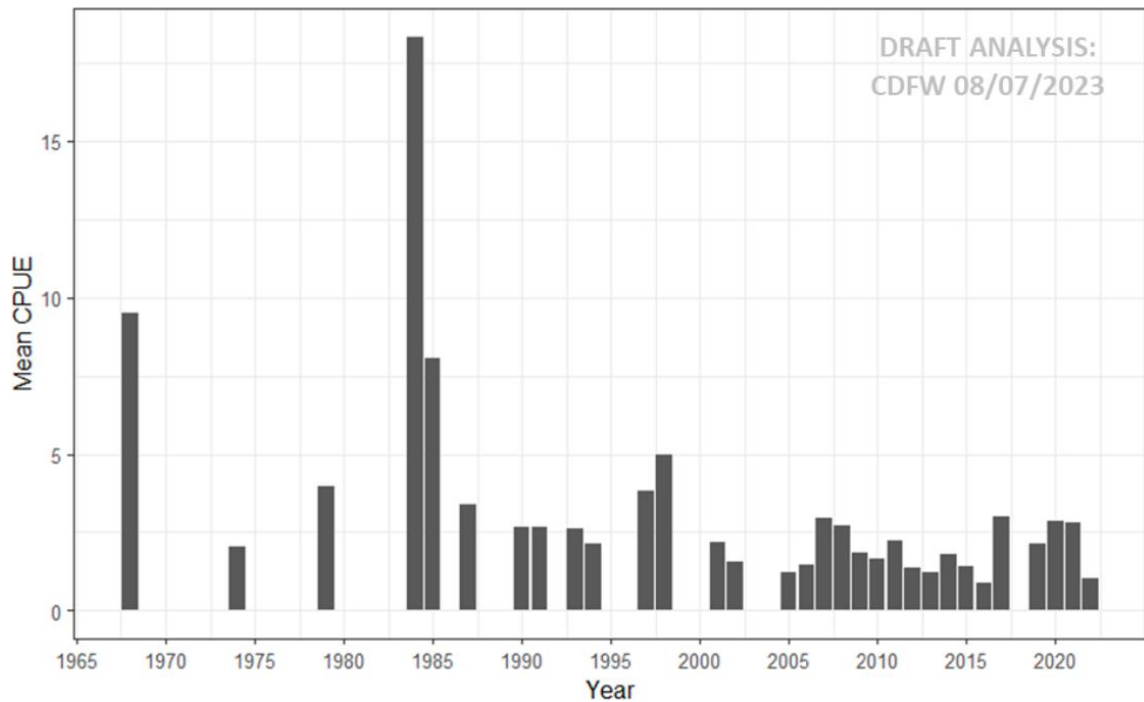


Figure 6: Catch-per-unit-effort (CPUE) of legal-sized White Sturgeon caught in the CDFW’s Adult Sturgeon Study (trammel net gear) in the San Francisco Estuary, 1968 to 2022. Sampling was not conducted every year in the early decades of this sampling program; more recently, no sampling occurred in 2018 (Stompe and Hobbs 2023). A unit of effort is 100 net-fathom hours of fishing time. California Fish and Game Commission 2023 at Figure 9.

4.2. Population Trends

As described above, California White Sturgeon abundance is declining (Figures 4, 5, 6; CDFW 2015; SWRCB 2017; Blackburn et al. 2019; Schreier et al. 2022; Moyle and Rypel 2023; CDFW 2023; California Fish and Game Commission 2023). Blackburn et al. (2019 at p. 896) concluded that “Recent surveys suggest a declining population of White Sturgeon *Acipenser transmontanus* in the Sacramento–San Joaquin River basin (SSJ), California.” Population trends are discussed below in the context of four factors for which data are available: the low frequency and declining magnitude of substantial juvenile recruitment related to Central Valley river flow conditions; high direct mortality related to entrainment and salvage at the massive water export facilities operated in the south Delta by the State Water Project (SWP) and the federal Central Valley Project (CVP); high rates of harvest in the recreational fishery; and catastrophic mortality in response to harmful algal blooms. Although these are not the only stressors on the California White Sturgeon population, they represent the largest negative anthropogenic effects on the population, and these are the impacts for which data are available to contextualize recent population trends.

4.2.1. River Flows and Delta Outflow

Recruitment of juvenile California White Sturgeon is flow-dependent. Chronically low river flows and reductions in freshwater inflow to San Francisco Bay (Delta outflow) resulting from water diversion and storage operations have been implicated in the decline of California White Sturgeon (CDFW 2015; Jackson et al. 2016; SWRCB 2017). As a result, successful cohort formation is infrequent for California White Sturgeon, corresponding to years of high spring-summer river flows into and out of the Delta (Figure 4; Moyle 2002; Fish 2010; CDFW 2015 citing Kohlhorst et al. 1991 and Schaffter and Kohlhorst 1999; SWRCB 2017). CDFW (2015 at p. 224) states “Annual recruitment of white sturgeon in California appears to have decreased since the early 1980s.” Similarly, Blackburn et al. (2019 at pp. 897-898) observed that “Few age-0 and age-1 White Sturgeon have been sampled since 1998, and only two strong year-classes (2006 and 2011) have been documented in the last 19 years [through 2016]” and concluded that, “Continued poor recruitment has the potential to put the population at risk.”

The SWRCB analyzed the relationship between average freshwater Delta outflow in March-July and recruitment of juvenile White Sturgeon (SWRCB 2017). The SWRCB found that recruitment of juvenile White Sturgeon did not occur when March-July average flows were below certain thresholds (see Figures 3.6-2 and 3.6-3 of SWRCB 2017 at pp. 3-65) and determined that monthly average Delta outflows > 37,000 cfs during this period were sufficiently protective of California White Sturgeon. From 1980-1999, average March-July Delta outflows >37,000 cfs occurred 30% of the time (6 out of 20 years). Since 1999, flows of this magnitude have occurred only 17.4% of the time (4 out of 23 years).

Using a similar analytical approach, we determined that recruitment of YOY White Sturgeon is very low or zero when Sacramento River flows (“SAC” + “YOLO” variables in Dayflow) average < 30,000 cfs between April and July (Figure 7).

Juvenile recruitment during optimal conditions may also be constrained by declines in the spawning stock of adults (SWRCB 2017 citing Gingras et al. 2014; Blackburn et al. 2019), adult fecundity, or both.

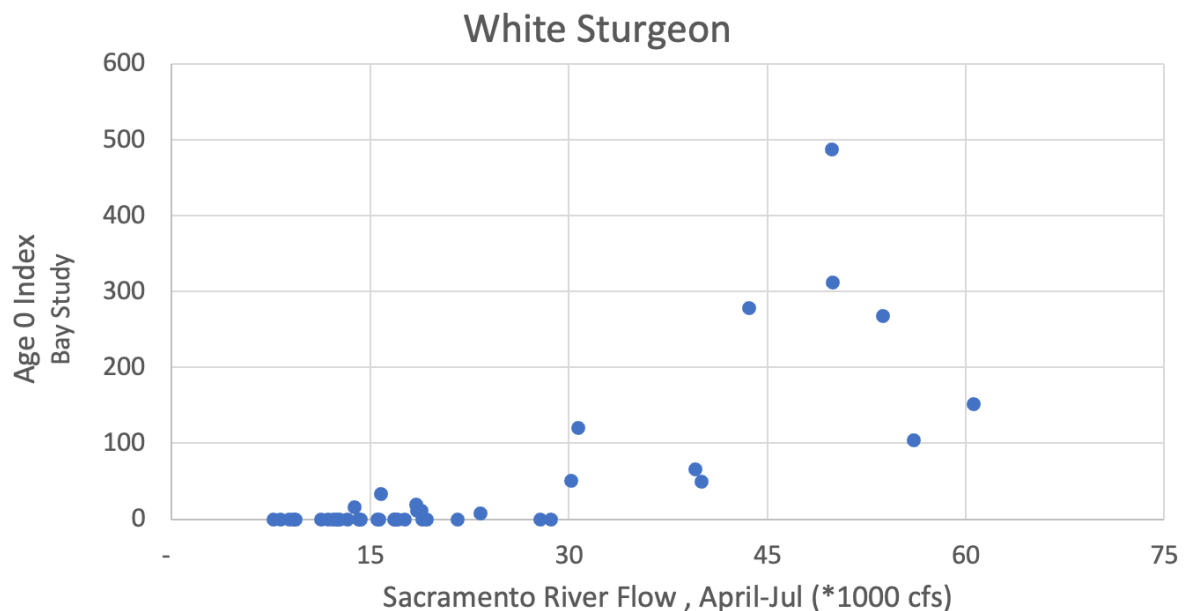


Figure 7: Relationship of spring-summer Sacramento River flow (= “SAC” + “YOLO” variables in Dayflow; <https://data.cnra.ca.gov/dataset/dayflow>) and an index of California White Sturgeon juvenile recruitment (source: Age 0 California White Sturgeon Index, CDFW//Interagency Ecological Program’s Bay Study Otter Trawl). Age 0 abundance is strongly correlated with April-July Sacramento River flows (overall $r=0.769$, $n=42$, $p<0.01$).

4.2.2. Entrainment Mortality

Each year, fish “salvage” operations at the SWP and CVP South Delta water export facilities detect millions of fish that become entrained into the water export infrastructure (TBI 2012). Studies on survival of other fish species that become entrained show that orders of magnitude more fish are killed in the export facility infrastructure prior to salvage (e.g., by predation or unsuitable water quality conditions; Castillo et al. 2012). In other words, salvage is always much less than the total loss of fish attributable to exports, and failure to detect fish in salvage does not necessarily indicate that pre-screen mortality is zero.

Juvenile White Sturgeon are entrained episodically as a result of SWP and CVP water exports from the Delta. An unknown fraction of entrained White Sturgeon dies as a result of the entrainment and/or salvage process. Citing a study of entrainment mortality in the SFE’s Green Sturgeon population, Jackson et al. (2016 at p. 172) indicate that “Water diversions in the main stem [of the San Joaquin River] and throughout the San Francisco Estuary may also entrain biologically significant portions of annual juvenile production.” During 2023 through October 6th, 2023, a combined total of 947 juvenile California White Sturgeon were salvaged at the CVP and SWP facilities in the south Delta – a new annual record (Figure 8). Given the relationship between salvage (fish enumerated at the fish screening facilities) and entrainment mortality (which includes fish eaten in the CVP and SWP diversion infrastructure upstream of the salvage

facilities), total salvage of California White Sturgeon may underestimate mortality due to entrainment by 1-2 orders of magnitude.

Salvage may track annual recruitment of juveniles. To the extent this is true, trends in California White Sturgeon salvage data indicate a significant declining trend in abundance, including zero fish detected in 5 of the last ten years (Figure 8). High salvage mortality in 2023 likely reflects a relatively large cohort of YOY White Sturgeon produced following the record precipitation and runoff of that year. Results from 2023 illustrate how direct mortality related to entrainment may erode the capacity of the California White Sturgeon population to respond to environmental conditions that support successful reproduction.

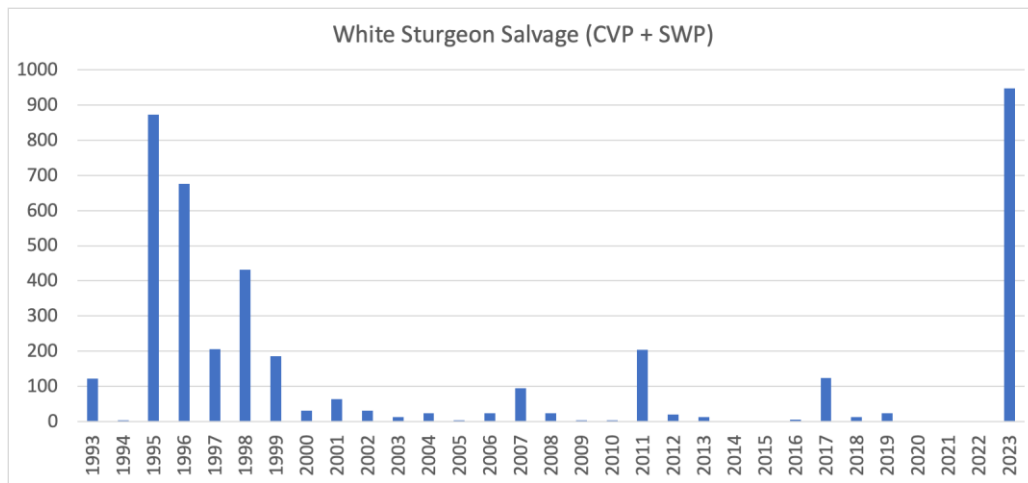


Figure 8 Annual combined salvage of White Sturgeon at Central Valley Project and State Water Project export operations (through 10/6/2023).

4.2.3. Fishing Harvest

California’s sport fishery for California White Sturgeon has also been implicated in the decline of sub-adult and adult California White Sturgeon in the recent past. The SFE fishery targets White Sturgeon between 40 and 60 inches, which equates to fish between approximately 9 and 17 years of age. Anglers can catch 1 fish per day, and are limited to a harvest of three fish annually. Blackburn et al. (2019) estimated that the SFE sport fishery harvest rate between 2007 and 2015 averaged 13.6% (range: 8-29.6%). CDFW estimates that fishing exploitation rates from 2016 through 2021 averaged 8.1% (range: 3.5-14.2%; California Fish and Game Commission 2023 at PDF p. 22). These harvest levels are far above those that the best available science indicates can be sustained (CDFW 2023). Blackburn et al. state (2019 at p. 896):

“Under current conditions, the population will likely continue to decrease (population growth rate $\lambda = 0.97$);..... The models also suggested that White Sturgeon in the [SFE] could reach the replacement rate (i.e., $\lambda \geq 1.00$) if total annual mortality for age-3 and older fish does not exceed 6%. Low levels of exploitation (i.e., <3%) would likely be required to maintain a stable population.”

CDFW's mark-recapture abundance estimates of "slot sized" fish regularly exceeded 150,000 fish in the 1980s and returned to these levels in the late 1990s following an extended drought in 1987-1993 (Figure 5). By 2021, the estimated harvestable population had declined to a 5-year average of approximately 33,000 fish (CDFW 2023). This estimate does not account for the potential effect of massive fish kills in 2022 and additional mortality in 2023, related to red-tide blooms of the harmful algae, *Heterosigma akashiwo* (see below).

Population productivity is essential to fish population viability (McElhaney et al. 2000). Average population growth rates <1.0 clearly are not consistent with viability of California White Sturgeon. Moreover, Ulaski et al. (2022) found that existing harvest rates were inconsistent with population growth needed to attain federal targets for this species under the CVPIA.

4.2.4. Harmful Algal Blooms

In addition to the chronic drivers of declining abundance described above, the California White Sturgeon population is susceptible to widespread catastrophic loss from harmful algal blooms in the Bay and in the Delta. During July and August 2022, a red tide algal bloom, caused by the flagellated raphidophyte algae, *Heterosigma akashiwo*, spread across San Pablo, Central and South San Francisco Bays. *H. akashiwo* blooms have been linked to fish kills elsewhere in the world (CDFW 2023) and this bloom culminated in the rapid die-off of uncountable numbers of fish in the Bay (New York Times Aug. 30, 2022: <https://www.nytimes.com/2022/08/30/us/fish-dead-algae-bloom-california.html>) and at least one of its estuarine lagoons, (Lake Merritt, in Oakland California; Guardian Sept. 1, 2022; <https://www.theguardian.com/us-news/2022/sep/01/dead-fish-oakland-lake-merritt-algae-bloom>). White Sturgeon and Green Sturgeon suffered heavy mortality over a period of approximately one week. Based on reports and pictures submitted by volunteer naturalists and professional biologists, CDFW estimates 864 dead sturgeon were observed on the Bay shoreline, 195 of which were confirmed to be California White Sturgeon and 17 were confirmed as Green Sturgeon; the remaining carcasses were incomplete, poorly photographed, or were too badly decomposed to identify from pictures (CDFW 2023). Based on the ratio of confirmed carcasses (>90% of which were California White Sturgeon), it is clear that hundreds of California White Sturgeon carcasses were observed on the shoreline following the 2022 fish kill event. Another bloom of *H. akashiwo*, centered in San Pablo Bay (a sub-embayment in the larger San Francisco Bay complex), occurred in July of 2023. This bloom was shorter-lived and less extensive than the 2022 bloom. However, multiple observations of White Sturgeon carcasses were reported on the shoreline of San Pablo Bay in iNaturalist during the bloom and immediately after it receded (https://www.inaturalist.org/observations?nelat=38.86430003509466&nelng=-121.2081780273586&order_by=observed_on&place_id=any&subview=table&swlat=36.89297590683787&swlng=-123.6324969552935&taxon_id=49825). No official estimate of California White Sturgeon mortality in 2023 has been produced.

The number of California White Sturgeon carcasses observed on Bay Area beachlines during and immediately after the 2022 and 2023 red tide algal blooms likely represents a very small fraction

of total mortality during the blooms as: (a) ~80% of the Bay's shoreline was not systematically scanned for sturgeon carcasses due to access restrictions, and (b) most dead sturgeon probably drifted to the bottom, were swept out of the bay by tides, or degraded before detection (Schreier et al. 2022; CDFW 2023 at slides 52-54). Although the true extent of California White Sturgeon mortality will never be known, adult mortality is highly likely to be at least an order of magnitude higher than the confirmed carcass counts. Precise comparisons of bloom-related mortality to the standing stock of White Sturgeon are not possible because of high uncertainty in existing estimates of both mortality and total abundance of adult and sub-adult California White Sturgeon.

5. Habitat Necessary for Species Survival

5.1. Habitat Requirements

White Sturgeon populations with access to marine environments spawn in large rivers when flows are elevated and generally rear in their natal river estuaries and local marine environments until maturation and between spawning events (CDFW 2015; Hildebrand et al. 2016; Sellheim et al. 2022). Although they display wide diversity in their use of saline environments, California White sturgeon spawn exclusively in freshwater and spend most of their lives in saline habitats, returning to freshwater environments to spawn. Therefore, NMFS has jurisdiction over California White Sturgeon under the federal ESA. Indeed, the migratory behavior of non-landlocked White Sturgeon populations is roughly analogous to that of Shortnose Sturgeon (*Acipenser brevirostrum*) of the Atlantic Coast, a federally endangered species administered by NMFS.

White Sturgeon spawn in deep water (>4m; Parsley and Beckman 1994) with swift currents. Jackson et al. (2016) collected eggs in the San Joaquin River at depths >10 m. Spawning occurs at temperatures from 8-19°C, and peaks at ~14°C (CDFW 2015 citing McCabe and Tracy 1994). CDFW (2015) states that optimal incubation substrate is free of sand and silt that can smother embryos. Spawning substrates in the San Joaquin River and Kootenai Rivers may contain some gravel, but are dominated by sand, silt, or hard pan clay (Hildebrand et al. 1996 citing Jackson, Z., USFWS, Lodi, CA, pers. comm., and Kohlhorst, 1976); perhaps as a result, there is no White Sturgeon recruitment in the Kootenai River (Paragamian 2012) and successful recruitment in the San Joaquin River probably occurs only during years with high river flow (A. Schreier, UC Davis, pers. comm., Oct. 31, 2023).

In the SFE, recently hatched White Sturgeon employ a two-stage dispersal from spawning sites to estuarine rearing habitats. Partially developed White Sturgeon hatchlings are photonegative and briefly disperse along river bottoms; these embryonic fish then seek benthic cover until the initiation of exogenous feeding (Kynard and Parker 2005). Under optimal thermal conditions (14-17°C), California White Sturgeon eggs hatch in approximately 5-7 days and yolk sack absorption is completed approximately 20-23 days post-fertilization (Wang et al. 1985). California White Sturgeon YOY are able to feed exogenously 20-30 days after hatching, at which

point they swim downstream actively, dispersing widely into rearing habitat throughout the lower rivers and Delta (Israel et al. 2009 citing McCabe and Tracey 1994; Kynard and Parker 2005). As YOY, California White Sturgeon become tolerant of brackish waters and tolerance or preference for salinity appears to increase continually with age (Sellheim et al. 2022).

In estuarine environments, White Sturgeon aggregate in deep water over soft bottom substrates. Movements may be in response to changes in salinity (CDFW 2015 at p. 224) and/or freshwater inflow to the estuary (Hildebrand et al. 2016 citing Kolhorst 1991). White Sturgeon feed on or near the bottom; they may feed in intertidal areas during high tides (Moyle 2002; CDFW 2015) but otherwise prefer deep water environments. Prey for juvenile sturgeon include chironomids, amphipods, aquatic insect larvae, and opossum shrimp (*Neomysis mercedis*; Scott and Crossman 1973; CDFW 2015). As White Sturgeon grow, their diet is dominated by benthic invertebrates including crabs and clams. An invasive non-native clam, *Corbula amurensis*, has become a major California White Sturgeon prey item since its invasion in the late 1980s, though its nutritional value to sturgeon is unknown (Zeug et al. 2014). Larger White Sturgeon prey on a range of fish including Pacific Herring (adults and eggs), Anchovy, Striped Bass, Starry Flounder, and Longfin Smelt (Skinner 1962; Scott and Crossman 1973; CDFW 2015 at p.225; Zeug et al. 2014).

Although capable of marine migrations (as evidenced by records of White Sturgeon along the Pacific Coast, far from natal habitats), California White Sturgeon typically remain in brackish estuarine environments through most or all of their adult lives (Miller et al. 2020). Until recently, it was believed that most White Sturgeon juveniles and adults remain in the SFE year-round (Klimley et al. 2015), but isotope microchemistry evidence reveals considerable individual variation in migrations to and from marine environments. Sellheim et al. (2022) found a wide range of amphidromous behavior among sub-adult California White Sturgeon (i.e., during the first 10 years of life), which they grouped into four basic patterns “ranging from those that primarily inhabited low salinity waters to those who resided in high salinity water following a few years in low or medium salinity” (at p. 11). Although some sub-adults remained in freshwater environments throughout their pre-maturation period, others never occupied freshwater during their sub-adult years. Short duration movements into high salinity habitats (> 10 psu) occurred among approximately half of the White Sturgeon studied by Sellheim et al. (2022) and the frequency of journeys into higher-salinity brackish habitats increased as individuals aged.

In addition to these periodic and short-term movements into marine waters, longer distance marine movements have been documented (Scott and Crossman 1973). Such migrations explain observations of juvenile and sub-adult White Sturgeon far from known spawning populations (Hildebrand et al. 2016). However, long-distance marine dispersal does not appear to be a significant component of the White Sturgeon life history strategy; gene flow appears to attenuate with geographic distance (Drauch Schreier et al. 2013; Willis et al. 2022), suggesting that extensive migrations are most often associated with feeding rather than spawning (CDFW 2015 at p. 225).

Critical habitat for California White Sturgeon should extend downstream of Central Valley “rim station” dams to the waters and fringing marshes of San Francisco Bay and its sub-embayments, and include the nearshore ocean off of San Francisco Bay (Gulf of the Farallones) and nearby coastal embayments (e.g., Bodega Bay, Tomales Bay). This would include recently documented spawning sites on the San Joaquin and Sacramento Rivers, as well as likely spawning and rearing areas on their major tributaries, including waterways used for migration to and from these spawning/rearing areas in and upstream of the Delta.

6. Factors Affecting Ability to Survive and Reproduce

Abundance of sub-adult and adult California White Sturgeon is at or near recorded lows (Figures 4, 5, 6). Successful cohort formation is rare (Jackson et al. 2016; Ulaski et al. 2022) and the size of successful cohorts appears to be decreasing (Figure 4; CDFW 2023), indicating declining population productivity. Both abundance and population productivity are likely to have declined further in response to massive fish kills caused by harmful algal blooms in 2022 and 2023; length data from confirmed California White Sturgeon killed in the 2022 event indicates that the majority of fish killed were of reproductive age (CDFW 2023). In addition, the population appears to have suffered significant range constriction caused by historic construction of impassable dams and their current operations; successful spawning in many rivers that likely supported spawning historically is unknown (e.g., the Stanislaus River, Tuolumne River) or extremely rare (Feather River, San Joaquin River). These low and/or declining levels of abundance, population productivity, and spatial distribution are not consistent with population viability (McElhany et al. 2000).

California White Sturgeon are imperiled primarily by:

- Central Valley water management infrastructure and operations, including:
 - the existence of several impassable Central Valley dams, which block access to former spawning and rearing grounds;
 - high levels of water diversion and the current operations of Central Valley dams, which collectively alter river hydrographs in ways that deprive California White Sturgeon of river and estuarine flows and water quality conditions necessary for successful recruitment;
 - direct mortality resulting from entrainment/salvage at CVP and SWP water export facilities in the south Delta;
- Overharvest in the recreational fishery; and
- Harmful algal blooms, some of which have resulted in direct mortality, and others (e.g., in the Delta) which routinely impair water quality conditions along the migration route for spawning White Sturgeon and their offspring.

Other threats include: low dissolved oxygen in the southern Delta; toxins, including selenium and mercury; and direct mortality from ship strikes and dredging. In addition to these existing threats, the risk of California White Sturgeon extirpation is exacerbated by imminent threats of

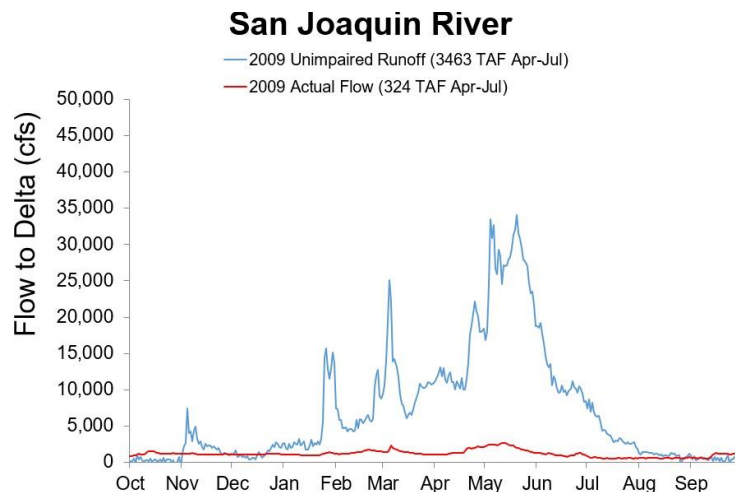
direct and indirect habitat modification driven by human activities. Major existing and reasonably foreseeable imminent threats to the California White Sturgeon population are described below.

6.1. Dams

Impassable dams on each of the nine largest Central Valley tributaries block access to historic California White Sturgeon spawning habitat. Smaller, semi-passable dams below these “rim” dams likely impair access to otherwise accessible spawning habitats. In addition, dams block river sediment transport which impairs sturgeon spawning habitat and denies migrating larval and juvenile sturgeon turbidity (suspended sediment) that they use to hide from predators (CDFW 2015). Among major anthropogenic factors limiting, or potentially limiting, viability of populations of White Sturgeon in California, CDFW rates dams as “high” (CDFW 2015 see Table 1 at PDF p. 109).

6.2. Water Diversions

Radical alteration of the SFE hydrograph as a result of the large-scale capture and diversion of Central Valley runoff is a major force constraining California White Sturgeon productivity and driving declines in abundance (Moyle 2002; CDFW 2015, 2023; Jackson et al. 2016; SWRCB 2017; Blackburn et al. 2019; Ulaski et al. 2022; SWRCB 2017). Diversions and reservoir storage operations during wet years truncate peak river flows (Figure 9) and constrain the frequency of wet conditions upon which White Sturgeon cohort success relies. For example, between 1990-2018, 7 out of 11 of the years that Reis et al. (2019) classified as “wet” or “above normal” in terms of unimpaired Central Valley runoff were actually “below normal” or drier in terms of water that flowed out of the Delta (Figure 10). Thus, water diversion and storage reduce the frequency and quality of conditions that favor California White Sturgeon recruitment.



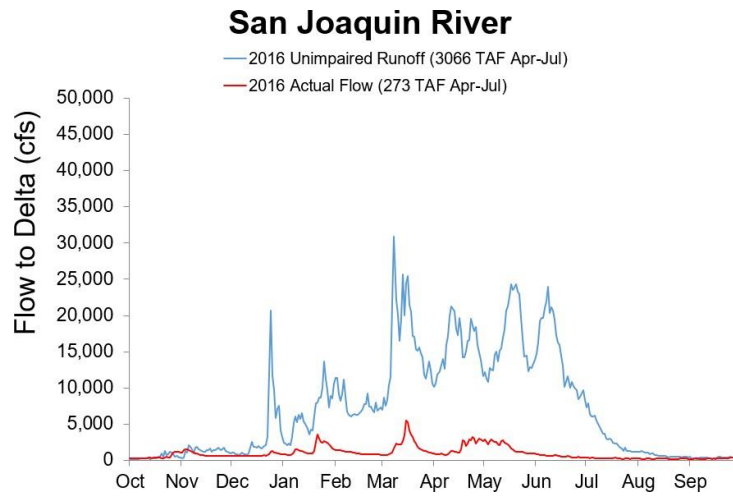


Figure 9: Unimpaired hydrograph (blue lines) vs. actual hydrograph (red lines) for the San Joaquin River in 2009 (top) and 2016 (bottom). Water diversions and reservoir operations eliminate high flow conditions that correspond with successful White Sturgeon recruitment on this and other Central Valley rivers.

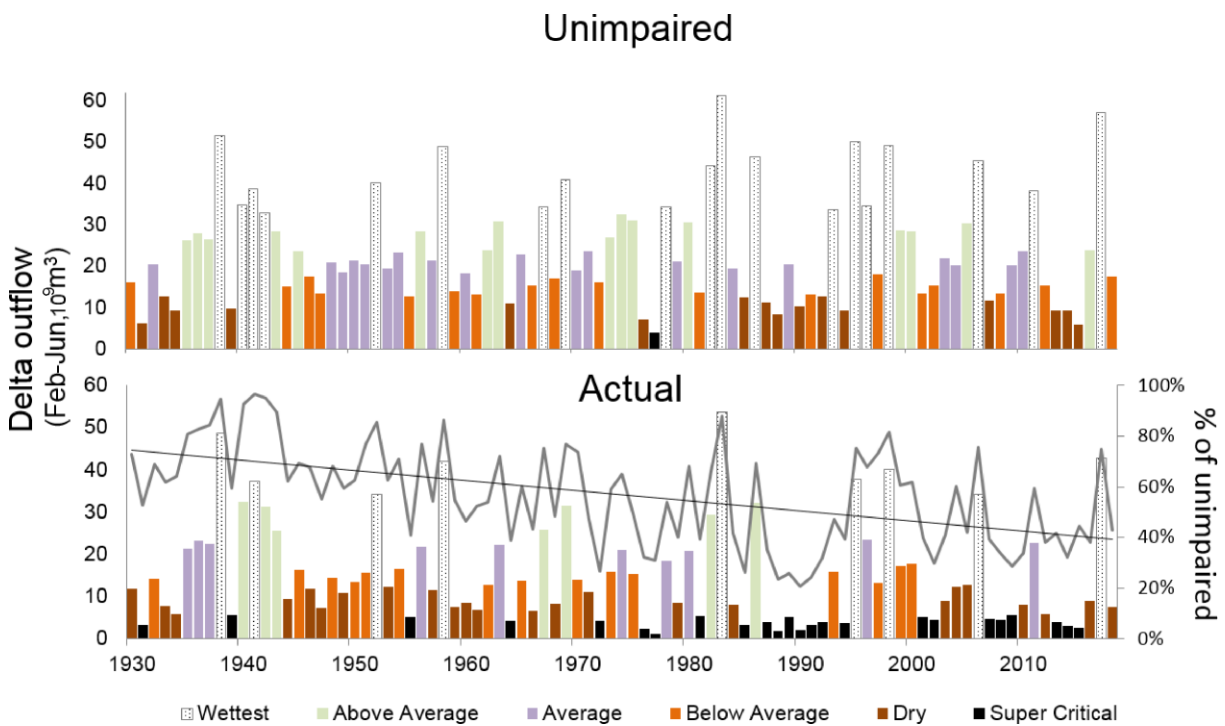


Figure 10: Trends in actual Delta outflow (below) relative to Central Valley unimpaired runoff (above). Coloring of bars represent water year types based on quintiles of unimpaired flow from 1922-2016. In terms of actual Delta outflow, the frequency of “wet” and “above normal” years is markedly reduced compared to unimpaired hydrology. The percentage of unimpaired flow reaching San Francisco Bay (line in lower panel; right y-axis) declined significantly during this

time-period (Kendall's tau = -0.36, $p < 0.001$), including since 1995 (Kendall's tau = -0.29, $p < 0.05$). Reis et al. 2019.

Despite the fact that current regulations are clearly inadequate to maintain freshwater flow or water quality conditions necessary to maintain viable populations of several fishes native to San Francisco Bay, the Delta, and their tributary rivers (SWRCB 2010, 2017; CDFW 2010, USFWS 2022), recent changes to state and federal ESA regulations nevertheless allow for increased water diversion, decreased river flows, and reduced Delta outflow as compared to earlier regulations (see, e.g., Figure 5.16-13, at p. 5-373 in Reclamation 2019; see, e.g., Tables 5.2.3-5.2.4 in CDWR 2020 at p. 5-12). Moreover, several recent proposals for new water management infrastructure described below seek to increase water diversions, particularly during wetter periods when high river flows and Delta outflows would otherwise benefit California White Sturgeon reproduction and recruitment.

6.2.1. Sites Reservoir

This proposed new off-channel reservoir would divert water from the Sacramento River during high flow periods from October-June, for later delivery to agricultural and urban users. If approved, Sites Reservoir diversion operations are expected to reduce April-June flows, especially under wet conditions, in the known spawning, rearing, and migration corridor of California White Sturgeon in the Sacramento River (e.g., Sites RDEIR/SDEIS Table 5c-9-1c). This is likely to have a negative effect on successful spawning and recruitment of juvenile California White Sturgeon.

6.2.2. Delta Conveyance

The California Department of Water Resources has proposed a new diversion from the Sacramento River that would route Sacramento River flow through an underground tunnel to existing export infrastructure in the southern Delta (“the Delta Conveyance Project”). Operation of the Delta Conveyance Project would substantially *reduce* flows in the lower Sacramento River, particularly during spring-summer months of wetter years (Delta Conveyance Project, Draft EIR (CDWR 2022) Appendix 05C Table 5C-42 at p. 5c-43); <https://www.deltaconveyanceproject.com/planning-processes/california-environmental-quality-act/draft-eir/draft-eir-document>) that would otherwise support California White Sturgeon reproduction and recruitment.

6.2.3. Bay-Delta Water Quality Control Plan Update and Proposed Voluntary Agreements

The SWRCB’s existing Bay-Delta Water Quality Control Plan and related regulations are inadequate to protect native fishes, even when supplemented by flow and diversion constraints applied under the federal and state ESAs (SWRCB 2010, 2017; CDFW 2010; USFWS 2022). The

current water quality standards governing flow into the Delta from the Sacramento River watershed, through the Delta, and into San Francisco Bay, were adopted in 1995.

The SWRCB recently proposed new draft standards for flow from the Sacramento River watershed into the Delta, in-Delta hydrodynamics, and Delta outflow (SWRCB 2023). The “proposed project” would require a minimum of 55% of unimpaired flow from the Sacramento River and the Delta’s eastern tributaries to reach the Delta year-round and for that volume to become Delta outflow. However, the “proposed project” will not achieve the frequency and magnitude of flow conditions that California White Sturgeon need to sustain their populations and fully recover. For example, the SWRCB has determined that average March-July Delta outflows $\geq 37,000$ cfs are protective of California White Sturgeon (SWRCB 2017 at pp. 3-63 through 3-66). The SWRCB’s modeling predicts that flows of this magnitude will occur with only marginally higher frequency than baseline (19% vs. 15%) under the SWRCB’s proposed project (SWRCB 2023 Table 7.6.2-5 at p. 7.6.2-38). Moreover, this marginal difference in frequency of suitable flows is entirely due to flows that exceed *current* diversion and storage capacity (i.e., unregulated flows), but which would be available for capture and storage by new diversions (e.g., the proposed new Delta Conveyance Project) and/or new storage facilities, such as the proposed Sites Reservoir Project (see SWRCB 2017 at p. 5-31, showing that without “unregulated flows,” Delta Outflow targets for White Sturgeon and Green Sturgeon would be achieved less frequently than baseline – 12% vs. 15%). Notably, the SWRCB’s “high flow” alternative (65% of unimpaired Sacramento River and east side tributary inflow to the Delta) is projected to result in Delta outflows greater than or equal to the SWRCB’s White Sturgeon minimum flow threshold in 24% of years (SWRCB 2023 Table 7.6.2-5 at p. 7.6.2-38), approximately the frequency needed to ensure spawning opportunities necessary to sustain and recover the California White Sturgeon population (1 in 4 years, see above).

The SWRCB also described proposed Voluntary Agreements (VAs) as an alternative to its “proposed project.” These VAs would provide far less flow into San Francisco Bay, through the Delta, and in tributary rivers where California White Sturgeon spawn and rear, than the SWRCB’s proposed project. In fact, during years with “wet” hydrology, modeling indicates that the Voluntary Agreements would result in *less flow* than under baseline conditions (see, e.g., SWRCB 2023 at Table 4-13; and Table G3a-10). Thus, the VA alternative threatens to significantly *diminish* the frequency and magnitude of river and Delta outflow conditions that White Sturgeon rely on for successful spawning and juvenile recruitment.

6.3. Entrainment Mortality

Direct and indirect mortality related to SWP and federal CVP operations in the southern Delta are a subset of overall water management impacts on the California White Sturgeon population. However, since these operations result in substantial direct mortality in years of high sturgeon recruitment, we consider this issue separately here. Although there is no known conversion for estimating total White Sturgeon entrainment mortality as a function of salvage of these fish (as there is for other species, e.g., Castillo et al. 2012), it is clear that: (a) there is no reason to expect high survival of salvaged fish, (b) total mortality will be greater than the number of fish

enumerated in salvage because of losses prior to the fish screens, and (c) salvage has been episodically high (Figure 8).

Whereas constraints on export operations contained in the 2008/2009 federal ESA biological opinions for Delta Smelt and anadromous fishes have been found to reduce salvage and related mortality of certain protected species (e.g., Delta Smelt; Smith et al. 2021), there is no reason to believe that those constraints are adequate to protect White Sturgeon, which are vulnerable in different seasons and under different hydrological conditions than other imperiled species. Furthermore, the export constraints detailed in the 2008/2009 biological opinion have been altered and may be altered again during the ongoing ESA reconsultation on CVP operations. Specifically, the most recent federal biological opinion and CESA Incidental Take Permit allow for much higher levels of export during “storm” conditions (CDFW 2020 at p. 92). If juvenile California White Sturgeon capitalize on high-flow storm events to disperse in the Delta, then implementation of this “storm-flex” provision would be expected to increase entrainment mortality.

6.4. Recreational Harvest

White Sturgeon life-history and behavior make the California White Sturgeon population susceptible to overharvest. White Sturgeon exhibit delayed maturation and do not spawn every year; thus, loss of older, more fecund, adult females represents a significant blow to overall California White Sturgeon population productivity (Blackburn et al. 2019). These same life history attributes can mask long-term declines in the population (Ulaski et al. 2022). Legal recreational fishing for California White Sturgeon has exacerbated recent population declines (Blackburn et al. 2019; CDFW 2023). CDFW’s planned response – to set harvest levels to 4% of the harvestable population – will not eliminate the threat to the population posed by recreational fishing.

In addition, because adult and sub-adult White Sturgeon tend to aggregate in a small area for extended periods (Hildebrand et al. 2016), fishing boats can concentrate angling pressure on significant population pockets. This threat to the population from legal harvest is exacerbated by the expansion of tools for rapid communication in the field (cell phones; social media) that allow recreational anglers and boat captains to quickly learn about and move towards areas of high catches. In addition, White Sturgeon predictably return to favored spots seasonally (Hildebrand et al. 2016), making them easy for fishing boats to find and target.

In response to extremely high harvest rates in the recent past, CDFW has proposed to develop new fishing regulations intended to achieve a 4% harvest mortality rate (California Fish and Game Commission 2023). This target is significantly above the levels Blackburn et al. (2019) calculated would be necessary to maintain a *stable* population (<3%); harvest rates consistent with California White Sturgeon population growth would be lower still. And Blackburn’s calculations did not account for the emerging threat of harmful algae blooms, which resulted in extreme California White Sturgeon mortality events in 2022 and 2023.

6.5. Poaching

Poaching California White Sturgeon, principally for their eggs (caviar), has been identified as a threat to the population (Israel et al. 2009). Organized poaching rings have been identified and participants arrested, but there are no data on the current magnitude of this problem.

6.6. Harmful Algal Blooms

As described above, harmful red tide (*H. akashiwo*) algal blooms in San Francisco Bay led to substantial die-off of California White Sturgeon in 2022 and 2023 (CDFW 2023; California Fish and Game Commission 2023). These widespread blooms, and more localized persistent blooms of cyanobacteria (*Microcystis*) in the San Joaquin River migration corridor, also threaten to constrain the geographic extent of California White Sturgeon spawning and rearing. Bloom formation corresponds to high light penetration, water temperatures, nitrogen (N) and phosphorus (P) (collectively, “nutrient”) concentrations, and residence times. In the Bay, the one factor under human control is nutrient concentrations. In the Delta, because technologies to reduce N loads in treated wastewater effluent have been implemented at the Stockton and Sacramento wastewater treatment plants, reducing residence time with increased river flows (especially in the San Joaquin) represents the main viable strategy to mitigating or preventing harmful algal blooms.

Repeated red-tide algal blooms, in 2022 and again in 2023, indicate that sizeable California White Sturgeon mortality events may occur more frequently in the future. Indeed, future blooms may be worse. The SFE is highly susceptible to harmful algae blooms because it is chronically over-enriched in N and P compounds that fuel phytoplankton growth and reproduction (Cloern et al. 2020). *H. akashiwo* forms cysts that lay dormant in bottom sediments; the 2022 bloom may have deposited these cysts over a large portion of San Francisco Bay, setting the stage for rapid development of widespread blooms in the future. Moreover, *H. akashiwo* is not the only potentially harmful, bloom-forming phytoplankton in the Bay; the San Francisco Bay Regional Water Quality Board’s (Regional Board) Nutrient Management Strategy identifies 17 harmful algal bloom-forming species in the SFE, and some of these are more toxic than *H. akashiwo* (SFEI 2016). Whereas, the Regional Board anticipates proposing regulations that would constrain nutrient loading of the Bay from wastewater treatment plants (Eileen White, Executive Director of the San Francisco Bay Regional Water Quality Board, pers. comm., Aug. 7, 2023), no reduction in nutrient loads has yet been required and such regulations (if adopted) are not likely to result in attainment of targeted nutrient load reductions for at least 10 years. Thus, the harmful algal blooms are an increasingly imminent threat to the California White Sturgeon.

In addition, harmful blooms of highly toxic cyanobacteria in the genus *Microcystis* are increasingly common on the lower San Joaquin River during the spring and summer (Kudela et al. 2023), including months when adult and juvenile California White Sturgeon would be migrating to and from the San Joaquin River and its tributaries. These blooms and related low

dissolved oxygen levels in the Stockton Deepwater Ship Channel likely form a barrier to migrating California White Sturgeon adults and juveniles (CBDA & CVRWQCB 2006; CDFW 2015 at p. 108).

6.7. Pollution

As Gunderson et al. (2017 at p. 334) note: “[t]he San Francisco Estuary is heavily influenced by anthropogenic activities, including historic and chronic contaminant inputs. These contaminants can adversely affect SFE fish populations, particularly white sturgeon, because they are a benthic dwelling, long-lived species.” California White Sturgeon are sensitive to agricultural and industrial pollutants, many of which bioaccumulate, leading to deformities, slower growth, and reduced reproductive potential (CDFW 2015 at p. 230). Their exposure to organochlorine pesticides, mercury, and selenium is quite high in the SFE. Indeed, Gunderson et al. (2017) found elevated concentrations of several metals, as well as DDE, PCBs, PBDEs, galaxolide, and selenium in the tissues of California White Sturgeon. Given this fish’s long lifespan, PCB’s and other pollutants may represent a significant population-level concern (Moyle 2002; CDFW 2015 and sources cited therein).

The threat to California White Sturgeon posed by selenium accumulation may be underappreciated. Elevated levels of selenium (Se) lead to decreased swimming activity, slower growth, lower energy reserves, and decreased survival in California White Sturgeon (CDFW 2015 at p. 230). Se enters the SFE from agricultural runoff and stormwater discharge – particularly from naturally seleniferous soils on the west side of the San Joaquin Valley – and from petroleum refinery effluent in Suisun Bay and San Pablo Bay. Gunderson et al. (2017 at p. 335) report Se levels in California White Sturgeon consistent with those associated with impaired reproductive success. Stewart et al. (2020) reported Se in tissues of Sacramento Splittail taken from Pacheco Creek, which receives effluent from three nearby oil refineries, that were higher than those from Splittail sampled elsewhere in the SFE. These results suggested that “...the proposed EPA Se criteria for muscle tissue in Splittail may be under-protective.” (Stewart et al. 2020 abstract). White Sturgeon also inhabit the receiving waters of Pacheco Creek and forage on some of the same prey as Sacramento Splittail (e.g., mollusks) as well as the Splittail themselves, suggesting that California White Sturgeon exposure to refinery-origin Se may be higher than previously understood.

6.8. Climate Change

The regional effects of global climate change are likely to exacerbate several stresses on the California White Sturgeon population. Potential effects include increases in water temperature that would impair reproductive success; increased developmental rates leading to potential mismatch between life-history transitions and prey availability; disease susceptibility; and increased duration, intensity, and extent of harmful algal blooms (CDFW 2015). Anthropogenic

impacts to climate have increased the risk of persistent droughts in California (Diffenbaugh 2015); alterations to annual and seasonal hydrology resulting from climate change are also likely to further impair California White Sturgeon recruitment.

6.9. Hatcheries

Hatchery supplementation of wild sturgeon is not currently a threat to the California White Sturgeon population, though it has been proposed. CDFW (2015 at p. 233) reports that artificially reared sturgeon were outplanted from 1980-1988. Hatchery supplementation could threaten California White Sturgeon discreteness. Conservation status assessments for Pacific salmon include thresholds for hatchery influence (Lindley et al. 2007). Indeed, Central Valley fall-run and late-fall run Chinook Salmon populations are listed as California Species of Special Concern, in part, because of high levels of hatchery influence (CDFW: <https://wildlife.ca.gov/Conservation/Fishes/Chinook-Salmon>). Furthermore, hatchery-rearing of California White Sturgeon would not alleviate major threats to the population (e.g., overharvest, harmful algae blooms, selenium toxicity) as these threats affect mainly older fish; hatchery-rearing would not undo or mitigate several factors that imperil the population in the first place.

6.10. Ship Strikes

White Sturgeon are killed by strikes from boat and ship hulls or propellers (Hildebrand et al. 2016; Demetras et al. 2020). The population level impact of this effect is unknown. There is concern that narrow sections of the SFE (e.g., Carquinez Strait) may funnel high vessel traffic into the migratory path of California White Sturgeon on their way to and from spawning grounds, leading to deadly boat strikes (A. Schreier, UC Davis, pers. comm, Oct. 31, 2023). As the adult spawning stock becomes more limited, the potential for consistent loss of large females to ship strikes could become problematic (CDFW 2015).

6.11. Dredging

Dredging of the federal navigational channels, as well as smaller-scale dredging projects, poses a variety of direct and indirect impacts to California White Sturgeon. In 2009, the San Francisco Estuary Institute prepared a study for the U.S. Army Corps of Engineers regarding SFE dredging impacts on green sturgeon (Stanford et al. 2009). Direct impacts include entrainment from hydraulic dredging, exposure to contaminated sediments, water quality impacts via sediment resuspension and sedimentation, disturbance from underwater noise, and changes to habitat (e.g., bed leveling). Indirect impacts include modifications to prey base, increased occurrence of ship propeller strikes, and predation by invasive species. Impacts to Green Sturgeon are likely amplified for California White Sturgeon, because California White Sturgeon spend most of their lives in the SFE, whereas Green Sturgeon migrate through the estuary quickly.

7. Degree and Immediacy of Threat

The threats facing the California White Sturgeon described above vary by degree and immediacy. The most significant threats are harmful algal blooms, recreational fishing, and water diversions.

7.1. Water Diversions

Decreased freshwater flows through the watershed currently pose a severe, chronic threat to California White Sturgeon viability. Current management of river and estuarine flows (i.e., regulation of reservoir operations and diversions) constrains the productivity of the population and promotes gradual, but persistent decline in the population. Freshwater flow conditions are likely to be further degraded by multiple pending projects that would divert and store yet more runoff in the Sacramento Valley and the Delta.

7.2. Recreational Fishing

Recreational fishing is a grave threat to California White Sturgeon in the near-term. At current harvest levels, the threat from sportfishing is severe. It is possible that new proposed restrictions will reduce the near-term impacts from recreational fishing, but the best available science indicates that, unless harvest rates are restricted to <3% of the population, the population will continue to decline (Blackburn et al. 2019) and will certainly not recover.

7.3. Harmful Algal Blooms

Harmful algal blooms pose a potentially catastrophic, immediate threat to California White Sturgeon. Given the combination of excessive nutrient loading, increased water diversions, and climate change, it is likely harmful algal blooms will occur with increased frequency and severity, leading to future fish kills and impairment of migrations.

8. Impact of Existing Management Efforts

Existing regulatory mechanisms are clearly inadequate to protect California White Sturgeon from further decline and eventual extirpation.

8.1. Water Diversion Regulations

Despite the existence of regulations addressing water diversion under the state and federal Clean Water Acts (i.e., the Bay-Delta Water Quality Control Plan) and state and federal ESAs (i.e., state CESA Incidental Take Permit and federal Biological Opinions), the proportion of Central Valley-wide unimpaired runoff that makes it through the Delta to San Francisco Bay has declined dramatically over the past century and over the past 25 years (Figure 10; Hutton et al. 2017;

Reis et al. 2019). Moreover, existing river and estuarine flow requirements are minimum standards that do not address and will not prevent the further reduction of “surplus” (i.e., unregulated) flows by proposed projects in the near future. As SWRCB (2023, at 1-9) explains:

“Total average annual unimpaired (without diversions and dams under current channel and infrastructure conditions) outflows from the Bay-Delta watershed are about 28.5 million acre-feet (MAF). Annual average outflows with diversions are a little more than half this amount at about 15.5 MAF, and outflows during the winter and spring from January through June are less than half. However, average regulatory minimum Delta outflows are only about 5 MAF, or about a third of current average outflows and less than 20 percent of average unimpaired outflows. Existing regulatory minimum Delta outflows would not be protective of the ecosystem, and without additional instream flow protections, existing flows may be reduced in the future, particularly with climate change and additional water development absent additional minimum instream flow requirements that ensure flows are preserved in stream when needed for the reasonable protection of fish and wildlife.” (emphasis added).

Several other recent reviews have similarly concluded that minimum flow requirements and current flow levels in the SFE watershed are inadequate to protect endangered fishes or recreational and commercial fisheries (SWRCB 2010, 2017; CDFW 2010; USFWS 2022). The effect of water diversion and reservoir storage operations on the volume and timing of flows to San Francisco Bay can be seen in the reduced frequency of years with high spring-summer river flows, relative to the frequency of naturally occurring wet conditions (Figure 10). Thus, current water management practices reduce the frequency of conditions that California White Sturgeon depend on for successful spawning and larval rearing. Moreover, as described above, adoption of currently proposed updates to the Bay-Delta Water Quality Control Plan (SWRCB 2023), Sites Reservoir, and the Delta Conveyance Project would each reduce the frequency and magnitude of high spring-summer Delta inflows and outflows, and would therefore reduce the frequency and magnitude of successful California White Sturgeon recruitment.

8.2. Recreational Fishing Regulations

CDFW acknowledges that increased regulation of fishing harvest will be needed to stabilize the population (CDFW 2023; California Fish and Game Commission 2023). CDFW has convened agency and outside experts to review potential changes in fishing regulations aimed at attaining a new maximum exploitation rate target of 4% (California Fish and Game Commission 2023 at PDF p. 25). This target level of harvest is substantially higher than the maximum Blackburn et al. (2019) calculated would be necessary to maintain a stable population (<3%) – that calculation was made prior to the emergence of harmful algal blooms and associated fish kills in San Francisco Bay-proper. CDFW’s revised harvest target would not be expected to halt declining abundance of California White Sturgeon, much less restore this population.

Separately, CDFW staff proposed emergency fishing regulations that would restrict the California White Sturgeon fishery to catch-and-release only for the 2024 fishing season. However, at its October 11, 2023, public meeting, the California Fish and Game Commission rejected this proposal in favor of a series of temporary modifications to fishing regulations aimed at achieving a harvest mortality target that was estimated, without supporting evidence, to be “4-5%.” Thus, there are no current plans to reduce California White Sturgeon harvest to levels consistent with maintaining a stable, much less recovering, population.

8.3. Nutrient Enrichment Regulations

Nutrient enrichment of San Francisco Bay and its main tributaries supports increasingly common and widespread harmful algal blooms that kill California White Sturgeon and limit its geographic range. But current regulation of nutrient loads from agricultural runoff, treated municipal wastewater, and refinery effluent have not prevented the SFE from becoming one of the most nutrient-enriched estuaries in the world (Cloern et al. 2020). Until nutrient loading into the Bay (primarily by local wastewater treatment plants) is significantly reduced, widespread blooms are likely to recur in the pelagic waters of the Bay. Although the Regional Board anticipates requiring load reductions in an updated wastewater nutrient permit, changes in infrastructure and operations required to substantially reduce nutrient loads are likely to take many years to implement. Therefore, it is highly likely that California White Sturgeon will continue to suffer loss of habitat and potentially catastrophic fish kills for the foreseeable future as a result of harmful algal blooms.

In the Delta, river flows are chronically impaired (SWRCB 2017; Reis et al. 2019). Although the SWRCB has been reviewing water quality (flow) standards for the Bay-Delta since 2009, and adopted new standards for San Joaquin River flow in 2018, river and estuarine flows are still being managed to meet the requirements adopted nearly thirty years ago, in 1995. As a result, residence times in the southern Delta support widespread seasonal toxic algal blooms in all but the wettest years. Indeed, the state is contemplating replacing the unimplemented 2018 San Joaquin River basin flow standards (which would require that 40% of unimpaired flow from the lower San Joaquin River’s three main tributaries reach the Delta) as part of a “voluntary agreement” with water diverters on the Tuolumne River (SWRCB 2023) – the proposed VA would provide significantly less flow in the Tuolumne River and San Joaquin River than the 2018 standards would provide. It is also not clear whether even the 2018 standards would result in flows needed to mitigate harmful algal blooms during the July-September period, when no new flow standard applies.

9. Recommendations for Future Management

Conserving, protecting, and restoring California White Sturgeon will require immediate action to simultaneously reduce key stressors, including: harmful reservoir operations and high levels of water diversion that inhibit successful spawning, rearing, and adult and juvenile migrations through the Delta; nutrient pollution that supports harmful algal blooms in San Francisco Bay-

proper; and overharvest. Full restoration of this population will also require elimination and mitigation of toxic substances that California White Sturgeon bio-accumulate (e.g., Selenium, methyl-mercury, PCB's, etc.). Population level impacts from ship strikes and dredging should be thoroughly investigated. And scientific research on, and long-term monitoring of, the California White Sturgeon population must be restored and expanded.

9.3. Restore Adequate Freshwater Flows to Increase Recruitment

Increased frequency of adequate river flow into, through, and out of the Delta are necessary to support successful recruitment of juveniles to the California White Sturgeon population. Based on the empirical relationship between Delta outflow and successful California White Sturgeon cohort formation, the SWRCB (2017) identified monthly average March-July Delta outflows > 37,000 cfs as necessary to protect White Sturgeon. In order to support population productivity consistent with a viable population, such flows need to occur at least once in every 4 years (~25% of years), given the reproductive interval of California White Sturgeon females (2-4 years). Restoring the population to its former abundance will require suitable river conditions to recur even more frequently.

Similarly, our analysis indicates that recruitment of Age 0 California White Sturgeon rarely occurs in years when average Sacramento River flows between April and July are < 30,000 cfs (Figure 7). New reservoir operation rules and constraints on diversions must be implemented to substantially increase the frequency and magnitude of average April-July Sacramento River flows >30,000 cfs.

Jackson et al. (2016) identified flow impairment as a likely constraint on California White Sturgeon reproductive success in the San Joaquin River Valley. Their study indicates that increases in streamflow during the March– May period are important drivers of spawning activity. However, they did not study the effect of flows in April-July on the successful transition of eggs into juveniles that reach the Delta. They called for increased research to refine estimates of streamflow and temperature needed to support successful spawning and larval survival in the San Joaquin and its main tributaries. Increased flows in the San Joaquin during the March-July time period will be necessary in order to study their effect on California White Sturgeon success. Restoration of the San Joaquin River as suitable spawning, incubation, and larval rearing habitat for California White Sturgeon would improve population viability through increased productivity and, eventually, abundance. Perhaps more importantly, increasing the frequency and success of spawning on the San Joaquin River and its tributaries would also be a major improvement to this fish's constrained geographic distribution, and would be a significant contribution to the population's overall viability, as a result.

In addition, flow and temperature conditions on the Feather River are unlikely to support successful California White Sturgeon reproduction, incubation, and dispersal in most years, due to the operations of Oroville Dam and the Thermalito infrastructure (Heublein et al. 2017). Restoration of the Feather River as suitable spawning, incubation, and early rearing habitat for California White Sturgeon would improve population viability through increased productivity

and, eventually, abundance; it would also create additional spawning opportunities off the mainstem Sacramento River that would be a significant incremental improvement to the population's constrained geographic distribution. Research into the flow needs of White Sturgeon on this river should be investigated; needed modifications to storage and diversion operations must be implemented to support successful reproduction on the Feather River.

9.2. Eliminate or Substantially Reduce Migratory Barriers Through the Delta

Two main barriers severely impair migration of California White Sturgeon through the Delta – low dissolved oxygen and harmful algal blooms in the lower San Joaquin River around Stockton. In part, both of these migration barriers result from inadequate San Joaquin River flows. Adequate river flows are necessary to alleviate chronically low levels of dissolved oxygen (Jassby and Van Nieuwenhuysse 2005) and to prevent blooms of the toxic cyanobacteria (e.g., in the genus *Microcystis*; Berg and Sutula 2015; Lehman et al. 2013, 2020). Year round flows of ~1,000 cfs in the Stockton Deepwater Ship Channel correspond to near elimination of dissolved oxygen levels < 5mg/L (the current regulatory standard (Figure 11; Jassby and Van Nieuwenhuysse 2005) and should be mandated, at least during the December-July period, when White Sturgeon are likely to migrate through this area on their way to or from spawning habitat in the San Joaquin watershed (Figure 12).

FIGURE 11

Top panel: Box plot of summary statistics for monthly average values of daily minimum DO in the ship channel at the Rough and Ready Island continuous monitoring station (DOmin), 1983-2001 (n=19/month).

Bottom panel: Figure 6 from Van Nieuwenhuysse, E. E. 2002. Box plot of summary statistics for monthly average discharge in the San Joaquin River near Vernalis (Qvern), 1983-2001.

Source: Figures 2 and 6 from Van Nieuwenhuysse, E. E. 2002.

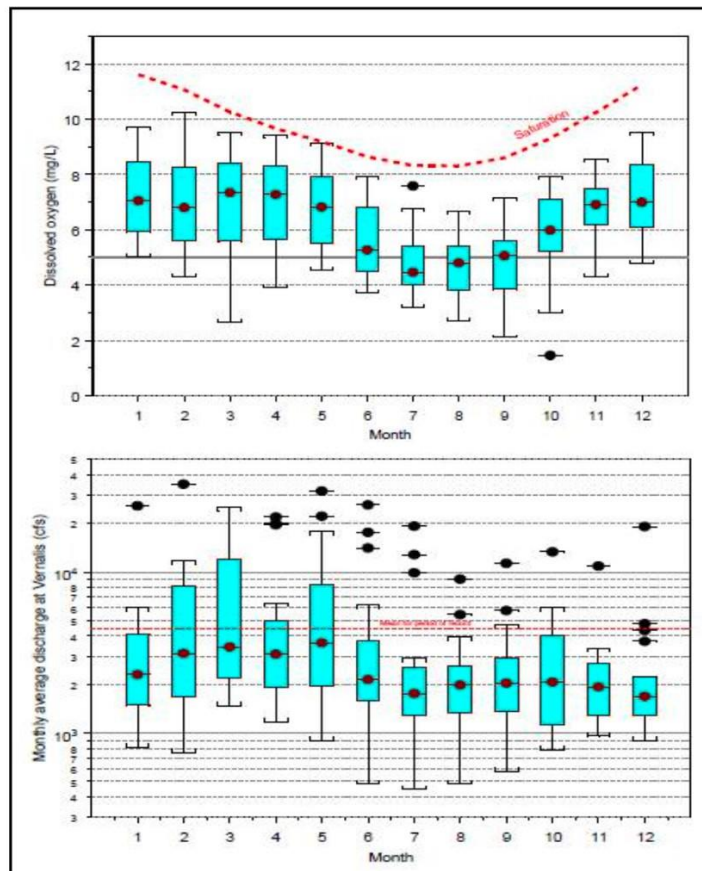


Figure 11: Distribution of flows and dissolved oxygen levels by month in the Stockton Deepwater Ship Channel. TBI 2010. Original source Figures 2 and 6 from Van Nieuwenhuysse, E. E. 2002.

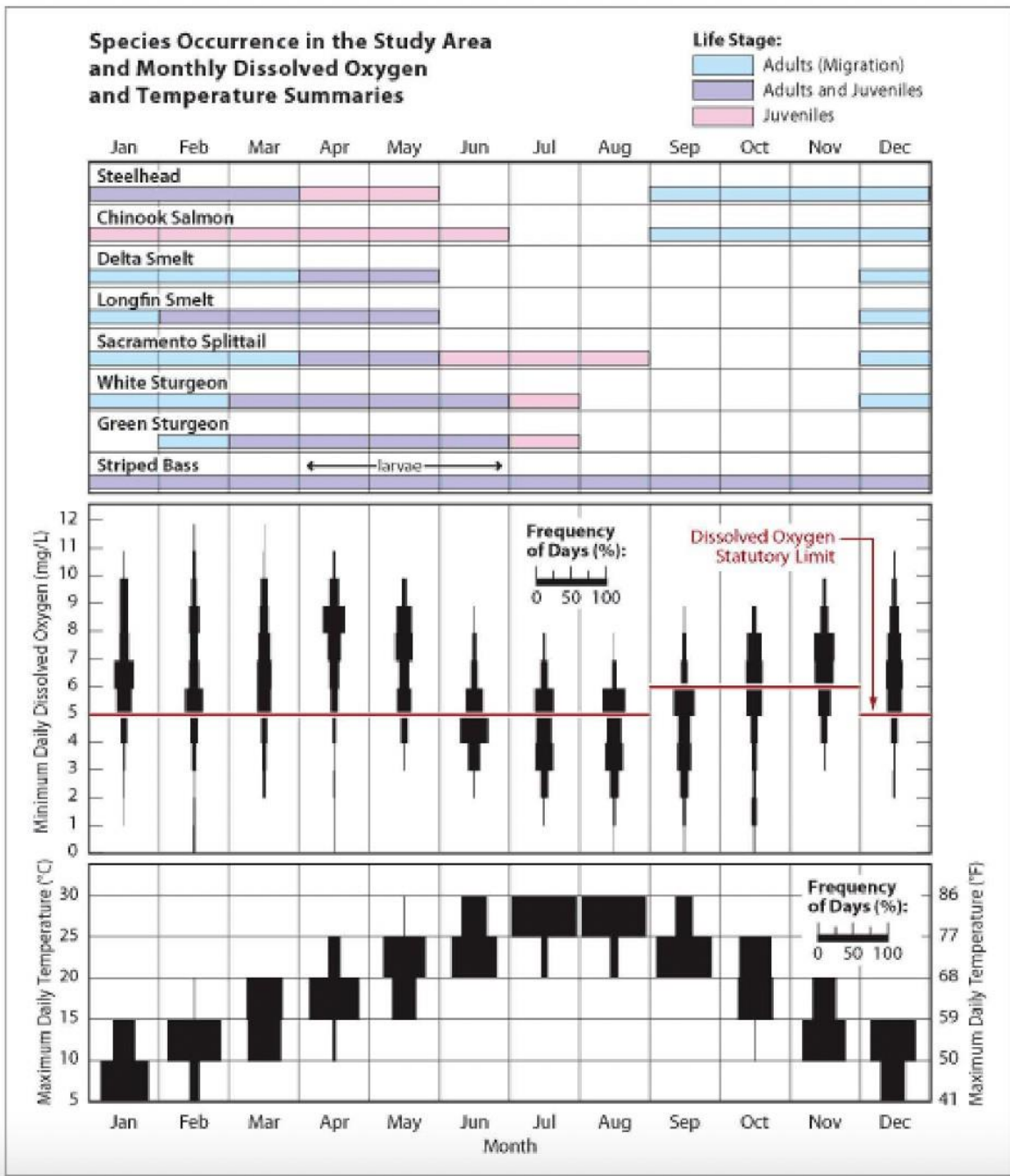


Figure 12: Timing of migration for different life stages of fish, including California White Sturgeon, that migrate through the Stockton Deepwater Ship Channel and the long-term distribution of temperature and dissolved oxygen levels in each month of the year. CBDA and CV RWQCB 2006.

The SWRCB adopted new standards for San Joaquin River inflow and flows on the San Joaquin's three lower tributaries in 2018 (SWRCB 2018). These updates, which have not been implemented and for which implementation is not imminent (SWRCB 2023), would require minimum flows of 1,000 cfs upstream of Stockton at Vernalis. However, about half the San Joaquin River's flow at Vernalis is distributed among other channels before it reaches Stockton, so this minimum Vernalis standard would not guarantee adequate flows to break up dissolved oxygen barriers in the lower San Joaquin River. A minimum flow standard of 1,000 cfs in the Stockton Deepwater Ship Channel (or ~ 2,000 cfs at Vernalis) should be implemented, at least during the months of December through July, when White Sturgeon migrate through this area.

At this time, it is unknown what specific flow levels are necessary to prevent toxic algal blooms in the lower San Joaquin River. Lehman (2020) found that summertime Delta outflows > ~10 Kcfs were associated with a reduction in toxic algal blooms magnitude, spatial extent, duration, and toxicity relative to drought years. In addition to the minimum flow at Vernalis (described above), the SWRCB's updates to San Joaquin River flow standards would require 40% of unimpaired flow from the Stanislaus, Tuolumne, and Merced rivers to reach the Delta between February-June. This standard has not been implemented; thus, it has had no effect on flow – and implementation of the 2018 standard is neither imminent nor certain, given the SWRCB's consideration of a "voluntary agreement" alternative. Adopted flow standards (i.e., SWRCB 2018) should be implemented while studies are conducted to determine flows necessary to prevent formation of harmful algal blooms in the lower San Joaquin watershed during the months of May-July (when blooms are likely to form and migrating sturgeon may be present).

9.3. Reduce Direct and Indirect Mortality Related to Water Export Operations

Episodic entrainment of juvenile sturgeon at CVP and SWP export facilities limits the California White Sturgeon population's ability to respond when environmental conditions would otherwise support juvenile recruitment. Most juvenile California White Sturgeon salvage (and by extension, most pre-screen mortality) occurs between June and November (Figure 13). It is likely that White Sturgeon mortality is higher in June than salvage data reveal, as most YOY entrained at this time are likely to be too small to screen efficiently and are vulnerable to pre-screen mortality. Current regulation of exports is least restrictive during these months.

Therefore, we recommend adoption of export-related hydrodynamic criteria (e.g., limits on negative flows in the Old and Middle River distributaries of the San Joaquin River) for June-November to limit the likelihood of entrainment for California White Sturgeon.

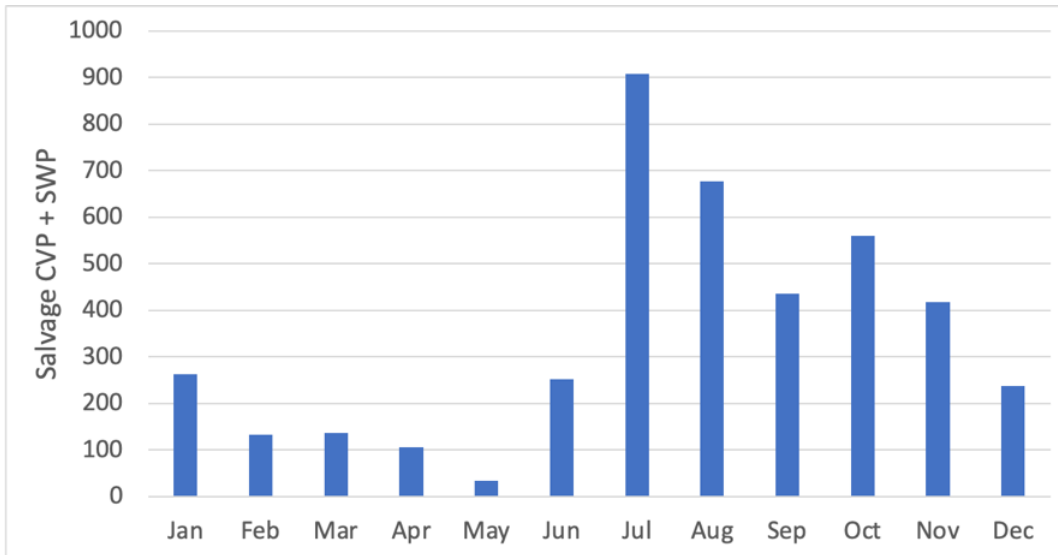


Figure 13: Combined CVP and SWP salvage of California White Sturgeon by month, 1993-2022.

9.4. Eliminate Harvest Impacts in the California White Sturgeon Fishery

Fishing harvest of California White Sturgeon has clearly been unsustainable. Until the population is determined to have recovered, fishing should be limited to catch-and-release only. A catch-and-release fishery for California White Sturgeon is consistent with conserving and restoring these fish as hooking mortality is extremely low. As CDFW reports:

“Numerous studies on White Sturgeon indicate that the species is robust and tolerates the stress associated with catch and release angling well. ... In a study conducted in the C.J. Strike reservoir catch and release fishery on the Snake River, ID, it was determined that adult White Sturgeon were hooked an average of 7.7 times, and landed 3.5 times, in a year (Kozfkay and Dillon 2010). This suggests that over the course of their long lives, these sturgeon experience a high level of catch and release without long term negative consequences. In studies of gear effects, it has been observed that metal tackle that has been ingested is processed and expelled quickly (Lamansky et al. 2018; Bowersox et al. 2016). Mortality as a result of angling was examined in the lower Fraser River, BC (Robichaud et al. 2006). Out of 25,219 angling events, no mortality was observed immediately upon capture and release. A subset of 96 angled fish were held in net pens for three days to evaluate delayed mortality. No mortality was observed in the first two days. Two fish died by the end of the third day (2.6% mortality); however, the authors indicated that the mortality was likely influenced by the high density of fish being held in the floating net pens (sturgeon are a benthic oriented species so captivity in a floating pen is itself a stressor) (Robichaud et al. 2006).” California Fish and Game Commission 2023 at PDF p. 56.

Although direct mortality from catch-and-release fishing appears to be minimal, we recommend a prohibition on any fishing for California White Sturgeon over their spawning grounds between the months of December and May, inclusive. Hooking and capture generates sub-lethal stress responses (California Fish and Game Commission 2023); gravid females are likely to respond to hooking and associated handling by abandoning spawning for that year. Also, females that are already stressed by egg production and preparation for spawning may experience delayed mortality if they become further exhausted as a result of handling by anglers.

9.5. Reduce Nutrient Pollution in San Francisco Bay to Prevent Large Harmful Algal Blooms

Preventing future catastrophic algal blooms will require rapid and aggressive reductions in N and P loads for wastewater and oil refinery effluent disposed of in San Francisco Bay. The Regional Board anticipates drafting an update to its nutrient permit in 2024. However, adoption and implementation of the permit are uncertain, as are the permit's final terms; even under the best-case scenario, retrofitting existing infrastructure or building new infrastructure to substantially reduce nutrient loading and the risk of harmful algal blooms will require many years – perhaps a decade or more. Implementation of necessary load reductions (currently estimated to be on the order of a ~75-80% reduction in both N and P) will require significant investment by most or all of the Bay's 37 wastewater treatment plant operators and five refineries. Funding and technical assistance to facilitate rapid transition to lower N and P loadings should be provided.

9.6. Improve Monitoring and Research on California White Sturgeon Populations

Historic and current long-term monitoring programs that generate information about California White Sturgeon abundance, productivity, distribution, and life-history and genetic diversity should be maintained and expanded. Monitoring California White Sturgeon populations is challenging because they are relatively rare, large-bodied, long-lived, and migratory. Different life stages occupy very different habitats and require different gear to sample them efficiently. As described in this petition and elsewhere (California Fish and Game Commission 2023), CDFW has numerous monitoring programs to track California White Sturgeon abundance. Each of these programs has generated a valuable long-term data set, however, given the life-history of this fish and the large expanse and varied habitats of the San Francisco estuary and its watershed, each time series of estimated abundance is subject to high variability. Some of this variance is intrinsic to California White Sturgeon population dynamics, but some of it reflects the resource-intensive nature of adequately sampling California White Sturgeon. Recently, the US Bureau of Reclamation cut funding for CDFW's Adult Sturgeon Study. Dedicated funding to continue this program has not been secured. This study has provided critical, fishery-independent insight into long-term population trends for over 50 years. Funding must be replaced, and indeed, the Adult Sturgeon Study should be expanded, especially given the need to understand the population impacts of the 2022 and 2023 HAB-related fish kills. Similarly, the CDFW/Interagency Ecological Program's Bay Study provides critical data on California White

Sturgeon juvenile recruitment, but it is underfunded and future funding is not secure. Likewise, CDFW's White Sturgeon fishing tag program must be adequately funded to support increased participation from the fishing community. Finally, CDFW is currently unable to monitor White Sturgeon recreational fishing in the SFE beyond self-reported data. The Resources Agency should secure funds to maintain and increase each of the long-term sampling programs described above and fund additional CDFW staff to conduct frequent direct angler surveys, boat launch monitoring, and fishing regulation enforcement.

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Memorandum

Date: March 15, 2024

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

From: Charlton H. Bonham
Director

Subject: Initial Evaluation of the Petition to List White Sturgeon (*Acipenser transmontanus*) as Threatened under the California Endangered Species Act

The California Department of Fish and Wildlife (Department) has completed its initial evaluation of the petition to list White Sturgeon (*Acipenser transmontanus*) as a threatened species under the California Endangered Species Act (CESA), Fish and Game Code section 2050 et seq. The Fish and Game Commission (Commission) received the petition from San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance on November 29, 2023. Pursuant to Fish and Game Code section 2073, the Commission referred the petition to the Department on December 6, 2023. On February 15, 2024, the Commission approved a Department request for a 30-day extension to further analyze the petition and complete its evaluation report in accordance with Fish and Game Code section 2073.5, subdivision (b).

The Department completed the attached petition evaluation report as required by Fish and Game Code section 2073.5. The Department's petition evaluation report delineates the categories of information required in a petition, evaluates the sufficiency of the available scientific information, and incorporates additional relevant information that the Department possessed or received during the review period. Based upon the information contained in the petition, and other relevant information in the Department's possession, the Department has determined that there is sufficient scientific information to indicate that the petitioned action may be warranted. The Department recommends that the Commission accept the petition for further consideration pursuant to CESA.

If you have any questions or need additional information, please contact Jay Rowan, Branch Chief, Fisheries Branch by email at Sturgeon@wildlife.ca.gov.

Attachment

ec: *California Department of Fish and Wildlife*

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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

California Endangered Species Act



Petition Evaluation for White Sturgeon (*Acipenser Transmontanus*)

Report to the Fish and Game Commission

March 2024



Suggested citation:

California Department of Fish and Wildlife (CDFW). 2024. Report to the Fish and Game Commission. Evaluation of the petition from San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance to list White Sturgeon (*Acipenser transmontanus*) as threatened under the California Endangered Species Act. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento CA 94244-2090. 19 pp.

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List of Abbreviations, Acronyms, and Terms

CDFW – California Department of Fish and Wildlife

CESA – California Endangered Species Act

cfs - cubic feet per second

Commission – California Fish and Game Commission

Department – California Department of Fish and Wildlife

e.g. – “for example” (*Latin: exempli gratia*)

ESA – Federal Endangered Species Act

et al. – “and others”

FL - fork length, the length of a fish measured from the tip of the snout to the fork in the tail

Id. – “the same”

i.e. – “that is” (*Latin: id est*)

mtDNA - mitochondrial deoxyribonucleic acid

Executive Summary

San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance submitted a petition (Petition) to the California Fish and Game Commission (Commission) to list White Sturgeon (*Acipenser transmontanus*) as threatened pursuant to the California Endangered Species Act (CESA). White Sturgeon are an anadromous fish native to California, where they primarily reside in San Francisco Bay and the Delta and spawn in the Sacramento and San Joaquin rivers and associated tributaries. They are slow-growing, late maturing, and long-lived, and are able to spawn multiple times during their lives. Historically, abundance estimates for the California population ranged between 175,000-200,000 legal-sized fish; the most recent five-year average abundance estimate indicates there are now approximately 33,000 legal-sized fish in the population.

On December 7, 2023, the Commission referred the Petition to the California Department of Fish and Wildlife (Department) in accordance with Fish and Game Code section 2073 (Cal. Reg. Notice Register 2024, No. 1-Z, p. 26). Pursuant to Fish and Game Code section 2073.5 and California Code of Regulations, title 14, section 670.1, the Department prepared this evaluation report (Petition Evaluation) within 120 days of receiving the Petition. The purpose of the Petition Evaluation is to evaluate the sufficiency of the scientific information contained in the Petition in relation to other relevant information possessed or received by the Department during the evaluation period, and to recommend to the Commission whether the Petition should be accepted and considered.

Summary of the information presented in the petition:

- **Life History, Range, Distribution (including map):** The Petition provides sufficient information regarding the life history, current range, and distribution of White Sturgeon, including a current distribution map.
- **Habitat necessary for survival:** The Petition provides sufficient information regarding the diverse spawning, rearing, holding, and foraging habitats used by White Sturgeon across fresh, estuarine, and ocean waters.
- **Abundance and population trends:** The Petition provides sufficient information regarding current White Sturgeon abundance estimates and population trends based on CDFW monitoring.
- **Factors affecting the ability to survive and reproduce:** The Petition provides sufficient information regarding factors threatening White Sturgeon survival and reproduction. It identifies Central Valley water

management infrastructure and operations, overharvest in the recreational fishery, and harmful algal blooms leading to both direct mortality and impaired water conditions as the three primary concerns. Climate change, vessel strikes, dredging, poaching, and water contaminants are also referenced.

- **Degree and immediacy of threat:** The Petition provides sufficient information to suggest that threats to long-term survival of White Sturgeon will continue or potentially worsen in the future. It identifies the most significant threats as harmful algal blooms, recreational fishing, and water diversions.
- **Impact of existing management efforts:** The Petition contains sufficient information explain concerns that existing and foreseeable regulatory mechanisms and management efforts will not adequately protect White Sturgeon from impacts that threaten their long-term survival. It states concerns that proposed voluntary agreements, updates to the Bay-Delta Water Quality Control Plan, and plans for Sites Reservoir and the Delta Conveyance Project would impair water timing and quality and species recruitment, and states concerns that the levels of harvest targeted in fishing regulations are not consistent with the goal of maintaining or restoring a stable population.
- **Suggestions for future management:** The Petition provides sufficient recommendations of management actions that would reduce key stressors, improving water flows and timing, water quality, reduce export and harvest mortality, and improve monitoring efforts.
- **Availability and sources of information.** The Petition references 68 peer-reviewed or public documents, including numerous documents authored by the Department. The references are current and appropriate.

After reviewing the Petition and other relevant information, the Department has determined that the Petition meets the requirements in Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1). In completing its Petition Evaluation, the Department has determined that there is sufficient scientific information to indicate that the petitioned action to list White Sturgeon as threatened under CESA may be warranted. Therefore, the Department recommends that the Commission accept the petition for further consideration pursuant to CESA.

Introduction

Candidacy Evaluation

The Commission has the authority to list certain species or subspecies as endangered or threatened under CESA (Fish & G. Code, §§ 2062, 2067, & 2070). The listing process is the same for species and subspecies (Fish & G. Code, §§ 2070-2079.1). CESA defines the “species” eligible for listing to include “species or subspecies” (Fish & G. Code, §§ 2062, 2067, & 2068), and courts have held that the term “species or subspecies” includes “evolutionarily significant units” (*Central Coast Forest Assn. v. Fish & Game Com.* (2018) 18 Cal.App.5th 1191, 1236, citing *Cal. Forestry Assn., supra*, 156 Cal.App.4th at pp. 1542 and 1549). The range of a species for the Department’s petition evaluation and recommendation is the species’ California range only (*Cal. Forestry Assn. v. Cal. Fish and Game Com.* (2007) 156 Cal.App.4th 1535, 1551).

CESA sets forth a two-step process for listing a species as threatened or endangered. First, the Commission determines whether to designate a species as a candidate for listing by evaluating whether the petition provides “sufficient information to indicate that the petitioned action may be warranted” (Fish & G. Code, § 2074.2, subd. (e)(2)). If the petition is accepted for consideration, the second step requires the Department to produce, within 12 months (18 months with extension) of the Commission’s acceptance of the petition, a peer-reviewed report based upon the best scientific information available that advises the Commission on whether the petitioned action is warranted (Fish & G. Code, § 2074.6). Finally, the Commission, based on that report and other information in the administrative record, determines whether the petitioned action to list the species as threatened is warranted (Fish & G. Code, § 2075.5).

A petition to list a species under CESA must include “information regarding the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population to survive and reproduce, the degree and immediacy of the threat, the impact of existing management efforts, suggestions for future management, and the availability and sources of information. The petition shall also include information regarding the kind of habitat necessary for species survival, a detailed distribution map, and any other factors that the petitioner deems relevant” (Fish & G. Code, § 2072.3; see also Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

Within 10 days of receipt of a petition, the Commission must refer the petition to the Department for evaluation (Fish & G. Code, § 2073). The Commission must

also publish notice of receipt of the petition in the California Regulatory Notice Register (Fish & G. Code, § 2073.3). Within 90 days of receipt of the petition (or 120 days if the Commission grants an extension), the Department must evaluate the petition on its face and in relation to other relevant information the Department possesses and submit to the Commission a written evaluation report with one of the following recommendations (Fish & G. Code, § 2073.5, subds. (a)-(b)):

- Based upon the information contained in the petition, there is not sufficient information to indicate that the petitioned action may be warranted, and the petition should be rejected; or
- Based upon the information contained in the petition, there is sufficient information to indicate that the petitioned action may be warranted, and the petition should be accepted and considered.

The Department's candidacy recommendation to the Commission is based on an evaluation of whether the petition provides sufficient scientific information relevant to the petition components set forth in Fish and Game Code section 2072.3 and the California Code of Regulations, title 14, section 670.1, subdivision (d)(1) to indicate that the petitioned action to list White Sturgeon as threatened may be warranted.

In *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, the California Court of Appeals addressed the parameters of the Commission's determination of whether a petitioned action should be accepted for consideration pursuant to Fish and Game Code section 2074.2, subdivision (e), resulting in the species being listed as a candidate species. The court began its discussion by describing the standard for accepting a petition for consideration previously set forth in *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104:

As we explained in *Natural Resources Defense Council*, "the term 'sufficient information' in section 2074.2 means that amount of information, when considered with the Department's written report and the comments received, that would lead a reasonable person to conclude the petitioned action may be warranted." The phrase "may be warranted" "is appropriately characterized as a 'substantial possibility that listing could occur.'" "Substantial possibility," in turn, means something more than the one-sided "reasonable possibility" test for an environmental impact report but does not require that listing be more likely than not.

(*Center for Biological Diversity, supra*, 166 Cal.App.4th at pp. 609-10 [internal citations omitted]). The court acknowledged that “the Commission is the finder of fact in the first instance in evaluating the information in the record” (*Id.* at p. 611). However, the court clarified:

[T]he standard, at this threshold in the listing process, requires only that a substantial possibility of listing could be found by an objective, reasonable person. The Commission is not free to choose between conflicting inferences on subordinate issues and thereafter rely upon those choices in assessing how a reasonable person would view the listing decision. Its decision turns not on rationally based doubt about listing, but on the absence of any substantial possibility that the species could be listed after the requisite review of the status of the species by the Department under [Fish and Game Code] section 2074.6.

(*Ibid.*)

CESA Petition History

On November 29, 2023, the Commission received the Petition from San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance to list White Sturgeon (*Acipenser transmontanus*) as threatened under CESA. On December 6, 2023, the Commission referred the Petition to the Department for evaluation. At its meeting on December 14, 2023, the Commission officially received the Petition. At its meeting on February 15, 2024, the Commission granted the Department’s request for a 30-day extension of the period to review the Petition and prepare this Petition Evaluation.

Federal ESA Petition History

On November 29, 2023, pursuant to Section 4(b) of the Endangered Species Act, 16 U.S.C. § 1533(b); Section 553(e) of the Administrative Procedure Act, 5 U.S.C. § 553(e); and 50 C.F.R. § 424.14(a), San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance provided notice in accordance with 50 C.F.R. § 424.14(b) and (c)(9) that they intended to petition the Secretary of Commerce, through the National Marine Fisheries Service, to protect the San Francisco Estuary White Sturgeon (*Acipenser transmontanus*) Distinct Population Segment as a threatened species.

Species Taxonomy

Analysis of multiple mitochondrial gene sequences indicates that the closest relatives of White Sturgeon are derived from Asia, including *A. schrenckii*, *A. sinensis*, and *A. dabryanus* (Krieger et al. 2008; Hildebrand et al. 2016). Analysis of multiple mtDNA sequences suggested that White Sturgeon last shared a common ancestor with *A. schrenckii* (Amur Sturgeon) approximately 46 million years ago (Hildebrand et al. 2016 citing Peng et al. 2007). There are multiple populations of White Sturgeon found on the west coast of North America with one genetically identifiable group found in California (Schreier et al. 2013).

Species Overview

White Sturgeon (*A. transmontanus*) are one of two sturgeon species native to California (along with Green Sturgeon, *A. medirostris*, which is listed as “threatened” on the federal ESA list, but not listed under CESA [Cal. Code Regs., tit 14, § 670.5]). There are listed populations (ESA or Canadian SARA) of White Sturgeon in the upper Columbia River (above Grand Coulee Dam), Kootenai River, lower, middle and, upper Fraser River, and Nechako River; unlisted populations are found in the Sacramento-San Joaquin rivers, Columbia River (below Grand Coulee Dam), and Snake River (Hildebrand et al. 2016). White Sturgeon can live in excess of 100 years, and historically grew to sizes of approximately 20 feet and 1300 pounds (Moyle 2002). The species is anadromous and is capable of coastal movements, although this appears to be uncommon and most adults in the Central Valley watershed population reside in San Francisco Bay and the Delta (Miller et al. 2020). Recent studies indicate that there are several different residence strategies in the population, with some fish remaining in the freshwater Delta for most of their lives and a larger proportion residing in the saline areas of the bay (Sellheim et al. 2022).

Adult White Sturgeon make seasonal migrations starting in November to spawn in the major rivers of the Central Valley (Miller et al. 2020). Historically, White Sturgeon likely spawned as far upstream in the Sacramento River watershed as the Pitt River and well into the San Joaquin River (Beamesderfer et al. 2004). Dams and anthropogenic water alterations have reduced access to spawning habitat (Hildebrand et al. 2016). Currently, the majority of spawning is thought to occur on the Sacramento River between river kilometers 127–248) (Schaffter 1997; CDFW 2021, 2022, 2023a), with a lesser amount of spawning on the lower San Joaquin River between river kilometers 115–138 (Jackson et al. 2016). Some additional spawning may occur on major tributaries such as the Feather, Bear,

Yuba, and Tuolumne rivers. White Sturgeon are observed in these rivers, but spawning has not been documented with captured eggs or larvae.

A small proportion of White Sturgeon start to mature at approximately 10 years with males maturing earlier than females; however, the majority of the population can take 14–19 years or more to mature to first reproduction (Chapman et al. 1996; Hildebrand et al. 2016; CDFW 2023b). Once mature, males are believed to spawn every 1–2 years and females every 2–4 years (Chapman et al. 1996). The species is a broadcast spawner, releasing large adhesive eggs into the water column, usually over coarse gravel and small cobble substrate (Moyle 2002). Eggs hatch in 4–12 days (Wang et al. 1985) and larvae rear in the river before moving down to the freshwater Delta where they are detected in the CDFW 20-mm tow-net survey¹. Successful recruitment to the juvenile population is infrequent, occurring approximately every 6–7 years. Large year classes and successful recruitment are highly correlated with above normal water years as measured by high mean daily Delta outflow (Fish 2010; Gingras et al. 2013).

CDFW began monitoring the abundance of legal-sized sturgeon in the fishery in 1954 using mark-recapture tagging. Estimates were made of the abundance of fish that were “legal sized” based on the regulations at the time. Sampling effort was intermittent and then occurred annually after Green Sturgeon received federal ESA protection in 2006 (CDFW 2023b). Historically, the estimates of 40–60-inch FL White Sturgeon ranged around 125,000–150,000 fish. The most recent CDFW five-year average abundance estimate suggests there are approximately 33,000 40–60-inch FL fish in the population (CDFW 2023b).

There has been a recreational fishery for White Sturgeon in California since 1954. As of November 16, 2023, the fishery is operating under emergency regulations that permit anglers to take one sturgeon per year between 42–48-inch fork length (FL) and limit the total number of sturgeon taken per vessel per day to two. The fishery is open year-round in the San Francisco Bay and Delta. The Sacramento River and tributaries (upstream of the Highway 50 bridge) and the San Joaquin River and tributaries (upstream of the I-5 bridge) are closed to sturgeon fishing from January 1 through May 31 and open the remaining

¹ <https://wildlife.ca.gov/Conservation/Delta/20mm-Survey>

months. Revised long-term regulations have been under development for implementation in 2025.

Sufficiency of Scientific Information to Indicate the Petitioned Action May Be Warranted

Pursuant to Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1), the Department verified that the petition contained information on each of the following petition components:

- Life History;
- Range;
- Distribution;
- Detailed Distribution Map
- Kind of habitat necessary for survival;
- Abundance;
- Population Trend
- Factors affecting the ability to survive and reproduce;
- Degree and immediacy of threat;
- Impact of existing management efforts;
- Suggestions for future management; and
- Availability and sources of information.

The Commission did not receive new information from the public during the Petition Evaluation period (Fish & G. Code, § 2073.4). Pursuant to Fish and Game Code section 2073.5, the Department evaluated based upon the information contained in the petition, whether there is, or is not, sufficient information to indicate that the petitioned action may be warranted. Below is a summary of relevant information from the petition for each of the petition components.

Natural History

Scientific Information in the Petition

The Petition discusses life history of White Sturgeon under “Section 2. Natural History” on pages 6-11 of the Petition, referencing current literature. The petitioners state that recruitment from the egg/larvae stages into the juvenile population is infrequent and correlated with high river flows and Delta Outflow

and discuss the mechanisms underlying this process, referencing Fish 2010, CDFW 2015, Israel et al. 2009 and other sources.

Range and Distribution²

Scientific Information in the Petition



Figure 1. Current distribution of White Sturgeon from CDFW (2023b, page 9). This map was included as Figure 2 in the Petition.

² Summaries of the information provided about range, distribution, and distribution map have all been included in the Range and Distribution Section

The Petition discusses range and distribution for White Sturgeon (including a map, Figure 1) in “Section 3. Range and Distribution” on pages 11–14 of the Petition. Discussion of the species’ range (Section 3.1) addresses river, estuarine, and ocean habitation and includes populations from the Columbia and Fraser river drainages as well as the population in the Central Valley (Hildebrand et al. 2016; CDFW 2015). Distribution is addressed in Section 3.2, focusing on population spatial structure and discussing constraints related to upstream dams and possible threats White Sturgeon may experience in the estuaries.

Kind of Habitat Necessary for Survival

Scientific Information in the Petition

The Petition discusses the kind of habitat necessary for survival for White Sturgeon in California in “Section 5. Habitat Necessary for Species Survival” on pages 22–24 of the Petition. The petitioners address spawning habitat in major Central Valley rivers, dispersal and rearing habitat in the rivers and estuary, foraging and holding habitat in the estuary and Delta for subadults and adults, and infrequent long-distance marine migrations of adults. Critical habitat needs are discussed on page 24.

Abundance

Scientific Information in the Petition

The Petition discusses the abundance of White Sturgeon in California in “Section 4.1. Abundance” on pages 14–17 of the Petition. The references are up to date and rely on Department-authored documents including CDFW 2023b, Fish 2010, and documents presented at Fish and Game Commission meetings. The petitioners also discuss declining trends in both juvenile and adult abundance using data from Department monitoring.

Population Trend

Scientific Information in the Petition

The Petition discusses White Sturgeon population trends in California in “Section 4.2. Population Trends” on pages 17–22 of the Petition. “Subsection 4.2.1. River Flows and Delta Outflow” of the Petition addresses declining trends in juvenile recruitment correlated with low river flows and Delta Outflow (e.g. Fish 2010; CDFW 2015; SWRCB 2017). The petitioners state that monthly average Delta

outflows >37,000 cfs during March–July are sufficiently protective of White Sturgeon (SWRCB 2017), yet flows of this magnitude have only occurred in 4 out of the past 23 years. Subsequent sections discuss mortality due to entrainment of juveniles of water operations (4.2.2), fishing harvest (4.2.3), and recent harmful algal blooms (4.2.3).

Factors Affecting the Ability to Survive and Reproduce

Scientific Information in the Petition

The Petition discusses factors affecting ability to survive and reproduce in “Section 6. Factors Affecting Ability to Survive and Reproduce” on pages 24–32 of the Petition. The petitioners identify the three primary threats as:

- 1) Central Valley water management infrastructure and operations including dams, altered hydrograph due to water operations, and direct mortality from export operations. Potential impacts of planned projects (e.g. Sites Reservoir, Delta Conveyance Project, Bay-Delta Water Quality Control Plan and Voluntary Agreements) are also addressed.
- 2) Overharvest in the recreational fishery.
- 3) Harmful algal blooms leading to fish kills and impaired water quality.

The petitioners also discuss other factors that may influence the survival of the species including poaching, pollution, dredging, vessel strikes, and climate change.

Degree and Immediacy of Threat

Scientific Information in the Petition

The Petition discusses the degree and immediacy of the threat in “Section 7. Degree and Immediacy of Threat” on page 33 of the Petition with an emphasis on the three primary threats identified in Section 6 of the Petition. The petitioners discuss the role that current reservoir and river water management may have in persistent declines in the population and note that flow conditions may be further impacted by major projects currently in development. They also discuss the impacts of high levels of harvest from recreational fishing and the emerging threat of harmful algal blooms.

Impact of Existing Management Efforts

Scientific Information in the Petition

The Petition discusses the impact of existing management efforts in “Section 8. Impact of Existing Management Efforts” on pages 33–35 of the Petition with an emphasis on the three primary threats identified in Section 6 of the Petition. They discuss river and estuarine flow requirements as minimum standards that are not adequate to protect White Sturgeon and note that existing flows may be further reduced in the future. The petitioners discuss the sufficiency of recent efforts by the Department to review and update recreational fishing regulations in the emergency regulation and long-term regulation processes (e.g. CDFW 2023b) in light of recommendations in the literature (Blackburn et al. 2019). They also address concerns about the role anthropogenic sources of nutrient enrichment have in algal blooms in San Francisco Bay, the Delta, and San Joaquin River, noting that “the Regional Board anticipates requiring load reductions in an updated wastewater nutrient permit, [but] changes in infrastructure and operations required to substantially reduce nutrient loads are likely to take many years to implement.” Additionally, the Petition states concerns with the status of the implementation of flow standards or voluntary agreements for the San Joaquin River, and their potential impacts on the White Sturgeon population.

Suggestions for Future Management

Scientific Information in the Petition

The Petition discusses the impact of existing management efforts in “Section 9. Recommendations for Future Management” on pages 35–42 of the Petition. Recommendations include: a) restoring freshwater flows between March and July to support juvenile recruitment, b) reducing or limiting migratory barriers caused by low water quality in the Delta, c) reducing mortality associated with entrainment in water operations, d) eliminating harvest in the recreational fishery by shifting to a sustainable catch-and-release fishery, e) reducing nutrient input into San Francisco Bay, and f) enhancing monitoring and research efforts on White Sturgeon.

Availability and Sources of Information

Scientific Information in the Petition

The Petition provides a list of 68 references in Section 10, “Availability and Sources of Information” on pages 42–49 of the Petition. The cited information sources range from peer-reviewed literature, reports and technical literature, and presentations and documents presented at public meetings. The information cited is current and is presented in accordance with standard scientific practice.

Summary of Petition Components

The above petition components were evaluated by the Department for sufficiency of information pursuant to Fish and Game Code section 2073.5. The Department finds that sufficient information was provided on the petition components. If the Commission accepts the petition for further consideration under CESA, the Department will commence a review of the status of the species at that time.

Recommendation to the Commission

Pursuant to Fish and Game Code section 2073.5, the Department evaluated the Petition on its face and in relation to other relevant information the Department possesses. In completing its Petition Evaluation, the Department has determined that the Petition and other relevant information provide sufficient scientific information to indicate that the petitioned action to list the White Sturgeon as threatened may be warranted. Therefore, the Department recommends the Commission accept the Petition for further consideration under CESA.

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Photo: CDFW

EVALUATION OF THE WHITE STURGEON CESA LISTING PETITION

PRESENTATION TO THE CALIFORNIA FISH AND GAME COMMISSION



June 19, 2024 | Dr. John Kelly
Fisheries Branch

Presentation Overview

Evaluation of the petition to list White Sturgeon (*Acipenser transmontanus*) as threatened under CESA.

- I. Petition timeline
- II. Petition summary and evaluation
- III. CDFW recommendation



Photo: CDFW

Petition timeline

2023

November 29

Commission receives petition from *San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance*

Petitioned Action: List White Sturgeon as **threatened** throughout its range in California

December 6

Petition referred to Department for evaluation

2024

February 15

Commission approves Department request for 30-day extension

March 15

Department transmits evaluation to the Commission

April 17

Public receipt of the petition evaluation
<https://fgc.ca.gov/CESA#ws>

CESA Petition Evaluation Overview

Evaluate the scientific information presented in the Petition in the following categories:

1. Life history
2. Range
3. Distribution
4. Kind of habitat necessary for survival
5. Abundance
6. Population trend
7. Factors affecting ability to survive and reproduce
8. Degree and immediacy of threat
9. Impacts of existing management
10. Suggestions for future management
11. Availability and sources of information

1-3. Natural History, Range, Distribution

- Size: up to 20+ ft, 1800 lbs
- Lifespan: 100+ years
- Anadromous
 - Primarily estuary and freshwater
 - Infrequent ocean movements
- Late maturity: 50% at 14 yrs, 100% at 19 yrs
- Spawn every ~2-4 years



4. Kind of habitat necessary for survival

Rearing, foraging and holding:

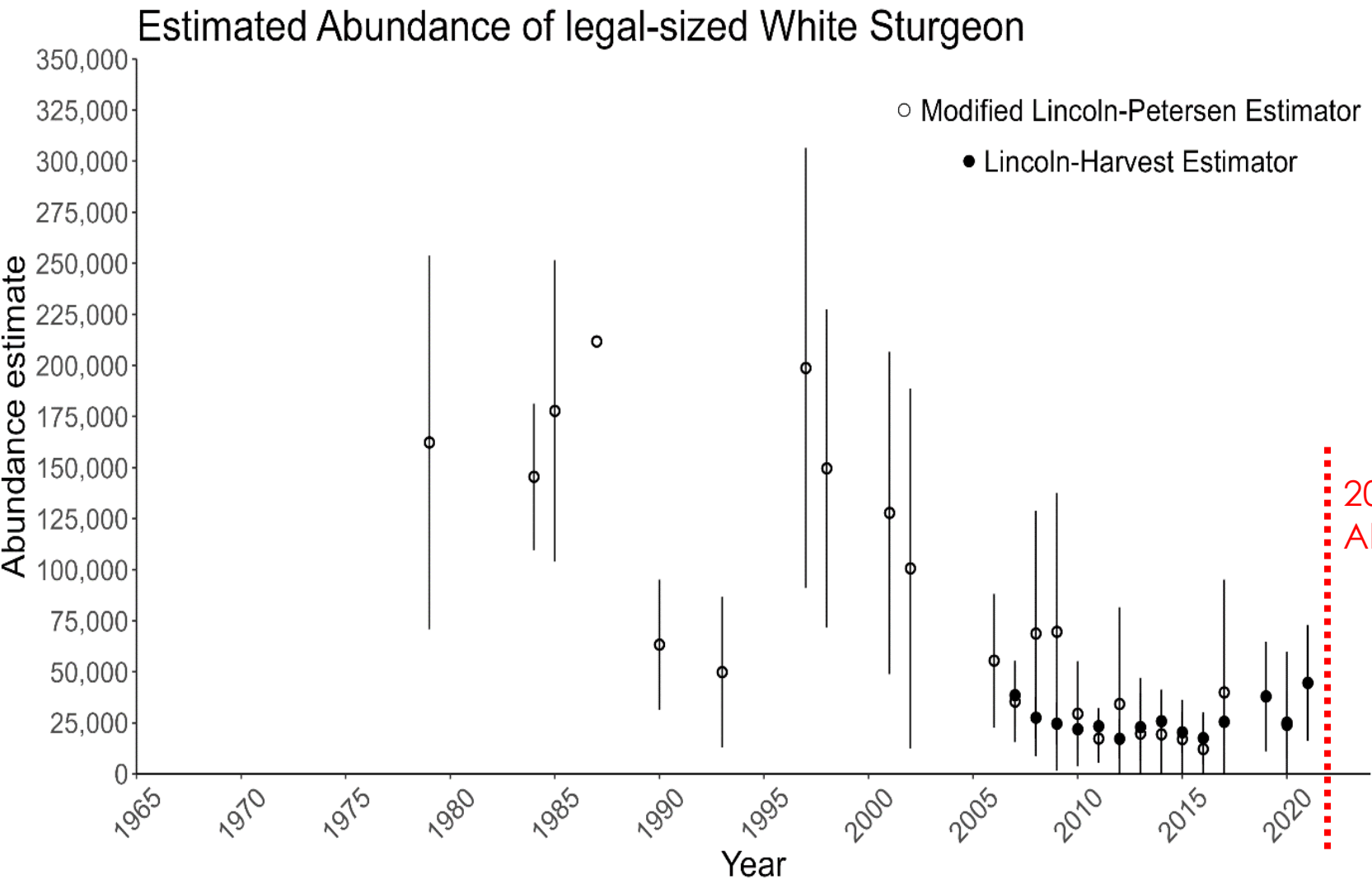
- San Francisco Bay, Estuary, and Delta
- Occasional marine movements

Migrating and Spawning:

- Major Central Valley rivers and tributaries below rim dams, including waterways used for migration
- December – May



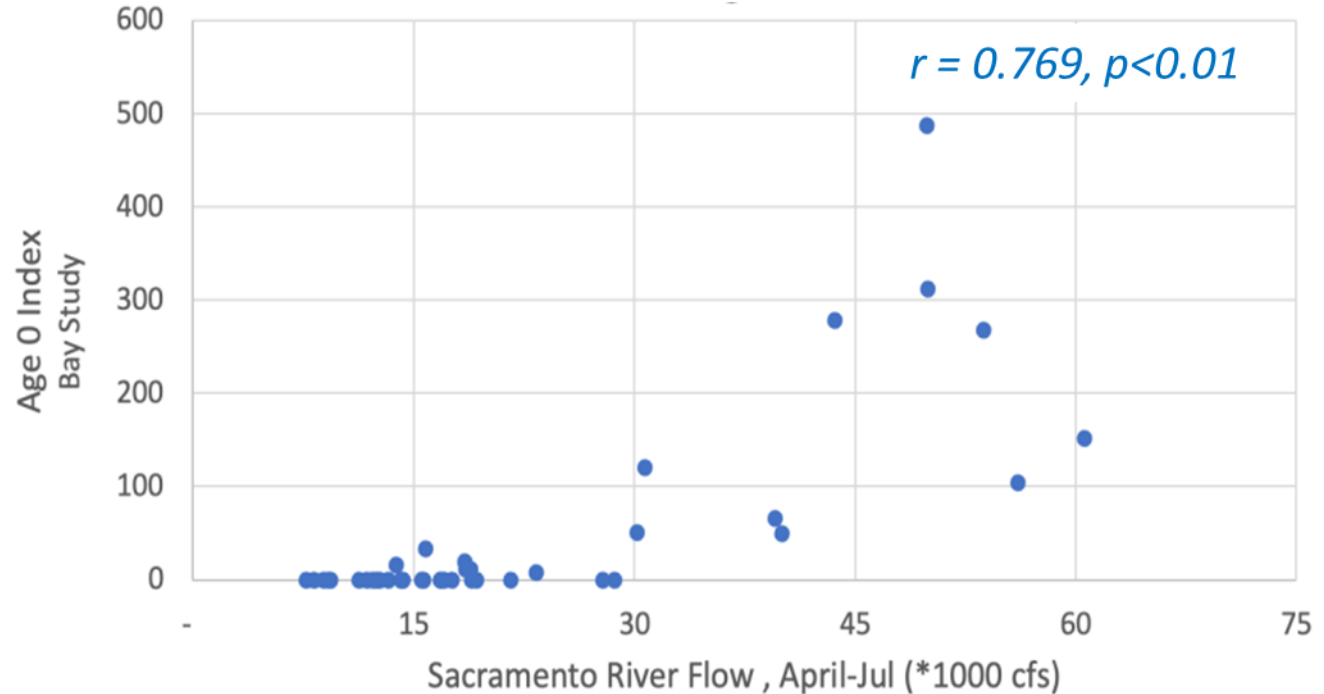
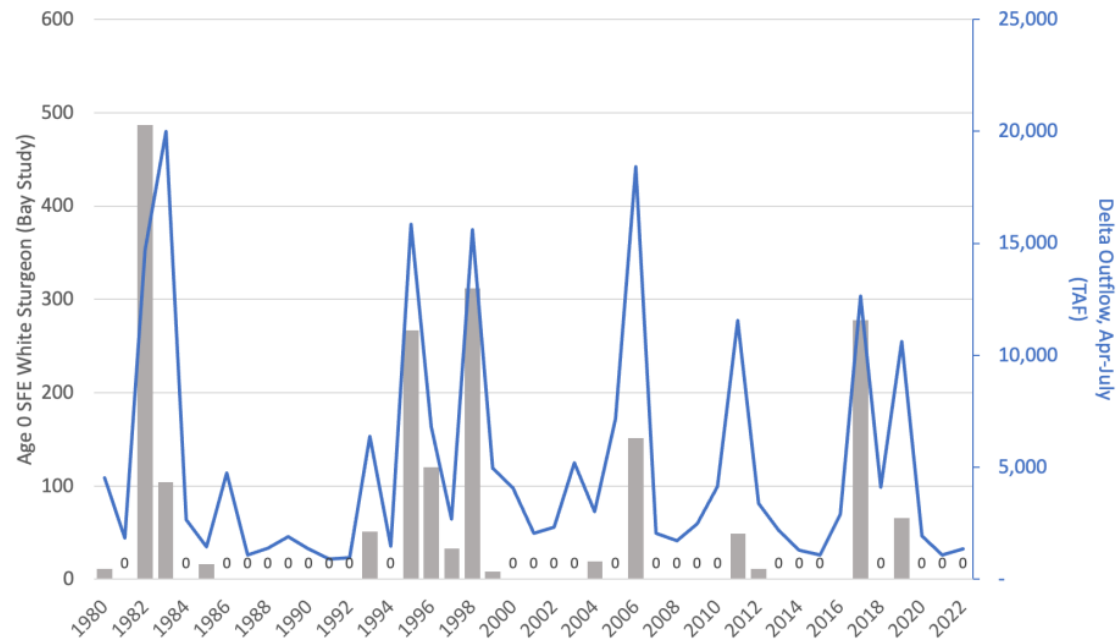
5. Abundance



Most recent 5-year average:
~33,000 legal-sized (40-60 inch FL) fish

2022 Harmful Algal Bloom

6. Population trend: recruitment



- Survival through the first year is highly correlated with high flows in the river and delta
- Successful recruitment is infrequent

7. Factors affecting the ability to survive and reproduce

1) Central Valley water management infrastructure and operations:

- Dams
- Altered hydrograph
- Direct mortality from export
- Water management projects and agreements in development

2) Fishery overharvest

3) Harmful algal blooms

4) Other factors:

- Poaching, pollution, dredging, vessel strikes, climate change



Photo: CDFW

8. Degree and immediacy of threat

- Population decline and low recruitment due to current reservoir and river management
- Flow conditions may be further impacted by major projects in development
- High levels of harvest from recreational fishing
- Threats of harmful algal blooms



Photo: CDFW

9. Impact of existing management efforts

- Minimum flow requirements are not adequate, existing flows may be further reduced in the future
- Concerns with the status of the implementation of flow standards or voluntary agreements for the San Joaquin River
- Emergency fishing regulations and proposed revisions to long-term regulations are insufficient
- Updated wastewater nutrient permits require changes in infrastructure and operations and will take many years to implement

10. Suggestions for future management

- Restore freshwater flows March–July to support juvenile recruitment
- Reduce mortality from entrainment in water operations
- Reduce/limit migratory barriers caused by low water quality in the Delta
- Reduce nutrient input into San Francisco Bay
- Eliminate harvest fishery, shift to catch-and-release
- Enhance monitoring and research efforts



Photo: Z. Medinas

Recommendation

The Department has determined that **the petition provides sufficient scientific information** to indicate that the petitioned action to list White Sturgeon as threatened under CESA **may be warranted.**



Photo: CDFW

Credits | Questions | Contact



Photo: CDFW

Contributors:

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June 4, 2024

California Fish and Game Commission

Dear Commissioners

We are writing to you today to provide background information for your consideration in the upcoming discussion on the petition to list White Sturgeon as threatened under the California Endangered Species Act at your upcoming June meeting.

White Sturgeon has been successfully raised in California by registered aquaculture companies since the early 1980's. We have done so in successful cooperation with both the University of California Davis as well as the Department. The Department issued wild broodstock collection permits allowing the initial collection of wild broodstock from state waters under very tightly controlled and monitored conditions. Those wild broodstock collection permits were explicit that the wild fish collected from the wild under those conditions of the permit never belonged to the collector and in fact were property of the people of the State of California. The collection permits, which had to be renewed yearly until such time that domestic broodstock were developed on the farms, had numerous conditions that had to be complied with to renew for another year. When those conditions were met, the collection permits explicitly stated and Fish and Game Code is cited ([FGC 15001](#)) that the resultant offspring from legally obtained wild broodstock became the sole property of the registered aquaculturist and was considered private property. It explicitly allowed for the sale of white sturgeon for both meat as well as caviar. These collections of white sturgeon from the wild were completed by the mid-1990s, by which time all reproduction shifted to on-farm, domestic broodstock resulting from these matured progeny. No further wild collections have occurred since. The distinction between wild-harvested vs farm-raised sturgeon is also recognized in [FGC 7370](#). Also of note, Fish and Game Code devotes an entire Division (6.5) to the regulation of sturgeon egg processors, under which the Department issues a special license that the farms operate under in order to process, package and sell caviar (Sturgeon Egg Processors License, [FGC 10000](#) et seq).

A similar situation occurred in 1998 when the USFWS became the co-sponsor of a proposal to list all sturgeon species of the world not already listed on the CITES appendixes onto Appendix II. CITES (Convention on International Trade of Endangered Species) whose best known function is the prohibition of elephant tusks in commerce in order to protect wild elephants, inadvertently drew us farms raising White Sturgeon into a regulatory no man's land. CITES does not make a distinction between wild animals and domestic stocks of those same species being considered for listing. The USFWS recognized that for the first time a grey regulatory area existed, and we worked with the Service for two years in the development of procedures that simplified the international trade of White Sturgeon products. The USFWS only allows products developed from Domesticated White Sturgeon, not originating from products derived from wild

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stock to fall under this regulatory exemption. To this day, international sales of caviar and sturgeon meat is allowed by the USFWS under this regulatory exemption and is tightly controlled via burdensome paperwork trails and product inspections upon export.

This proposed listing in California presents unique and unprecedented circumstances. For potentially the first time, a species has been petitioned to be listed under the State's Endangered Species Act while at the same time, a vibrant private industry farm-raising that same species exists. The Commission should be cognizant of that industry in their consideration of the listing.

CA Fish & Game Code Section 2082 does not prohibit the sale of any endangered or threatened species when the owner can demonstrate that the species, or part or product thereof, was in the person's possession before the date upon which the commission listed the species as an endangered or threatened species. The Commission should recognize that the industry falls under this code section and ensure that the Department recognizes that the White Sturgeon industry does fall under this code section. Likewise, Code Sections 2083 and 2085 provide support for the continued operation of the private aquaculture industry of White Sturgeon in California despite any listing of the wild stocks under the States ESA.

We urge the Commission to be cognizant of these issues in their consideration of the petition to list White Sturgeon as Threatened and utilize any discretionary authority they may have to make it clear that there is a distinction between wild stocks and domestic private stocks and their continued trade. As the listing process moves forward, we are very willing and open to working with the Department and the Commission to ensure that these private enterprises are not compromised inadvertently.

Thank you very much for your consideration.

Sincerely

Ali Bolourchi
President



6/4/2024



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Refer To File # 300115-0001

VIA EMAIL

June 5, 2024

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Re: Petition to list the California white sturgeon as threatened under CESA and 90-day evaluation

Dear President Murray and Director Bonham:

This letter is prepared and submitted on behalf of the Coalition for a Sustainable Delta. We are writing to urge the Commission to make a “not warranted” finding in response to the petition submitted by the San Francisco Baykeeper, the Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance to list the California white sturgeon (*Acipenser transmontanus*) as a threatened species under the California Endangered Species Act (CESA), Fish & Game Code section 2050 et seq. We respectfully disagree with the California Department of Fish and Wildlife’s (Department) evaluation opining that listing “may be warranted.” The California Fish and Game Commission (“Commission”) should reject the petition because: (1) is incomplete inasmuch as it fails to include the best scientific information available regarding the species, (2) the best scientific information available demonstrates that the abundance and range of the California white sturgeon have been stable for the past two decades or more and (3) the Commission took appropriate regulatory action in October 2023 and again in April 2024 to address over-exploitation of white sturgeon in the recreational fishery, which the best available scientific information indicates will contribute to the conservation of the species into the foreseeable future.

I. Legal Background

Section 2070 of the Fish and Game Code provides that “[t]he commission shall establish a list of endangered species and a list of threatened species.” CESA defines an endangered species as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation,

competition, or disease.” (Fish & G. Code, § 2062.) It defines a threatened species as a “native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter.” (Fish & G. Code, § 2067.)

Any person can submit a petition to list a species under CESA. To be accepted, a petition must include sufficient scientific information that the petitioned action may be warranted. (Fish & G. Code, § 2072.3.) The Fish and Game Code provides that the petition must include information regarding “the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population to survive and reproduce, the degree and immediacy of the threat, the impact of existing management efforts, suggestions for future management, and the availability and sources of information,” and “the kind of habitat necessary for species survival, a detailed distribution map, and any other factors that the petitioner deems relevant.” (*Id.*)

Caselaw clarifies that a species does not qualify for candidate status if there is not sufficient information that would lead a reasonable person to conclude that the petitioned action may be warranted. (*Natural Resources Defense Council v. Fish & Game Com.* (1994) 28 Cal.App.4th 1104, 1119; see also *Center for Biological Diversity v. Fish & Game Com.* (2008) 166 Cal.App.4th 597.) The Commission cannot blindly accept assertions regarding the status of the species in a listing petition. Rather, it has the legal obligation to evaluate the information in the petition and other available information and determine whether the petition’s claims are accurate and credible. (*Id.* at pp. 1119, 1125.) The “may be warranted” finding in section 2074.2 requires a determination that there is a “substantial possibility” that the petitioned action is warranted. (*Id.*)

The petition in this instance proposes to list the California white sturgeon as threatened. In light of the definition of “threatened” in CESA -- “likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts” -- the Commission is required to determine that there is a substantial possibility that the California white sturgeon is likely to become an endangered species “in the foreseeable future” absent “special protection and management efforts.” (Fish & Game Code, § 2062.)

II. The Trend and Abundance Data in the Petition Do No Support Candidacy

Petitioners contend that “[s]everal data sets reveal a decline in SFE White Sturgeon abundance over the past 25 years.” Petition, p.18. The petition points to three data sets: (1) the Department’s Bay Study, (2) the Department’s Adult Sturgeon Study, and (3) two mark-recapture estimates from tags placed in legal-sized white sturgeon and recovered by anglers.

Petitioners fail to acknowledge that the three data sets in the petition are presented in graphical form only, hence do not and cannot provide reliable bases for inferential estimates of white sturgeon abundance. (See figures 4, 5, and 6 in the petition.) Presentation of data *only* in graphical form, without including the underlying raw data in some accessible form, precludes any quality-control assessment of those data or independent analysis of them. Incomplete presentation of

information is contrary to use of best available scientific information in support of regulatory decisions under endangered species laws (Murphy and Weiland 2016).

Furthermore, petitioners misinterpret those data sets.

A. The Bay Study

The first data set cited by petitioners in support of their argument regarding a decline in abundance is from the Interagency Ecological Program’s Bay Study (figure 4 in the petition; Figure 1 below). The Bay Study, established in 1980, samples monthly fish and crustaceans in the open waters of San Francisco Bay and the Sacramento-San Joaquin Delta (with stations added in the lower Sacramento and San Joaquin rivers in the 1990s). While in a gross sense the Bay Study overlaps with a portion of the area occupied by white sturgeon in the Bay and Delta, it misses a material portion of the species’ range within that area. Further, the sampling design and methods of the survey are not explicitly intended to target young-of-the-year (YOY) white sturgeon nor do they systematically or randomly sample known or likely YOY white sturgeon habitat.

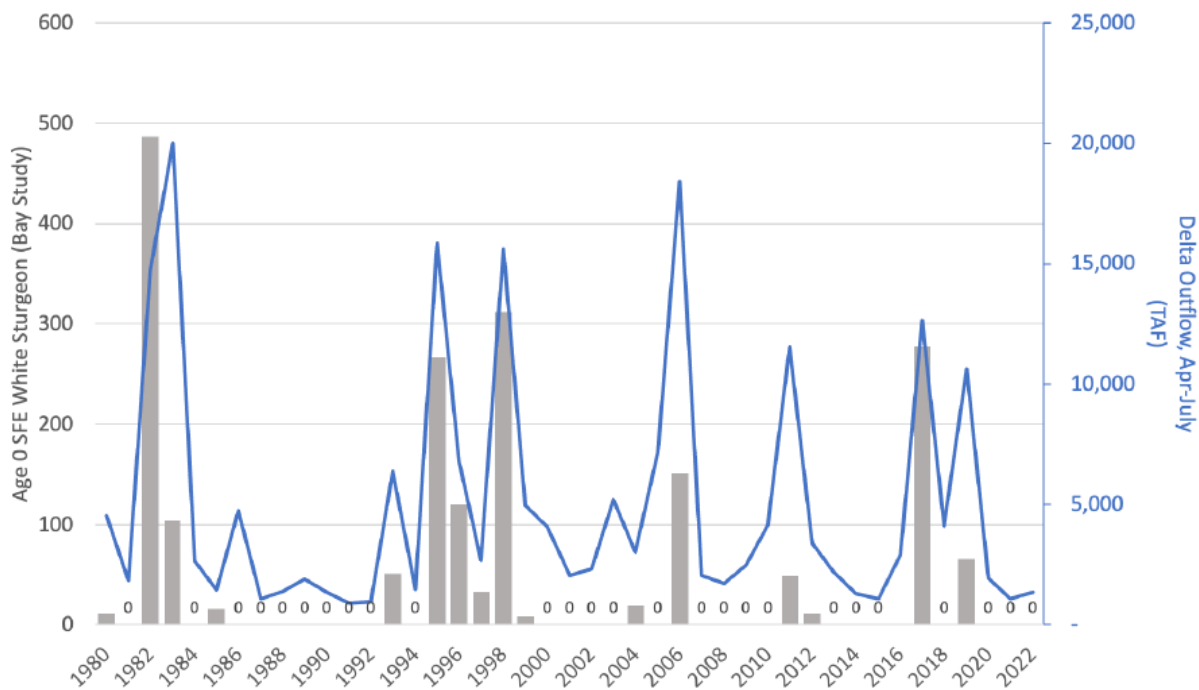


Figure 1. This is Petition Figure 4, which reports on the left axis and in a bar graph the age 0 white sturgeon caught in the Bay Study and on the right axis and in a line graph the average Delta outflow from April through July for the period 1980-2022 (excluding 2016).

Because the Bay Study does not sample a closed white sturgeon population, either employing randomly sited stations across the whole of the distribution of the species or stations distributed

across habitat strata occupied by the fish, it cannot yield census data from which reliable population estimates can be made.

While petitioners contend that the whipsaw recruitment data from the Bay Study presented in Petition figure 4 demonstrate a “decreasing trend in abundance,” Petition, p.18, those data do not and cannot provide any information about the magnitude of a decreasing trend and, for that matter, any information regarding uncertainties attending the inter-year fluctuations in recruitment. Because the Bay Study samples YOY white sturgeon, and the species is long-lived (not reaching sexual maturity until 10-16 years and with a lifespan that can extend to 100 years) and reproduction is apparently episodic, substantial inter-year variation in recruitment should be expected. Data regarding early life stages of the species taken on their own are of limited informational value in generating population viability projections over time.

It is not possible to determine if YOY White Sturgeon abundance has decreased over the period of record based on the data presented in Figure 1. This is partly due to the sporadic nature of recruitment and partly due to the lack of tabular data and statistical testing. Visual examination of the graph could lead to the interpretation of declining recruitment. However, it could equally lead to the conclusion that recruitment is sporadic but stable, especially if 1982 is regarded as an outlier year. Absent any trend line or statistical test results, it is not possible to determine if any decreasing trend is statistically or biologically significant.

B. The Adult Sturgeon Study

The second data set presented by petitioners is from California Department of Fish and Wildlife mark-recapture studies of white sturgeon in the San Francisco Estuary. Whereas petitioners do not quantify the extent of decline of catch in the Bay Study over time, petitioners nonetheless contend that the mark-recapture studies “reveals [sic] a decline of approximately 80%.” Petition, p.19, incorrectly referencing figure 4, rather than correctly figure 5. Petitioners make no attempt to characterize the uncertainty associated with the 80 percent “estimate,” nor offer a confidence interval around that value, although doing so is standard practice.

The graphical representation of data in Petition figure 5 (Figure 2 below) includes two distinct data sets (paired on the same time axis) – one based on a modified Lincoln-Petersen estimator and a second based on a Lincoln-Harvest estimator. Petitioners do not explain whether the data derived using the two separate estimators are comparable or their limitations, biases, and assumptions.

The Lincoln-Petersen estimator is calculated using the number of white sturgeon tagged (M), the total number of white sturgeon harvested (C ; with or without tags), and the number of white sturgeon harvested with a tag (R) (see CDFW 2023 for calculation details). This produces a statistically unbiased estimate of white sturgeon abundance. In contrast, the Lincoln-Harvest estimator is generated by dividing the total number of white sturgeon reported harvested (C) by exploitation rates calculated from reported tag returns (μ) (see CDFW 2023 for calculation details).

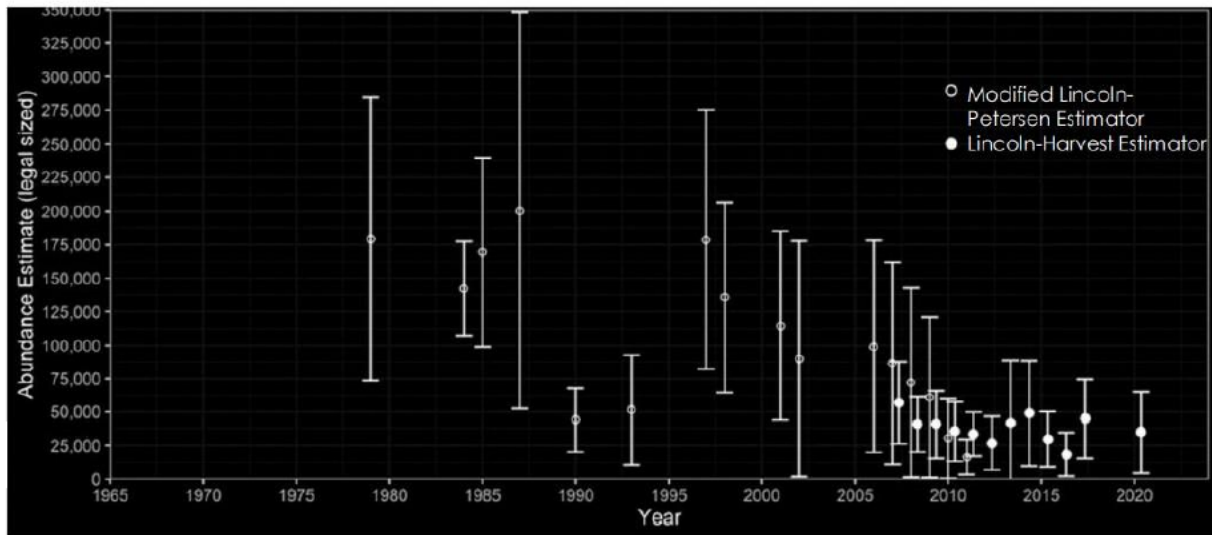
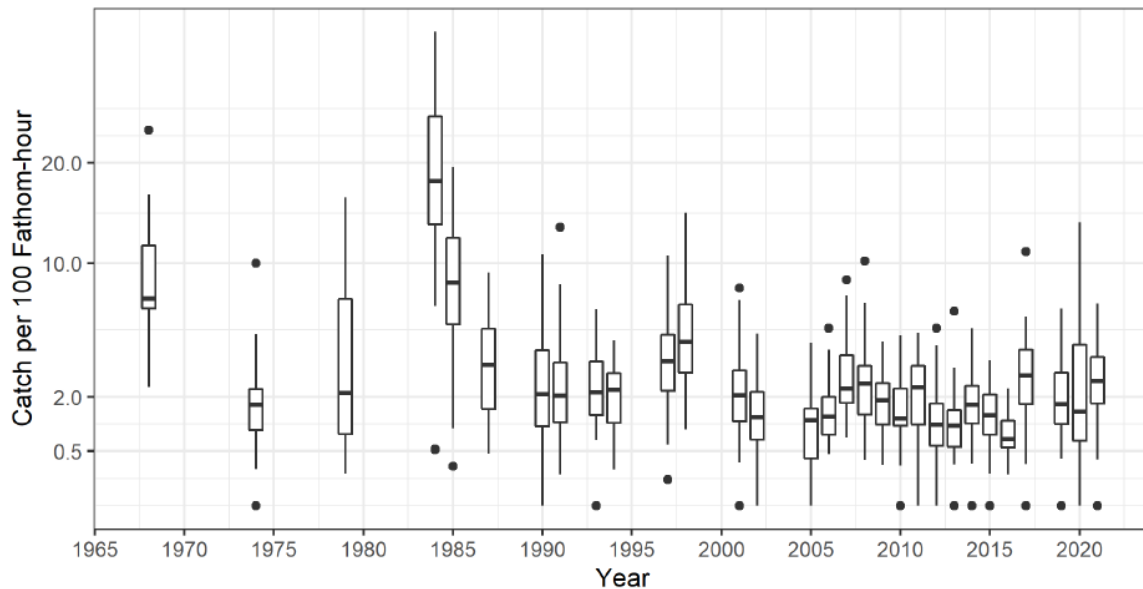


Figure 2. This is Petition figure 5, which includes estimated abundance of slot-sized white sturgeon based on Department mark-recapture studies using two different estimators.

However, the Department acknowledges that 70% of harvest cards are never returned. This means harvest values using the Lincoln Harvest estimator “represent a minimum harvest” (CDFW 2023). There is a known bias towards non-reporting in anglers who did not fish and/or did not capture a fish (CDFW 2019). Therefore, Figure 2 is comparing a statistically unbiased population estimate early in the time-series to an acknowledged minimum population estimate later in the time series.

Both estimators assume that the population is closed; that is, there are no births, deaths, or individuals entering or leaving the study area, therefore, the accuracy of the “estimates” is compromised. Understanding that the estimators are inappropriate in application by conservation planners, the graphed values point to separate concerns regarding the data. The Lincoln-Peterson estimator shows annual estimates wildly fluctuating between years, wholly unrealistic for a long-lived fish, suggesting an invalid sampling design. Data informing the Lincoln-Harvest estimator over the past decade and a half in contrast show the white sturgeon population to be stable, not declining as asserted by the petitioners.

The primary purpose of the Adult Sturgeon Study is to tag legal-sized white sturgeon for recapture and reporting in the recreational fishery (see mark-recapture estimate discussion below). It can also provide an index of legal-sized white sturgeon abundance, though the reliability of that index is questionable. Figure 3 below (CDFW 2022) provides a more complete picture of the adult white sturgeon index than Figure 2 also above (that is, Petition figure 5). This figure could be visually interpreted as showing a decline from the 1970s through present, especially when



Notes: Horizontal bar within box denotes median value, top of box the 75th percentile, bottom of box the 25th percentile outliers by points above and below whiskers, and whiskers extend to 1.5 times the interquartile range. Note y axis is on a square root scale.

Figure 3. Box plot of daily catch per unit effort (catch per 100 net fathom hour, calculated per day) of white sturgeon captured during Department Adult Sturgeon Population Study tagging operations. Source: CDFW 2022 (Figure 8).

considering two years with higher catches in the mid-1980s. However, the 95% confidence intervals from the large majority of years (even those with the highest captures) overlap, indicating no significant difference between individual years though there may still be a significant trend across years. Also, median values since the 1990s could be visually interpreted as low but stable through the present time.

C. Trammel net survey data

The third data set presented by petitioners is from the Department’s Adult Sturgeon Study (figure 6 in the Petition; Figure 4 below). The survey employs trammel nets to capture white sturgeon so that they may be tagged to estimate the population and harvest rate of legal-size white sturgeon. As described previously, the use of the tagging data depends on recreational anglers, who return tags from legal-sized fish. Whereas petitioners argue that the tagging data reveal a decline in abundance over the past 25 years, the CPUE data provided by the trammel net survey presented from 1987 forward appear to indicate stability in white sturgeon numbers. Similar to the graphical presentations in the figures above and absent statistical testing, the contention that the data reveal a decline is unsupported by Figure 4. The data reports catch per unit effort rather than either a census of the species or an estimate of relative abundance derived from random sampling across the distribution of the species.

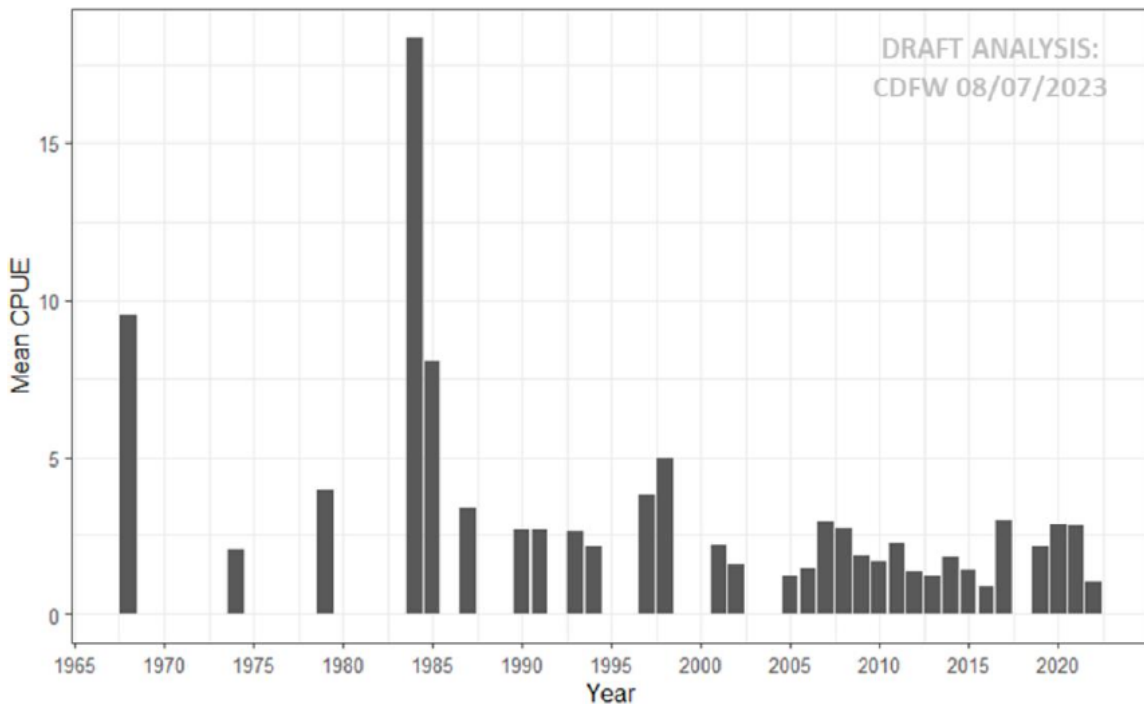


Figure 4. Mean annual catch per unit effort (CPUE) of white sturgeon by the Department Adult Sturgeon trammel net survey.

With regard to status and trend, ***the data presented graphically in Figures 1 through 4 above appear to indicate stability of the white sturgeon population over the past 20-25 years.***

Petitioners neither disclose the population growth-rate trajectories that would be projected from the three data sets nor make any attempt to describe the relative reliability of the data sets nor synthesize legitimate conclusions that might be drawn from them. Here, too, the petition fails to present the best available scientific information. See Murphy and Weiland (2016) and National Research Council (2004).

III. The Distribution Data in the Petition Do Not Support Candidacy

Petitioners observe that “[i]mpassable dams have blocked access to important spawning habitats throughout the Central Valley.” (Petition, page 16) It is true that a reduction in the distribution of white sturgeon in upper river tributaries has occurred as a consequence of dam construction, along with a reduction in white sturgeon carrying capacity in the system, but that construction occurred many decades ago. For examples, Shasta Dam was completed in 1945 and Oroville Dam was completed in 1968.

Figure 2 in the petition purports to display the current and historical distribution of white sturgeon, but rather the figure displays current distribution and “historically anadromous streams.” Petitioners may be making the case by implication that mapped historically anadromous streams can be a proxy for the historical range of white sturgeon. But they do not make the case for this proposition. More importantly, *the petition includes no data or analyses that indicate an actual constriction of the distribution of SFE white sturgeon over the past half century*, nor what the impact of tributary dams have had on white sturgeon spawning opportunities or performance, or on attributes of the white sturgeon’s life cycle.

IV. The Petition Relies on Generic Information when Assessing Threats

The petition includes very limited analysis of threats that are specific to the California white sturgeon. Instead, the petition presents general factors that *may* impact the species, then devotes less than a page to the degree and immediacy of the potentially most significant of those threats. For examples, the petition states:

- With respect to water diversions, “[c]urrent management of river and estuarine flows (i.e., regulation of reservoir operations and diversions) constrains the productivity of the population and promotes gradual, but persistent decline in the population.”
- With respect to harmful algal blooms, “[g]iven the combination of excessive nutrient loading, increased water diversions, and climate change, it is likely harmful algal blooms will occur with increased frequency and severity, leading to future fish kills and impairments of migrations.”

(Petition, at p. 33.) The discussion includes no specificity or analysis of threats to the specific species covered by the petition. A generic assessment of threats to “fish” generally does not suffice to meet the requirement to identify the degree and immediacy of the threats to the specific species that petitioners are proposing to add to California’s list of threatened and endangered species.

V. The Petition Fails to Establish or Support the Contention that Special Protection and Management Efforts are Needed

This Commission has broad authority under the Fish and Game Code to regulate the taking or possession of fish including white sturgeon. (Fish & G. Code, §§ 200, 205.) This authority includes the ability to establish temporal and spatial restrictions. (*Id.*) It also includes the ability to set bag, possession, and size limits. (*Id.*) And it includes the ability to prescribe both the manner and means of taking. (*Id.*) The Commission has for decades authorized a recreational white sturgeon fishery. Petition, p.18 (“A recreational White Sturgeon fishery was opened in 1954 and continues to this day.”)

From 2007 to 2012, the recreational fishery harvest was limited to one fish per day, with no annual limit, and a “slot” restriction limiting harvest to fish 46 to 66 inches in total length. From 2013 to 2023, the recreational fishery harvest was limited to one fish per day, with an annual limit

of three fish, and a slot limit of 40 to 60 inches in total length. Beginning with the emergency regulation adopted in October 2023, the Commission imposed a regulation of one fish per year, two per boat in possession, and a slot limit of 42 to 48 inches fork length (FL) along with seasonal area closures. These actions very likely obviate the need for any further action by the Commission to protect white sturgeon.

As the Department explained to the Commission when it recommended more restrictive fishing regulations for SFE white sturgeon, the species is subject to overexploitation and cannot absorb the historical fishing pressure. John Kelly, White Sturgeon Emergency Regulation Recommendation (Oct. 11-12, 2023). Historical exploitation rates of between 8 and 30 percent were reported by Blackburn et al. (2019) in the *North American Journal of Fisheries Management*. Those rates are greater than the 5 to 10 percent total mortality rate the authors reference as the maximum for sustainable sturgeon populations. Blackburn et al. conclude that the white sturgeon population in the San Francisco Estuary could be expected to decline if historical exploitation rates were maintained. The logical inference that can be drawn based on this conclusion is that reduction of white sturgeon exploitation rates could result in a positive population growth rate and obviate the danger of it becoming extinct in all or a significant portion of its range.

White sturgeon are long-lived, late maturing fish so there can be substantial lag time between regulation implementation and its intended effects. It is difficult to determine how long the recently adopted restrictions need to remain in effect before it is possible to assess their efficacy. Three years would likely be sufficient to calculate exploitation rates and determine if the regulation reduced those rates. However, determining if those reductions affected population abundance and trend would likely take 5 to 7 years, at minimum, and 10 years or more might be required given the generation times for white sturgeon. Given the action taken by the Commission in late 2023 and again earlier this year, the white sturgeon population is not likely to become an endangered species in the foreseeable future. This is the case because the Commission recently adopted special protection and management efforts that must be assessed over time, but that are expected to contribute to the long-term persistence of white sturgeon in all or a significant portion of its range.

VI. Conclusion

In light of the foregoing, we urge you to reject the petition.

Respectfully,



Paul S. Weiland
Nossaman LLP

Encl.: List of References

List of References

Blackburn, S. E., M. L. Gingras, J. DuBois, Z. J. Jackson, and M. C. Quist. 2019. Population Dynamics and Evaluation of Management Scenarios for White Sturgeon in the Sacramento–San Joaquin River Basin. *North American Journal of Fisheries Management* 39(5):896–912.

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Murphy, D.D. and P.S. Weiland. 2016. Guidance on the Use of Best Available Science under the U.S. Endangered Species Act. *Environmental Management* 58:1-14.

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California Fish and Game Commission
715 P Street, 16th floor
Sacramento, 95814

Re: Petition to List White Sturgeon

Dear Commissioners:

The California Aquaculture Association (CAA)ⁱ has collaborated extensively over the years with the Commission, the Department, and various regulatory and research organizations to develop the United States' largest producer of farm-raised sturgeon caviar. Partnering with NGOs dedicated to preserving wild sturgeon stocks in the U.S. and worldwide, a regulatory framework was established to safely collect wild broodstock white sturgeon from spawning rivers as initial seed stock for the industry.

Collaborations with the University of California led to the creation of domesticated broodstock on farms, and no wild fish have been collected for over 30 years. Research conducted at the University has provided secondary benefits to resource managers at CDFW and other agencies, enhancing the understanding of white sturgeon biology and benefiting wild sturgeon population management both domestically and internationally.

Numerous NGOs have supported the development of the sturgeon farming industry, viewing it as a way to alleviate pressure on wild sturgeon stocks and reduce illegal fishing. The successful California program has been replicated globally, leading to significant commercial competition from farmed caviar imported and sold in the U.S. Today, nearly all caviar in international trade is farmed.

Given the substantial proportion of imported seafood consumed in the U.S., CAA works to maintain a regulatory environment that supports the farming of various seafood products, thus reducing reliance on imports. This regulated environment ensures a safer seafood supply for U.S. consumers.

CAA urges the Commission to consider the benefits and its historical role in developing the California white sturgeon industry when evaluating the petition to list white sturgeon as threatened. Numerous regulations in the Fish and Game code support and govern sturgeon farming in California. Please consider these regulations and the industry's role in meeting domestic caviar and sturgeon flesh demand. Support for this industry is vital, as it does not negatively impact wild sturgeon populations and contributes to the understanding of wild sturgeon biology.

As the petition to list white sturgeon as threatened progresses, it is crucial for the Commission to distinguish between wild populations and farmed sturgeon. CAA and the industry are ready to provide any necessary support during the listing process to ensure this distinction is clear. It is important that new regulations or limitations to protect the resource do not inadvertently constrain the industry.

Sincerely,



Tony Vaught
President, California Aquaculture Association

ⁱ The California Aquaculture Association (CAA) is a producer-supported association representing finfish, shellfish, and algae growers and seafood related businesses throughout California since 1983. The CAA promotes commercial production of plants and animals in aquatic systems to satisfy the needs of consumers for wholesome products that are produced by sustainable means conserving California's land and water resources.



June 6, 2024

Via Email: fgc@fgc.ca.gov

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2290

Re: Petition to list the California White Sturgeon (*Acipenser transmontanus*)

Dear Commissioners:

On November 29, 2023, several environmental organizations petitioned the Fish and Game Commission (“Commission”) to have the California White Sturgeon (“White Sturgeon”) listed as threatened under state law (“Petition”). This letter is in response to that Petition. In summary:

- The White Sturgeon population size has been stable for the last 14 years.
- The Petition ignores several state and federal regulations that are already in place to provide current and ongoing protection for White Sturgeon.
- The estimated White Sturgeon population size is nearly 7 times larger than the recovery criterion for Green Sturgeon identified in the NMFS 2018 Recovery Plan.
- The Petition is flawed and does not rely on the best available science.

The State Water Contractors (SWC)¹ and the San Luis & Delta Mendota Water Authority² (SLDMWA) are providing these comments on behalf of themselves and their member agencies

¹ SWC member agencies: Alameda County Flood Control & Water Conservation District, Zone 7, Alameda County Water District, Antelope Valley-East Kern Water Agency, Casitas Municipal Water District, Castaic Lake Water Agency, Central Coast Water Authority, City of Yuba City, Coachella Valley Water District, County of Kings, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire, West Side Irrigation District, Kern County Water Agency, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Geronimo Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Clara Valley Water District, Solano County Water Agency, and Tulare Lake Basin Water Storage District

² SLDMWA member agencies: Banta-Carbona Irrigation District, Broadview Water District, Byron Bethany Irrigation District, Central California Irrigation District, City of Tracy, Columbia Canal Company (a Friend), Del Puerto Water District, Eagle Field Water District, Firebaugh Canal Water District, Fresno Slough Water District, Grassland Water District, Henry Miller Reclamation District #2131, James Irrigation District, Laguna Water District, Mercy Springs Water District, Oro Loma Water District, Pacheco Water District, Panoche Water District, Patterson Irrigation District, Pleasant Valley Water District, Reclamation District 1606, San Benito County Water District, San Luis Water District, Santa Clara Valley Water District (Valley

who work together to provide water to more than 29 million California residents and 1.9 million acres of farmland throughout the state, as well as listed species and millions of waterfowl that depends upon nearly 200,000 acres of managed wetlands and other critical habitat within the largest contiguous wetland in the western United States.

For reasons provided in this letter, the Petition is incomplete, lacks evidence, and therefore does not meet minimum standards for acceptance. The Commission should reject the Petition and thereby not add White Sturgeon to the list of candidate species. If the Commission ignores the incompleteness of the Petition and accepts the Petition, the Commission should acknowledge that there is no evidence before it that would support a finding that the operation of the State Water Project (SWP) and Central Valley Project (CVP) is a primary threat to White Sturgeon based on the information presented in this letter. Should the Commission accept the Petition, it should not list the White Sturgeon after the candidacy period, for there is no rationale for supporting such a decision.

The Commission recently adopted emergency fishing regulations for White Sturgeon to bring commercial harvest down to sustainable levels, particularly in light of the recent red tide events. Commercial harvest far exceeded levels that are believed to be sustainable, being a recent historic harvest rate of 8-29.6% (2007-2015)³ of the population when a harvest rate of 3-4% of the population is more in line with published literature and harvest practices of neighboring states. In doing so, the Commission has already taken the most reasonable action to protect the species, and it is an action that is already within the authority of the Commission. There are no actions beyond those already taken by the Commission that are necessary or appropriate for the protection of White Sturgeon. The Commission should allow time to determine if this recent action results in increased species abundance. Therefore, the Commission does not need to list White Sturgeon to continue to protect the species.

1. Petition Should Not be Accepted by the Commission

As explained in the March 2024 California Department of Fish and Wildlife (CDFW) Petition Evaluation Report (Evaluation Report), the California Endangered Species Act (CESA) sets forth a two-step process for listing a species. First, the Commission determines whether the California Fish and Game Code § 2074.2 factors have been met and, if so, accepts the Petition. If the Petition is accepted, CDFW has 12 to 18 months to produce a peer-reviewed report based on the best scientifically available information available to determine whether listing is warranted. The Commission will consider that report and other evidence in the record and make a final listing decision.

The Petition fails the first step in this process, and it should not be accepted. The appropriate test for determining whether the Section 2074.2 factors have been met was articulated in the Center for Biological Diversity, which explained that:

Water), Tranquillity Irrigation District, Turner Island Water District, West Stanislaus Irrigation District, and Westlands Water District.

³ California Fish and Game Commission, Finding of Emergency and Statement of Proposed Emergency Action, October 27, 2023, p. 1.

...the standard, at this threshold in the listing process, requires only that a substantial possibility of listing could be found by an objective, reasonable observer.

(*Center for Biological Diversity v. Fish and Game Commission* (2018) 166 Cal. App. 4th 597, 610-611). An objective and reasonable observer would certainly require that evidence be the foundation of the Petition. There are numerous examples of missing evidence. Some examples are as follows:

- The Petition states that “salvage has been episodically high” and cites salvage from 2023. (Petition, p. 20 [“while also recognizing that “high mortality in 2023 likely reflects relatively large cohort of YOY produced following record precipitation and runoff.”]). The Petition provides no evidence of the relative effect of salvage on the population of White Sturgeon. Therefore, no evidence was provided as to the degree or immediacy of the effect.
- The Petition provides evidence of potential future changes in flow but makes no attempt to provide evidence that would link the potential change in flow to a large and imminent threat to the species. For example, the Petition states that the proposed Delta Conveyance Project and the Sites Reservoir Project, as well as the State Water Resources Control Board staff’s Proposed Action (55% of the unimpaired hydrograph) and the proposed Healthy Rivers and Landscapes program that are alternatives in the Water Quality Control Plan update, are all threats to White Sturgeon. (Petition, pp. 27-28). In fact, the California Environmental Quality Act compliance document for each of the proposed projects or actions considered potential effects on White Sturgeon, applying the known flow to year class strength statistical relationship and found that each of these projects or actions would either have little to no negative effect, or a positive effect, on species abundance.⁴ The Petition does not provide evidence that would link the flow changes proposed by Sites Reservoir and Delta Conveyance to project-related changes in species abundance, rather, it is assumed. (Petition, p. 27). As it relates to alternatives being considered in the Water Quality Control Plan update, the evidence provided in the Petition and the resulting concern is that these actions would not recover the species, and the cited studies are indicative of flows required for recovery. (Petition, p. 27). The Petition, of course, ignores evidence that the White Sturgeon adult population far exceeds the recovery standard for Green Sturgeon, a very similar species. (NMFS 2018).⁵ Regardless, the test for whether the listing is warranted is whether there are imminent threats to the species and not whether proposed actions are providing enough benefit.
- The Petition describes the “red tide” algal blooms that occurred in 2023 in the Bay and then observed that both *Microcystis* and White Sturgeon exist in the San Joaquin River.

⁴ Final Delta Conveyance EIR, pp. 12-213 to 12-214; Final Sites Reservoir EIR/S, p. 11-275; and SWRCB Draft Staff Report, p. 7.6.2-38.

⁵ National Marine Fisheries Service. 2018. Recovery Plan for the Southern Distinct Population Segment of Northern American Green Sturgeon (*Acipenser medirostris*). West Coast region, California Central Valley Office, Sacramento. <http://repository.library.noaa.gov/view/noaa/18695>

(Petition, p. 30-31). The Petition, however, contains no evidence that would link *Microcystis* in the San Joaquin River to any change in White Sturgeon abundance or survival. Therefore as it relates to the Delta, there is no evidence of any actual impact to White Sturgeon from *Microcystis*.

- The Petition’s data regarding historic abundance is incomplete. Representations of historic population data should not be accepted without the source data also being provided. For example, Petition Figure 3 illustrates data described as commercial harvest data from 1875-1889 but fails to provide the underlying raw data. It is impossible to assess the data on the basis of the graphs alone without simply assuming that the data are correctly presented. The cited source for Figure 3 is Skinner 1962, but neither the figure nor the source data is apparent in that publication, and the location of the reported harvest is unknown. In another example, Petition Figure 4 illustrates the CDFW data, but the age-1 data, in part of the original combined age-0 and age-1 dataset, was excluded. CDFW calculates the annual year-class index from catches of age-0 and age-1 sturgeon in systematic San Francisco Bay Study trawl surveys. The Petition lists annual year class indices based on catches of age-0 sturgeon, having removed the age-1 data for an unknown reason. There is a parallel Petition to list White Sturgeon filed by the same parties under federal law, but the corresponding figure showing age-0 sturgeon in that federal Petition does not match the corresponding Figure 4 in this state Petition. The reasons for the differences in the presentation of what appears to be the same dataset is not apparent. The data presented in the Petition cannot be verified, and the apparent inconsistencies are not understood.

The information presented in the Petition is insufficient, not meeting the minimum required for the “may be warranted” determination, and therefore, the Petition should not be accepted by the Commission. The failure to rely on evidence is important and has real-world implications. For example, the Department of Water Resources would have to obtain new permits for the operation of the SWP and likely adopt significant mitigation during the candidacy period to meet the California Endangered Species Act section 2081 standard for obtaining “take” authorization.

2. Listing the White Sturgeon is Not Warranted

The current regulatory framework is protective. The White Sturgeon is not appropriate for listing because the existing regulations that manage the Bay-Delta system are protective. The protectiveness of the existing regulations is evidenced by the stable population numbers over the last 14 years and because entrainment at the SWP and CVP water diversion facilities in the south Delta is low relative to species abundance. The Petition’s description of alleged SWP and CVP caused changes in outflow is based on a flawed study; and in fact, the SWP and CVP have been supplementing summer outflows for decades compared to what occurred without the CVP and SWP. (Hutton et al. 2017, p. 2522).⁶

⁶ Hutton, P.H., Rath, J.S., Sujoy, B. R. 2017. Freshwater flow to the San Francisco Bay-Delta estuary over nine decades (Part 2), change attribution. *Hydrological Processes*, 31: 2516-2529.

a. White Sturgeon abundance has been stable for the last 14 years.

As reported by CDFW, estimates of White Sturgeon abundance show that the population has been stable from approximately 2008 to 2022, with data for 2023 not yet available. This stable trend is consistent across surveys. However, the Petition makes conclusions related to species abundance trends, making a comparison to the highest abundance time-period in more than 100 years, which occurred in the 1980s, and then denoting a downward trend. The White Sturgeon population crashed around 1900 due to commercial overfishing and peaked in the 1980s (see Figures 1-3 below), which was an unusually wet time-period. (See Hutton et al. 2017, p. 2504, Fig. 4, denoting relative wetness of the 1980s). Therefore, any comparison of the White Sturgeon population to the highest abundance time-period would result in a downward trend. As far as determining whether current regulations are protective, it is the recent decade⁷ that would inform the question of the immediacy of threats rather than the 30 years since historic peak abundance. The current population is stable. White Sturgeon abundance has been stable for at least 14 years.

- From 2007-2021, White Sturgeon abundance of 40-60 inch fish varied between 18,000 and 45,000 (See Fig. 1, below). The most recent CDFW five-year average abundance estimate (2017-2022) was approximately 33,000. (CDFW 2023, p. PDF 50).⁸

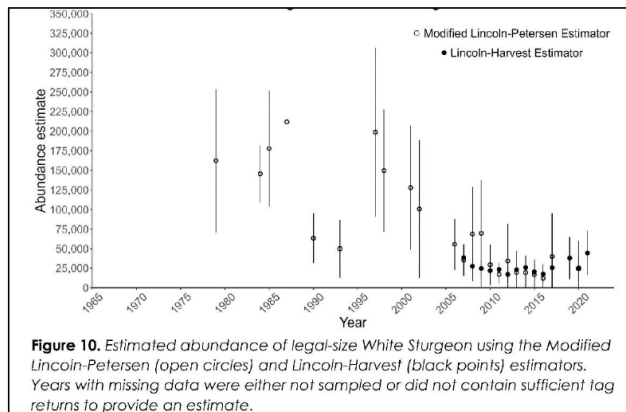


Figure 1. Mark-recapture estimates of 40-60-inch fork length White Sturgeon abundance based on tagging in annual net sampling from August-October and recaptures of external reward tags by recreational anglers (excerpt from CDFW 2023b).

- An index of relative abundance based on catch per unit effort in the trammel net survey follows a similar pattern to abundance estimates with relatively stable numbers since 2000. (Fig. 2, below).

⁷ The 14-years mentioned in this letter represents the time-period of the 2008/09 and 2019 Biological Opinions and 2020 Incidental take Permit for SWP-CVP operations.

⁸ CDFW (California Department of Fish and Wildlife). 2023. Exhibit 9. Supporting Material for CDFW "White Sturgeon Emergency Regulation Recommendation" Powerpoint. Pages 35–64 in Staff, editor. Fish and Game Commission Staff Summary, October 11-12, 2023 Meeting. California Fish and Game Commission. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216457>

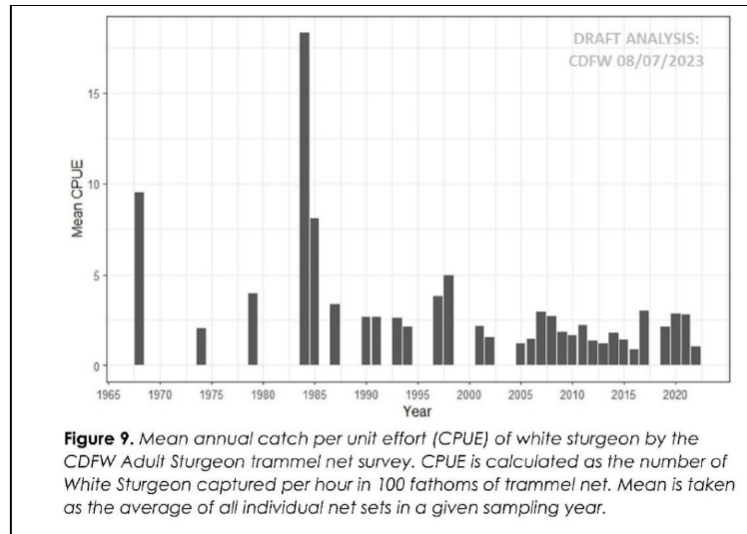


Figure 2. Index of White Sturgeon abundance based on annual catch per unit effort in August-October trammel net surveys where sturgeon are captured for tagging. (CDFW 2023)

- Annual fishery harvest data from commercial passenger fishing vessels generally follows similar patterns to abundance estimates and net survey catch per unit effort. (CDFW 2023). Catch per unit effort has been relatively stable or increasing from 2000-2020. (See Fig.3, below). However, CDFW 2023 discounted this catch data as a relative measure of abundance because the catch per unit effort was not included in the estimate.

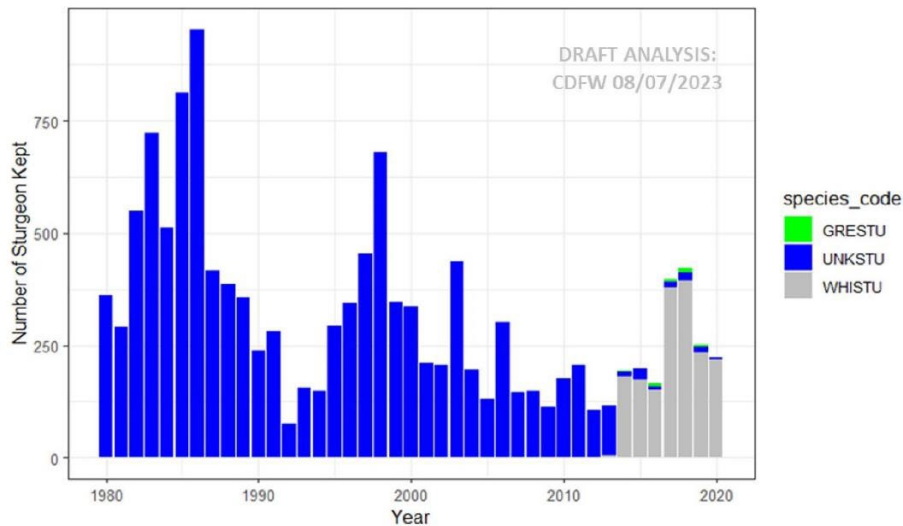


Figure 3. Annual catch of sturgeon by recreational anglers fishing on charter boats. CDFW 2023.

The adult numbers of White Sturgeon substantially exceed the recovery criteria of 3,000 adults identified in the Recovery Plan for the listed North American Green Sturgeon (NMFS 2018). The abundance of White Sturgeon adults was conservatively estimated to be an average of

20,000 between 2007-2011 based on age-specific population estimates in Gingras & DuBois (2013).⁹ The Petition simply identified a reduction from historic highs in the population and concluded the species must be imperiled, without providing any evidence that the population is not self-sustaining. The Green Sturgeon recovery criteria was based on general principles of conservation biology¹⁰ which would be appropriately applied to White Sturgeon as well, with the result being that the White Sturgeon already far exceeds the adult population recovery criteria.

b. Entrainment in the SWP and CVP export facilities is low.

The Petition identified direct mortality resulting from entrainment at SWP and CVP water export facilities in the south Delta in a list of primary factors imperiling White Sturgeon (San Francisco Baykeeper *et al.*, 2023). The Petition states, “it is clear that: (a) there is no reason to expect high survival of salvaged fish, (b) total mortality will be greater than the number of fish enumerated in salvage because of losses prior to the fish screens, and (c) salvage has been episodically high.” (Petition, pp. 28-29).

It is difficult to reconcile the very small numbers of White Sturgeon salvaged at the SWP Skinner Delta Fish Protective Facility with the listing petition assertion that direct mortality resulting from entrainment/salvage has a significant impact on White Sturgeon. The only evidence of significant salvage presented in the Petition was one data point, last year, which was a very wet year. (*Id.*) In most years, the impact is practically zero. (See Fig. 4, below). Years of higher numbers closely follow strong White Sturgeon year classes as abundant small juveniles are vulnerable to entrainment. Numbers decline as White Sturgeon from strong year classes grow out of the vulnerable size range.

The numbers of White Sturgeon in the salvage have declined substantially from historical levels in the 1980s, which is at least partially the result of the changes in regulations that manage the SWP and CVP export operations in the south Delta.

⁹ Gingras, M., and J. Dubois. 2013. Monitoring progress toward a CVPIA recovery objective: estimating White Sturgeon abundance by age. IEP (Interagency Ecological Program for the San Francisco Estuary) Newsletter 26(4)6–9. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentId=74161>.

¹⁰ NMFS 2018, p. 39 [“we developed the adult abundance criteria using the best available information from general principles in conservation biology relating population viability to abundance.”]

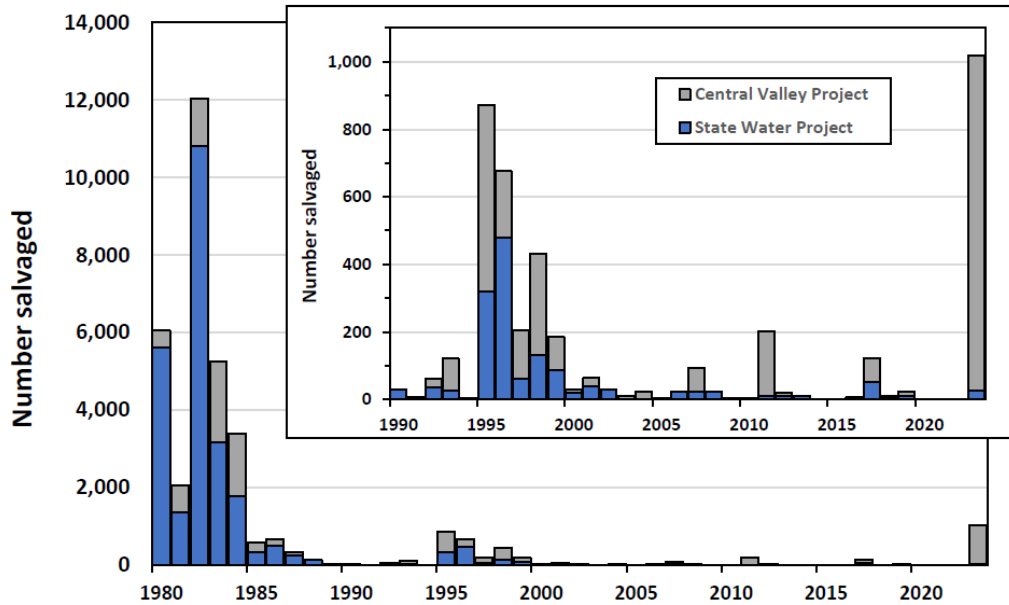


Figure 4. Annual salvage of White Sturgeon at SWP and CVP export facilities, 1980-2023. Insert graph shows expanded y-axis for 1990-2023. Data from Fish Salvage Monitoring (ca. gov)

The population-level impact of salvage is likely very low because the sturgeon salvaged are projected to comprise a very small percentage of the adult population. The recent 20-year average combined total salvage was 80 White Sturgeon. (Average of SWP- CVP salvage, 2003-2023, calendar year.) After salvage, these fish were trucked far away from the SWP and CVP facilities and released into the Delta. The rate of survival of these fish during the salvage process is very good, particularly for larger fish like sturgeon. As reported by Buchanan et al. 2021,¹¹ the rate of survival for larger fish like out-migrating steelhead was not statistically different between Old and Middle River where the SWP and CVP export facilities are located, and the San Joaquin River, indicating that salvaged White Sturgeon likely have very good survival in the salvage process.

The best estimates of the adult population of White Sturgeon are about 20,000 pre-algal bloom. Even if half of them died in the 2023 red tide bloom and all failed to survive the SWP and CVP salvage and release program, which is highly unlikely, a net 80-100 per generation loss would be a net 0.8-1.0% impact at the population level of 10,000, which is very low. For context, CDFW's recent emergency fishery regulation for White Sturgeon provided several options for appropriate harvest rate: <3% (Blackburn et al. 2019¹²); 5-10% (Beamesderfer and Farr 1997,¹³ [when no other sources of significant loss]); and White Sturgeon maximum harvest rates in Washington and Oregon, which is 3.8%. (CDFW 2023, p. pdf 55.) CDFW further reported that the estimated

¹¹ Buchanan, R.A., Buttermore, E., Israel, J. 2021. Outmigration survival of a threatened steelhead population through a tidal estuary. *Can. J. Fish. Aquat. Sci.* 78: 1869-1886, p. 1883.

¹² Blackburn, S. E., M. L. Gingras, J. DuBois, Z. J. Jackson, and M. C. Quist. 2019. Population Dynamics and Evaluation of Management Scenarios for White Sturgeon in the Sacramento-San Joaquin River Basin. *North American Journal of Fisheries Management* 39(5):896-912. <https://doi.org/10.1002/nafm.10316>

¹³ Beamesderfer, R., M. Simpson, G. Kopp, J. Inman, A. Fuller, D. Demko, and S. P. Cramer. 2004. Historical and current information on green sturgeon occurrence in the Sacramento and San Joaquin rivers and tributaries. State Water Contractors, Sacramento, CA. <https://www.noaa.gov/sites/default/files/legacy/document/2020/Oct/07354626515.pdf>

harvest rate from fishing from 2007-2015 ranged from 8-29% (mean 13.4%), and the average harvest rate from 2016-2021 was 8.1%.¹⁴ (CDFW 2023, p. pdf. 54.) For comparison, the harvest rate for the Sturgeon Study from 2009-2021 was 3.5%.¹⁵

All of these harvest rates are higher than the worst case 0.8-1.0% rate at the SWP and CVP export facilities.

c. Trends in Species Survival are Driven by Wet Hydrology and Not SWP-CVP Operations.

The SWC and SLDMWA acknowledge that there is an April-July Delta outflow-to-year class strength statistical relationship for White Sturgeon. Based on the shape of the relationship, this relationship is really driven by wet-year hydrology and not project operations. The trends in year-class strength match wet-year hydrology very closely. (See Fig. 5, below). The SWP and CVP cannot create wet years using reservoir releases or curtailing exports. The Reis *et al.* study cited in the Petition is flawed and cannot be relied on for the proposition that the SWP and CVP have been creating more drought years. In fact, the SWP and CVP are heavily regulated in April-May under three different regulatory frameworks by four different state and federal agencies and will continue to be so regulated into the foreseeable future. (See Figure 5b below, comparing exports to outflow). During summer months, particularly July and August, the SWP and CVP have been augmenting flows for decades.

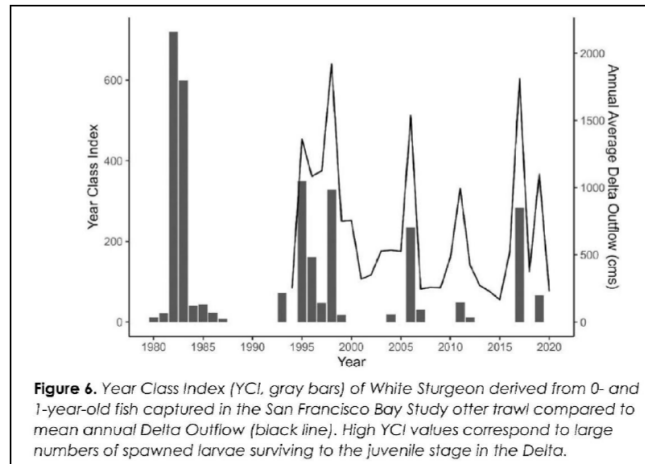


Figure 5. Index of annual reproductive success (age 0 and age 1). CDFW 2023.

¹⁴ In reporting this estimate, CDFW acknowledged that low tag estimates in 2018 and 2022 precluded harvest rate estimates.

¹⁵ From 2009 to 2021 the average harvest rate during the study was 353.38. Assuming a population of 10,000, the harvest rate is 3.5%. A population of 10,000 was assumed in this calculation to provide a comparison to the worst case mortality estimate for SWP-CVP exports. <https://wildlife.ca.gov/Conservation/Delta/Sturgeon-Study>.

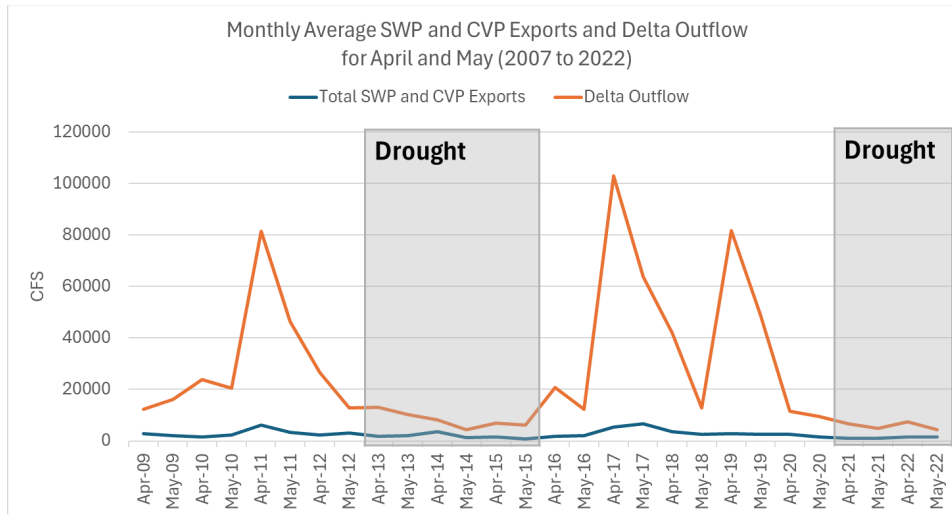


Figure 5b. Historical Total SWP and CVP Delta Exports and Delta Outflow for April and May from 2009 to 2022. Grey shaded years are drought years when the exports are at minimum levels for public health and safety.

i. The White Sturgeon year-class strength relationship is driven by the highest flow years.

There is a statistical relationship between White Sturgeon year-class strength and Delta outflow in the months of April-July in the Sacramento River. (Fish 2010.)¹⁶ Since each month within the April-July time-period is also cross-correlated with the following and prior month, it is difficult to determine which months within that range are most important to the species; as the statistical relationship for the months between April-July, April-June, April-May, and May alone are all practically the same, with any minor differences not being statistically significant.

The ability of within-year water management strategies to affect year-class strength is unclear, given the large volumes of discharge associated with successful recruitment. This pattern appears to be driven by wet water years. This is because the flow-year-class strength relationship is not linear. Depending on how it is calculated, the threshold for significant recruitment is approximately 50,000 cfs, when measured by water-year average delta outflow, and 40,000 cfs when measured by April-July Sacramento River flow.¹⁷ (See Figures 6 and 7).

¹⁶ Fish, M. A. 2010. White Sturgeon Year-Class Index for the San Francisco Estuary and its Relation to Delta Outflow. IEP Newsletter 23(2):80–84. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentId=26542>

¹⁷ Sum of Sacramento River flow at Freeport and Yolo Bypass inflow to the Delta.

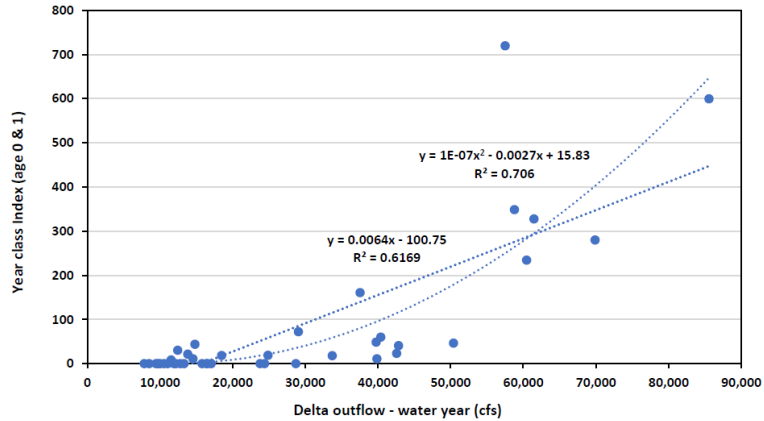


Figure 6. Relationship between year-class index and average Delta outflow by water-year, 1980-2020.

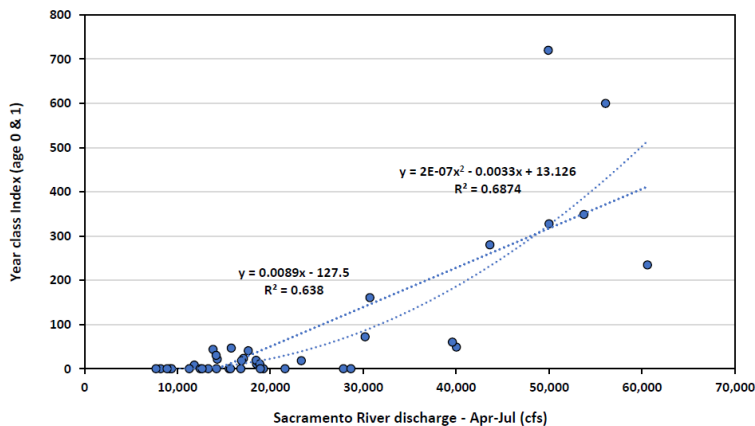


Figure 7. Relationship between year-class index and average Sacramento River discharge in April through June, 1980-2020.

The mechanisms for flow-related recruitment are not well understood, so the appropriate management action is unknown. The bottleneck occurs somewhere in the incubation, hatching, downstream dispersal, or early rearing stages between spring and late summer. Hypotheses for key factors have included the availability of suitable spawning habitat, which includes clean, rocky substrate and turbulence with resting areas nearby, higher predation during low flow conditions, dispersal into suboptimal habitats downstream, food availability during critical first feeding, or a combination thereof. (Coutant 2004¹⁸; Gadomski & Parsley 2005¹⁹; Hatten et al.

¹⁸ Coutant, C. C. 2004. A riparian habitat hypothesis for successful reproduction of white sturgeon. *Reviews in Fisheries Science*. 12:23-73.

¹⁹ Gadomski, D. M., and M. J. Parsley. 2005. Laboratory studies on the vulnerability of young white sturgeon to predation. *North American Journal of Fisheries Management* 25:667-674.

2018²⁰; Hildebrand et al. 1999²¹, 2016²²; Kohlhorst 1980²³; Kohlhorst et al. 1991²⁴; McAdam 2012²⁵; McAdam et al. 2008²⁶; McCabe & Tracy 1994²⁷; Miller & Beckman 1996²⁸; Paragamian et al. 2001²⁹; Paragamian & Wakkinen 2002³⁰; Parsley & Beckman 1994³¹; Parsley et al. 1993, 2002.³²) Due to the shape of the flow-abundance relationship, it does not seem that additional flow in average or low water years can benefit these species.

Regardless of the month or season of important outflow from April-July, SWP and CVP export operations are not negatively impacting outflow in these months. Existing and foreseeable regulations already limit SWP and CVP diversions in April and May, including in wet years. In April and May, SWP and CVP exports were limited by an export-to-inflow ratio export restriction contained in State Water Resources Control Board water right Decision 1641 (D-1641). In the existing 2020 Incidental Take Permit that regulates SWP exports, there is an additional inflow-to-export restriction from April to May. See Figure 5b. The proposed Long-Term Operations Plan (LTO) for the SWP and CVP also includes significant pumping restrictions in March-May, and June in some water-year types. At the same time, in the July-August time-period, the SWP and CVP have been supporting outflow for decades. (Hutton et al. 2017, p. 2522).³³ The cause of changes in flow in spring and summer over nine decades was a mix of water project and non-water project diversions. (*Id.* at p. 2524). The existing and foreseeable regulations governing the CVP and SWP are protective in the spring, and CVP and SWP operations have been improving conditions in the summer.

²⁰ Hatten, J. R., M. J. Parsley, T. R. Batt and R. L. Fosness. 2018. Substrate and flow characteristics associated with White Sturgeon recruitment in the Columbia River Basin. *Heliyon*. 2018 May 21;4(5):e00629. doi: 10.1016/j.heliyon.2018.e00629. PMID: 29872763; PMCID: PMC5986543.

²¹ Hildebrand, L., C. McLeod and S. McKenzie. 1999. Status and management of white sturgeon in the Columbia River in British Columbia, Canada: an overview. *Journal of Applied Ichthyology* 15:164-172.

²² Hildebrand, L. R., A. D. Schreier, S. O. McAdam, M. J. Parsley, V. L. Paragamian and S. P. Young. 2016. Status of White Sturgeon (*Acipenser transmontanus* Richardson, 1863) throughout the species range, threats to survival, and prognosis for the future. *Journal of Applied Ichthyology* 32:261-312. <https://doi.org/10.1111/jai.13243>

²³ Kohlhorst, D. W. 1980. Recent trends in White Sturgeon population in California's Sacramento-San Joaquin Estuary. *California Fish and Game* 66:210-219.

²⁴ Kohlhorst, D. W., L. W. Botsford, J. S. Brennan and G. M. Calliet. 1991. Aspects of the structure and dynamics of an exploited central California population of White Sturgeon (*Acipenser transmontanus*). Pages 277 to 293 in P. Williot, editor. *Acipenser – Actes du premier colloque international sur l'esturgeon*. Bordeaux 3-6 octobre 1989. CEMAGREF.

²⁵ McAdam, D. S. O. 2012. Diagnosing causes of white sturgeon (*Acipenser transmontanus*) recruitment failure and the importance of substrate condition to yolk sac larvae survival. Ph.D. Dissertation. University of British Columbia. Vancouver, B. C.

²⁶ McAdam, S., C. Williamson, and J. Vasquez. 2008. A conceptual model of white sturgeon recruitment failure in the Nechako River, Canada, based on hydraulic modeling and biological investigations. 7th International Symposium on Ecohydraulics, Jan 12-16, 2008, Concepcion, Chile.

²⁷ McCabe G. T., Jr., and C. A. Tracy. 1994. Spawning and early life history of white sturgeon, *Acipenser transmontanus*, in the lower Columbia River. *Fishery Bulletin* 92:760-772.

²⁸ Miller, A. I., and L. G. Beckman. 1996. First record of predation on white sturgeon eggs by sympatric fishes. *Transactions of the American Fisheries Society* 125:338-340.

²⁹ Paragamian, V. L., G. Kruse, and V. Wakkinen. 2001. Spawning habitat of Kootenai River white sturgeon, post-Libby Dam. *North American Journal of Fisheries Management* 21:22-33.

³⁰ Paragamian, V. L., and V. D. Wakkinen. 2002. The effects of flow and temperature on the spawning of Kootenai River white sturgeon. *Journal of Applied Ichthyology* 18:608-61

³¹ Parsley, M. J., and L. G. Beckman. 1994. White sturgeon spawning and rearing habitat in the lower Columbia River. *North American Journal of Fisheries Management* 14:812-827

³² Parsley, M. J., L. G. Beckman, and G. T. McCabe, Jr. 1993. Spawning and rearing habitat use by white sturgeons in the Columbia River downstream from McNary Dam. *Transactions of the American Fisheries Society* 122:217-227.

³³ Hutton, P.H., Rath, J.S., Sujoy, B. R. 2017. Freshwater flow to the San Francisco Bay-Delta estuary over nine decades (Part 2), change attribution. *Hydrological Processes*, 31: 2516-2529.

ii. Petition incorrectly represents changes in flow and attribution.

The Petition makes several broad statements suggesting that large changes in outflow have occurred. (See, e.g., Petition section 6.2). Specifically, the Petition argues that the operation of the SWP and CVP have caused wet and above-normal water years to be reclassified as below-normal or drier. (Petition, p. 25). The Petition relies heavily on Reis et al. 2019 to support this conclusion and its conclusion that, “water diversion and storage reduce the frequency and quality of conditions that favor California White Sturgeon recruitment.” (Petition, p. 25).

The Reis et al. paper cannot be relied on for these conclusions as it uses unimpaired flow as a representation of without project hydrology in the valley. This is a mistake, as the unimpaired flow is a theoretical calculation of flow that does not account for water consumption by native plants or the historic spreading of water across the floodplains without levees that would have occurred in pre-development conditions. In fact, when evapotranspiration from native vegetation is considered, the pre-development outflow is similar to contemporary outflow. (Fox et al. 2015,³⁴ as well as, Howes et al. 2015³⁵). The Reis et al. paper also attributes all changes in outflow to SWP and CVP exports, which is incorrect. In fact, outflow is a result of all of the diversions throughout the entire watershed, of which SWP and CVP south of Delta diversions are a portion. And finally, the Reis et al. paper should not be relied on for a comparison of the recent and historic occurrence of so-called low outflow years (or drought years) because of how that paper recalculated water-year type using artificial thresholds binning ranges of historic water years, which obscures the trends. (See description of this recalculation by Reis et al. 2019, p. 6).

In short, the SWP and CVP cannot change the water-year type using project operations.

d. Sites Reservoir, Delta Conveyance Project, Water Quality Control Plan Update, and Voluntary Agreements will not impair species abundance.

The Petition objects to Sites Reservoir and the Delta Conveyance Project because of water diversions proposed during wet water years, particularly in April and May. (Petition, p. 27-28). The Petition objects to the update to the Water Quality Control Plan because it concludes based on the opinion that the Proposed Action of 55% of the unimpaired hydrograph is not enough outflow. (*Id.*) The Petition objects to the Voluntary Agreements (Healthy Rivers and Landscapes Program or HR&L Program), which is a proposed implementation alternative for the update to the Bay-Delta Water Quality Control Plan, because the Petition says that the HR&L Program would reduce outflow. (*Id.*)

It should be noted that the Delta Conveyance Project and Sites Reservoir will be operating under the permit authority of the California Department of Fish and Wildlife and the United States Fish and Wildlife Service as those projects have sought and will continue to update, approvals for their respective operations plans and associated compliance with the California Environmental Quality Act and the National Environmental Policy Act, adopting mitigation when appropriate.

³⁴ Fox, P., Hutton, P. H., Howes, D. J., Draper, A. J., & Sears, L. (2015). Reconstructing the natural hydrology of the San Francisco Bay-Delta watershed. *Hydrology and Earth System Sciences*, 19, 4257–4274.

³⁵ Howes, D.J.; Fox, P.; Hutton, P.H. Evapotranspiration from Natural Vegetation in the Central Valley of California: Grass Reference-Based Vegetation Coefficients and the Dual Crop Coefficient Approach. *J. Hydrol. Eng.* **2015**, 20, 04015004.

These projects will also seek permit amendments and/or assignments from the State Water Resources Control Board, which already considers White Sturgeon to be part of its decision-making process. All of these state and federal agencies will be making decisions related to outflow for the protection of species and will be assessing the satisfaction of various legal requirements in the context of multiple species with species year-class strength-outflow relationships.

As it relates to the Delta Conveyance Project, it is proposed to divert new flows only under excess flow conditions in the Delta, and the diversion will be subject to new proposed restrictions, including in wet years.³⁶ Since the Delta Conveyance Project is a dual conveyance facility that will divert in coordination with existing SWP facilities, it is proposed to operate to any spring outflow requirements under the proposed update to the Long-Term Operations of SWP and CVP, including in above-normal water years.³⁷ The Sites Reservoir Project will have an Operational Agreement with the Department of Water Resources and the Bureau of Reclamation that will require that Sites Reservoir to not divert while the SWP and CVP are meeting Sacramento River inflow and outflow requirements, in addition to protective, operational criteria that are part of Sites Reservoir's operations plan.³⁸

The Petition also objects to the Water Board's Proposed Action as described in the Water Board's Draft Staff Report. The Petition, however, ignores the regulatory framework within which the Water Board will make a decision under state and federal law when it approves the Water Quality Control Plan update, which requires that the Water Board balance the protection of beneficial uses that include urban, agricultural, and environmental uses. The Petition simply asserts that more flow would be better. (Petition, p. 28). This is not evidence of injury to White Sturgeon.

As part of the Water Board's consideration of the Water Quality Control Plan update, it will also be considering the HR&L Program. This program includes approximately 700,000 acre-feet of additional outflow, which is to be primarily provided in April and May. The Petition's citation to SWRCB 2023, Table G3a-10, shows a small reduction in wet year outflow. This change in wet water years is a result of reservoir refill, which is needed because stored water is released during drier water year types. To put this in context, wet water year conditions are when flooding occurs and represent the conditions that were the subject of the Governor's new legislation approving new Water Code §1242.1, which encourages water diversions to manage flood risk in wet years to such an extent that water rights are not necessary. It is during these flood risk conditions that reservoir refill is most appropriate. Regardless, the estimated decrease in outflow is quite small relative to the flows that exist during wet conditions.

³⁶ Final DCP EIR, Section 3.16.1, pp. 3-142 to 3-144.

³⁷ Draft Long-Term Operations of the State Water Project Facilities EIR, Section 2.3.5, pp. 2-31 to 2-33.

³⁸ Final Sites Reservoir EIR, p. 2-80, Table 2-5.

e. White Sturgeon distribution is broad, and its productivity is stable.

The population is widely distributed in Sacramento-San Joaquin system habitats, including rivers, Delta, estuary, and marine waters. (CDFW 2024, Figure 1).³⁹ Spawning habitat is distributed over 70 miles of the Sacramento River mainstem, and spawning also occurs at a second site in the San Joaquin River. Spawning likely occurs in every year such that significant recruitment may be produced in years of suitable environmental conditions. The population is characterized by a broad distribution of size classes representing multiple cohorts. (Fig. 8, below).

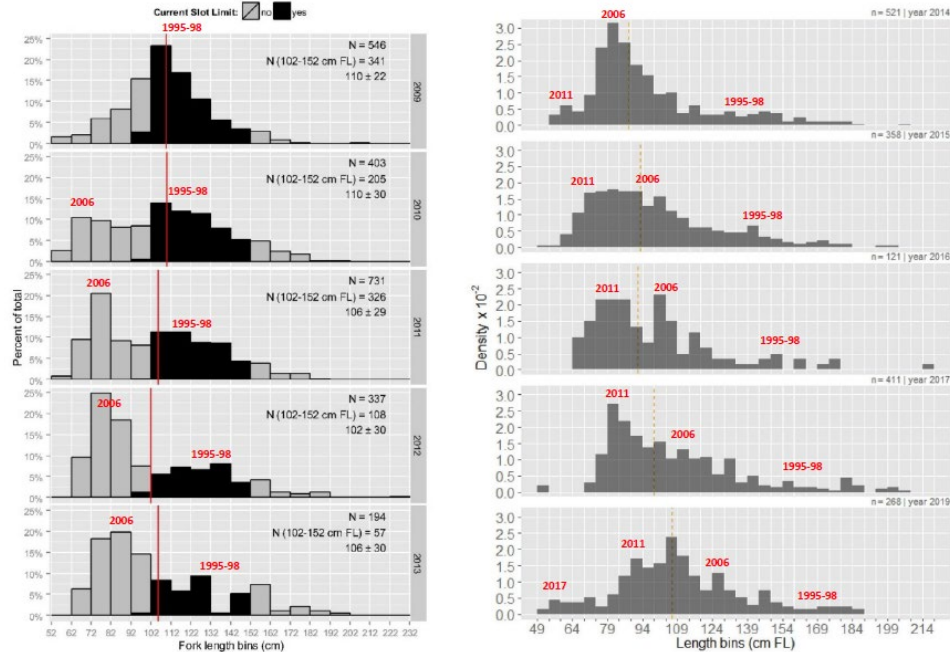


Figure 8. Annual length-frequency distribution showing continued progression of a strong year-class cohorts recruiting to the nets and moving through the population (Dubois and Harris 2013, Danos et al. 2020). Red lines indicate median fork length, Red text labels identify approximate year-class cohorts.

Productivity, in the form of periodic strong year classes has been sufficient to sustain the current population level and has limited harvest in the recreational fishery. The population exhibits high levels of genetic diversity in comparison with other White Sturgeon populations throughout their range (Drauch Schreier et al. 2013).

For all of these reasons, listing the White Sturgeon is not warranted.

³⁹ CDFW (California Department of Fish and Wildlife). 2024. Report to the Fish and Game Commission. Evaluation of the petition from San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance to list White Sturgeon (*Acipenser transmontanus*) as threatened under the California Endangered Species Act. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento CA 94244-2090. 19 pp. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=221413&inline>

The SWC and SLDMWA appreciate this opportunity to comment on the White Sturgeon Petition. If you have any questions, please contact Mr. Chandra Chilmakuri at cchilmakuri@swc.org or Mr. Scott Petersen at scott.petersen@sldmwa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Pierre".

Jennifer Pierre
General Manager
State Water Contractors

A handwritten signature in blue ink, appearing to read "Federico Barajas".

Federico Barajas
Executive Director
SLDMWA

June 6, 2024

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814

Submitted via Email to: fgc@fgc.ca.gov

Re: Agenda Item 15 - White Sturgeon Petition to List

For the attention of California Fish and Game Commission Members and Staff:

Sierra Club California collected 700 public comments from our members and supporters throughout the state urging the California Fish and Game Commission to list the White Sturgeon as threatened under the California Endangered Species Act.

The names of the individuals submitting comments are listed in the rest of this document, along with any additional individual comments. Each of the individuals signed onto the following text:

Thank you for the opportunity to comment on the petition to list the White Sturgeon as threatened under the California Endangered Species Act (CESA). I urge the Commission to take the next step toward protecting this important species from further decline by accepting the petition for further review.

White Sturgeon are declining due to chronic issues affecting the San Francisco Bay Delta. Unsustainable water diversions, reservoir operations, and adverse water quality conditions have plagued the Delta estuary for decades. This Commission has the ability to prevent the White Sturgeon from becoming another casualty in California's water mismanagement.

Adequate flows during the spring and early summer are essential for White Sturgeon recruitment, but have been declining since the 1980s due to increased diversions. Current regulations are not sufficient to protect the species. The State Water Board is considering updated standards for the Bay Delta Water Quality Control Plan. However, the Board's proposed unimpaired flow objective for the Sacramento River is not sufficient for White Sturgeon recovery. The cumulative impacts of new proposed diversions, increased frequency of Harmful Algal Blooms, the effects of climate change and other threats must be addressed to prevent further decline of the species.

Without additional actions by this Commission, the White Sturgeon is likely to become an endangered species within the foreseeable future. I respectfully request that the Commission take action to protect the White Sturgeon under CESA.

Thank you for considering this public input as you decide whether to take the next step toward fully protecting the White Sturgeon under the California Endangered Species Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Woolley". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Erin Woolley
Senior Policy Strategist
Sierra Club California

Name	Address	Additional Individual Comment
Jason Chinn		These fish are important to our overall ecosystem down the line.
Dan Quast		It is important because it is. We need to have some common sense in the state government
Peter Reimer		One] To protect an endangered species. Two] I have friends and/or neighbors who fish.
Heinrich Albert		We all want to bring back salmon populations, and we should. But less known species like White Sturgeon are also very important and an essential part of California's river ecosystems.
Karen Guma		All species are linked in an ecosystem. We need you to protect them, especially when they are dealing with polluted waters.
Belinda Kein		Our planet is our home, the only habitable planet we have. We must protect it and the creature who inhabit land and water as well. It's time for such protections to be put in place for Wild Sturgeon to they too may thrive.
Susan Worden		We live in the Delta, and the well-being of its fish species are important to our family.
Anne Muraski		YES! List the white sturgeon as endangered, and at the same time help the beleaguered Delta which is a catastrophic environmental disaster. It is a ship that needs to be turned around to save so many species.
Perry Gx		Time Is Now For Swift Action In Regards To Sturgeon.
Sharma Gaponoff		We are screwing up everything. Lets at least protect the White Sturgeon by listing it as threatened under the California Endangered Species Act. Its the least we can do.
Pamela Morris		All declining species are important.
Michele Sanderson		thank you for working so hard to save the earth and humanity
Scott Jenkins		Dear CA Fish & Game Commission, You have the opportunity to protect White Sturgeon under CESA. We need you to take action now to protect these endanered fish Now!
Peggy Kennedy		Please protect White Sturgeon under CESA by listing the White Sturgeon species as threatened . They are a valuable part of the our ecosystem. Thanks you.
Diane Vornoli		I have been enjoying the Sacramento delta complex for over 40 years, and back then sturgeon were common. Now, I'm so worried about the species surviving! We must protect them! Please enable them to survive!
Mary Ann Ruiz		I am very concerned about the continuting loss of species here in California. The White Sturgeon is an important species for the health of the ecosystem of the Delta. Please move the status up to Threatened to protect this declining species.
Mark Rhomberg		White sturgeon need your help ASAP!
Natalie Blasco		The white sturgeon is a fish native to California's Central Valley rivers and is experiencing significant population declines. Combating this decline will require addressing a number of threats, including insufficient in-stream flows and water temperature
Ken Ballinger		Decades (centuries?) of evidence show that if we don't actively protect nature, humans will eventually destroy it. Please protect this fish. Thanks.
Stephen Ferry		We need to protect native endangered species!
Elizabeth Hannah		The White Sturgeon is worthy of protected status as an endangered species. It's a truly amazing and unique creature.
Christa Neuber		we can't lose more animals!
Michael Koterba		These magnificent fish should live longer than we do. Now they are likely to no longer live period. It is exceedingly frustrating to see the government agencies whose very existence is to ensure native species thrive are increasingly unable to ensure they
Tom Johnson		These long-lived fish are important to maintaining the ecological equilibrium.
Clint Freeland		The White Sturgeon is a fish native to California's Central Valley rivers and is experiencing significant population declines. Combating this decline will require addressing a number of threats, including insufficient in-stream flows, water temperature, a

Name	Address	Additional Individual Comment
Vasu Murti		The Democratic Party platform should support: Animal Rights, Defending the Affordable Care Act, Ending Citizens United, Ending Marijuana Prohibition, Giving Greater Visibility to Pro-Life Democrats, Gun Control, Net Neutrality, Raising the Minimum Wage to
Pat Bryan		Sturgeon can live as long as humans - sometimes longer. As fellow earth creatures isn't it time we give respect?
John Goldsmith		The CA Fish & Game Commission should List White Sturgeon Under the CA Endangered Species Act (CESA)
Guillemette Epailly		Please list the white sturgeon under the CA Endangered Species Act to protect this beautiful and unique fish from extinction. Thank you.
M Robert Wilkerson		I believe passionately in saving our planet and our wildlife. I have also been fishing since I was a young kid growing up in California in the 1950's! Please help save this and ALL species.
Walter Erhorn		Please consider saving this ancient survivor favorably, Thanking you in advance for the voiceless.
Paulette Schindele		This important fish needs our help!
Katja Irvin		We need to take the current man-made mass extinction seriously and make it a priority to address this ominous trend.
Martha Booz		I support this petition most wholeheartedly! White Sturgeon ARE threatened already. Therefore they must be listed to prevent further decline.
Richard Devletian		Keeping our native wildlife populations intact and thriving is extremely important to the overall health of our ecosystem. Please list the White Sturgeon as Endangered under the CESA criteria to afford the delicate delta environment a legal foothold in pr
Christine Hoex		Personally I believe we need to recognize the rights of other species. And selfishly I (we), need them to keep the planet health and life sustaining. We can't do with out them, and who would want to!
Lee Hanger		The white sturgeon is endangered due to overfishing, a flourishing illegal caviar trade and habitat loss. Normal wildlife predators consist of Sculpins, Walleye, Smallmouth Bass and Chinook Salmon which are known to prey on eggs and juvenile White Sturge
Kathy Monteleone		Save the White Sturgeon and all wildlife!
Theresa Acerro		Itis your job to protect native species.White Sturgeon clearly need protection.
Verona Murray		I care about our environment and we must protect what's left of our California species!
Sam Butler		It is vital that we protect threatened and endangered species to preserve the web of life. Better still, let's take action not to stop species from getting into these critical situations in the first place. Let's take action for the white sturgeon that en
J B		The White Sturgeon is a fish native to California's Central Valley rivers and is experiencing significant population declines. Combating this decline will require addressing a number of threats, including insufficient in-stream flows, water temperature, a
Julie Smith		List White Sturgeon under the CA Endangered Species Act
Tina Bowman		Please protect the sturgeon by listing it as threatened! Thanks!
Evelyn Kirby		It is absolutely vital that all of us in California, and especially our own government, i.e. your agency, treat our native species as our highest priority as save each and every one, now especially the White Sturgeon!
Karen Schmidt		If it's native it needs to be protected!
Laura Manning		Please don't let the sturgeon in the delta die!
Dean Arrighi		Protecting the White Sturgeon will also protect many other delta species that are under threat for survival.
Ellen Gachesa		Save our wildlife!!
Pat Doherty		There is no reason to not put the white sturgeon on the CA endangered species list. All necessary steps need to be taken to save endangered wildlife , no matter what they may be
Saran Kirschbaum		I care about a healthy future for all, including my family.
Donald Weiden		We need to not only support and aid the survival of all native fish and game but provide the environments that they can flourish.

Name	Address	Additional Individual Comment
Scott Akemon		Can't we do our part and let nature thrive.
Cheryl Kozanitas		Sturgeon are ancient and beautiful. Please save them from special interests.
Karen Jacques		White Sturgeon are in trouble. Unsustainable amounts of water have been diverted from the Delta year after year and its ecology is beginning to collapse. California and the world are facing an extinction/biodiversity crisis. Listing the White Sturgeon
Matt Richardson		I'm a native California. I've seen the demise of many fish populations and we now have 40 million people in the state! We need more protections to protect our amazing flora and fauna. Protect the White Sturgeon! And I like to fish!
john armstrong		it matters to me because I'd much rather have wildlife than illegal aliens from enemy countries.
Genette Foster		The loss it each and every species poses an additional threat to the Sacramento River and Bay ecosystem
Steve Bean		Must protect native species from humanity's destructive actions.
Lesley Shultz		Sturgeon is a very important species that deserves protection in the aquatic ecosystems!
Harry Knapp		I agree with the goal of this petition.
Rick Drain		The White Sturgeon are yet another native species that are already being threatened and harmed by excessive water diversion from the Sacramento/San Joaquin River valleys and Delta. We understand the desire to supply water to agriculture and housing. Ho
Karen Millet		It is critical to protect the White Sturgeon under the California Endangered Species Act. Please step up and protect the future of native fish and push back against threats to the Delta. You have the power to make a difference in the lives of White Sturge
Lindsay Sharp		This very ancient species are a wonder and desperately need protection now.
Alanna Russell		We have alerted so much of nature and I think it will be best and wisest if we can be hands off and NOT disrupt their ecosystem, and offer them the same resources they've enjoyed for eras.
Laurel Harris		Please help to save the threatened White Sturgeon!
Kathy Robinson		The white sturgeon is an important species in the Strait. These unique creatures must be protected.
Andre Tarverdians		I'm including this line to indicate that I'm a real person and that this issue is important to me.
Christine Hayes		The White Sturgeon is a fish native to California's Central Valley rivers and is experiencing significant population declines. Combating this decline will require addressing a number of threats, including insufficient in-stream flows, water temperature, a
Abbie Bernstein		We are already losing too many species. Let's try not to lose any more.
Mary Lou Rosczyk		I remember when I was very young and had newly gotten a library card checking out a novel about a White Sturgeon thinking it was a book about a White Stallion. After initial confusion, I realized my mistake in the reading. However, since then White Sturg
Noah Armstrong		Please prevent the extinction of native California wildlife.
MaryBeth Rice		Let's slow the extinction crisis. We really can't afford to kill off every species.
William Wallin		By maintaining the complex entire ecosystem, we can aid our own healthy survival.
Shellie Krick		We don't want to lose any more species. Please include the white sturgeon on the CESA list.
Rachel Denny		Protecting the White Sturgeon will help to protect the ecosystem as a whole. Thank you for your consideration of this important matter.
R. Zierikzee		I care about the aquatic life in the Delta. Please protect our Delta. Don't take our water please.
V Joseph Klein		They are magnificent fish that can get very old but unfortunately their rate of reproduction does not match the rate at which they are caught and landed. To lose a species that has been around longer than we ave been is a shame. They need all the protecti

Name	Address	Additional Individual Comment
Kathleen Smith		As stewards of the Earth, we must protect our environment and the health and safety of all who live here, including fish species like the White Sturgeon who are threatened by unsustainable conditions in the San Francisco Bay Delta. We can and must do better
Pam Abbott		These fish have been in our waterways forever! Please protect these fish NOW. We are the ones who have created an unhealthy environment for them, let's do all we can to help them thrive. We have only one planet and we need to acknowledge and protect
Alice Welchert		As a ship's captain once put it, a vessel will likely be seaworthy if it loses one rivet, or two or tens, hundreds? But too many rivets gone and the ship will sink and the sailors drown. Each species lost is another rivet that endangers all species, including
Jessica Koran		Please protect white sturgeon for the environment as a whole.
Linda Fitz Gibbon		We have to do our best to save the White Sturgeon before it's too late.
Patricia Gracian		We cannot continue to lose species of wildlife & sources of food in the food chain at the rate we are going, and expect to continue our safety and viability for our own species. It is imperative we stop decimating the web of life of our planet if we intend
Patrick Carr		White sturgeon once lived in abundance in California's larger rivers, but not anymore. It's vital that we seek to bring these amazing fish back from the brink of extinction.
Lorrel Hovland		We have lost and are losing many species of animals. This is not sustainable for a healthy environment. Please list the White Sturgeon as threatened under the CESA. Thank you.
Penelope Lepome		As a Californian, I am appalled at the decline of the Bay-delta estuary. Plans for further diversions under the Delta Conveyance Project will further adverse effects. That is why it is vitally important for the Commission to act.
Lynne Boyle		The health of this fish is important to all the surrounding environment.
Jerry Tobe		We must increase native species biodiversity in order to increase the likelihood of healthy ecosystems which, in turn, are required for an environment that is better for human health and well-being Thank you for reading my message
Sharon Byers		Please list White Sturgeon under The CA Endangered Species Act, CESA/
Brad Findlay		Now is California's chance to take precautionary steps to protect this fascinating species from the threat of extinction. As a resident of California, it is my hope that the white sturgeon be listed as endangered in order to help protect this species now
Elizabeth Potter		I want the Delta to be a resilient resource for my grandchildren. Get a move on! Protect the White Sturgeon and address insufficient in-flows, algae blooms and no more dams.
Linda Riebel		You surely know about the web of life -- and how we're unraveling it. Please put White Sturgeon as protected under the CESA.
Jeffrey Gilman		The CA white sturgeon is related to the oldest known bony fish species, which dates back to the early Cretaceous period (ca. 120 million years ago). And unless strong protections are put in place, our human species will be responsible for wiping them out
Katharine Dreyfuss		Care of wildlife is essential for the thriving of human life. The support of wild creatures requires support for their habitats. White Sturgeons are threatened by insufficient instream flows, rising water temperature and algal blooms. Please help by including
Wendy Krupnick		As someone born in CA a very long time ago, I am deeply concerned about the environmental degradation that has happened in my life time, especially to water ways.. The majestic and life sustaining Sacramento River has endured far too much abuse. Please protect
Bruce Coston		Stop all the insanity . Implement minimum Income . And use CSSD. 2x Condorcet Cloneproof voting to meet UDHR. 21.3 .
Harlan Lebo		Protection of the white sturgeon is vital.
Charming Evelyn		Ca keeps losing their biodiversity, which only leads to disaster. For us as a community to survive we require a flourishing bio-diverse environment. everything in nature depends on something else, so when we interrupt nature we are interrupting our food chain

Name	Address	Additional Individual Comment
Eva Lydick		I get it. I eat too and we need agriculture. But for too long and for too much, big ag has ruled. And the delta is severely over-taxed. We can have both fresh produce and a thriving ecosystem if we agree that is what we want. Big agriculture has tended
Katy Redmon		The natural beauty of California and its wildlife is important to me.
Ruth Stoner Muzzin		Please continue the work to list White Sturgeon
Barbara Ishida		This matters to me because I care about all native species and plants, that they be able to grow and thrive in their natural environments. We need natives.
Ginny Madsen		I am an elderly, 3rd generation Californian who believes rivers are the lifeblood of the state.
Lionel Mares		Please, protect fish and other endangered animals.
Ken Sanford		Many years ago, I lived in the bay area and my dad would take be fishing in the San Pablo Bay and Rodeo area. We mostly fished for Catfish and Striped Bass. Every once in awhile, budget permitting, he would take my brother and me on a party boat and we
Bonnie Macraith		This matters to me because this is a living creature that deserves our intervention and our compassion!
Denise Churchill		It is so important for all of us to be responsible to all that nature has to provide. What we as humans destroy we can never retrieve it again. We have to be so careful and a serious contributor to ensuring a future for all of our precious life.
Rebecca Smyth		Protecting native species must be prioritized and any steps that can be taken to bolster their survival are important.
Oscar Mace		It is important for the Commission consider the ethical dilemma of biodiversity or extinction. Should the Commission promote environmental action other than to prevent the decline of White Sturgeon would be an act of immoral environmental mismanagement.
Kristin Balmet		We need to protect fish now more than ever
Steve Tyler		With the critical population decline, this species should have been listed as endangered long ago. Please do not hesitate to do so. Thank you
Corey Jaseph		Once we lose these animals, we can never get them back.
Benjamin Billhardt		Please do the right thing,
Shirley Mercado		Such an amazing animal, Sturgeon is prehistoric in appearance and DNA. Please do all you can to ensure their existence going forward. Putting them on the Endangered Species list would help ensure their future
Michael Barnett		We need to do all we can stop species loss. Our future is their future. Let's do what's best for all of us.
Claire Chambers		Please do everything you can to protect White Sturgeon!
Mary Kuntz-Cote		I was a sturgeon fisherman in the Bay.
Ralph Penfield		Please helpt the White Sturgeon by protecting them under the CESA
Victor Kamendrowsky		The Delta is a national treasure. Protect it!
Jill Martin		Many fish will become endangered or extinct if we don't do a better job of water management.
Patricia Andrews		The California Sturgeon is a unique and special fish . I would hate to see it lost to our future generations.
Josef Lindner		Our natural heritage in California has already be so degraded and destroyed. Please, please take this action, to conserve for future generations the limited natural diversity that we as Californians still have and treasure. Do not assume that only cute an
Molly Culton		PROTECT WHITE STURGEON!!!!!!
Paul Rauber		I'm writing to ask you to step up and protect the White Sturgeon under the CESA. This ancient species needs our help as we head into severe climate change. Evolution needs all its pieces!
Steve Bloom		Please do the right thing.
Aidan Patterson		I've loved sturgeons since I was a kid, and I have always revered them as one of our ancient creatures that deserve our love.
Erin Marcotte		prevent extinction

Name	Address	Additional Individual Comment
Jakob Evans		Thank you for considering this bold action in a time of ecological crisis.
Wesley Chuang		White sturgeons have been around for about 46 million years; I don't think we humans should be the cause of their extinction.
Varsha Madapoosi		Fish are incredibly important to the local ecosystems, often serving as keystone species. It's incredibly important that we add White Surgeon to the endangered species list to protect wildlife and also to improve the quality of local waterways and ecosyst
Amanda Blake		White sturgeon are one of the oldest and largest fish in existence, having originated in the late Triassic period. Please protect this remarkable and ancient species. We are living in a modern world that is failing in many ways to protect the earth we liv
Keiko Mertz		California's wildlife are essential to the culture and heritage of this great state! We MUST protect this iconic species for future generations!
William Martin		The delta smelt. Wild salmon. Longfin smelt. Steelhead. If not actually extinct, all of these fish have experienced significant declines in populations. Protect white sturgeon before they disappear as well.
John M. Shelton		White sturgeon are the legendary fish of the Central Valley, with stories from the colonization of our state replete with tall tales of this fish. Just imagine what kind of cultural significance that this species had for the Native Americans living in our
Dorette English		These are prehistoric fish that are indicator species - of our own threatened existence from over consumption. We need to ensure their recovery and survival well past our own due dates!
Molly McBride		Because we're responsible for their decline and responsible that they prosper.
Jillian Chalfant		These prehistoric fish are such a value to our ecosystem and our state culture. Please protect them for future generations!
Margo Schueler		Please listen to the voices of those who know these ecosystems and want to preserve and restore the biodiversity that makes California one of the wonders of the world. We have lost much, lets not lose the White Sturgeon.
Irene Hilgers		By listing them U will protect them for our future & our kids future!!! Yippie-we are the best partners for Mother Nature!!!
Anne Zimmerman		Protect the web of life
Allen Bohnert		As a family, we all appreciate everything you are already doing. We also ask that you take 'another' action as noted below.
Leslie Klein		i am a physician
Joan Reynolds Griffin		We must protect our threatened species
Fred Herrera		Thank you for protecting White Sturgeon. God Bless all of you!!
Thomas Rogers		In honor of my deceased father, an ardent sport fisherman, do what can be done to protect and support our native fish stocks!

Name	Address
Tim Maurer	
Leigh Slater	
Hildy Meyers	
Patti Fink	
Richard Tesdall	
Mary Mcauliffe	
Felena Puentes	
Bob Lentz	
Dorothy Davies	
Karen Espanol	
Florence Litton	
Judith Graham	
Judith McCurdy	
Darrell Neft	
Norm Ellis	
Jim Jacobs	
Signe Wetteland	
Richard Crosland	
Vince Elliott	
Patricia Linder	
Christine Sirias	
El Pe	
Jason Park	
Larry Steen	
Sally Olah	
Sandra Christopher	
David Marancik	
Howard Cohen	
Pearl Karon	
Michelle Murray	
Barry Schwartz	
Hank Schlinger	
Maureen Burness	
Jerry Persky	
Sarah Sismondo	
Public Interest	
Amy Zink	
Susan Walp	
Nello Torri	
Michael Kavanaugh	
Annette Raible	
Matthew Rivers	

Name	Address
Doug Evans	
Cathy Holden & Bill Pieper	
Michael Milder	
Amy Sullivan	
Wayne Steffes	
Lee Miller	
Ellen Phillips	
Mike Laquatra	
Elizabeth Ramsey	
Colleen Lobel	
Laurel Selmo	
Nancy Heck	
James R Monroe	
Kenneth Wilcox	
Ron Hansel	
Patricia Stevens	
Martin Horwitz	
Linda Gourley	
Elaine Benjamin	
Rick Edmondson	
Ray Lorensen	
Charesa Harper	
Karen O'Rourke	
Connie Lindgren	
Nicole Mckenzie	
Richard Bold	
Marsha Lyon	
Karl Bane	
Douglas Mccormick	
Sandy Williams	
Jill Davine	
Cynthia Crittenton	
Joshua Dubansky	
Jack Cooper	
Lula Shoberg	
Leslie Atlan	
Dan Esposito	
Doug Fischer	
Hod Gray	
Susan Jonas	
Lacey Hicks	

Name	Address
Ray Bartlett	
Sandra Gamble	
Jerry Sullivan	
Ms Lilith	
Jennifer Ruiz	
Jeffrey Stone	
Thomas Zachary	
Thomas Burt	
Shannon Patty	
Thomas Seymour	
Ben Martin	
Marie Lehman	
Robert Keenan	
Mari Matsumoto	
Herb Hwang	
Marjorie Xavier	
Dave Field	
Richard St Angelo	
Edward Landler	
Dennis Mcvey	
Andrea Ferrari	
Jenny Blaker	
Jordan Hashemi- Briskin	
Lonna Richmond	
Darrell Clarke	
Shannon Healey	
Chris Loo	
Jan Leath	
Richard Watson	
Paula Cavagnaro	
Bonnie Thompson	
Robert Ortiz	
Camille Gilbert	
John Charbonneau	
Theresa Gonzalez	
Doug Bender	
Hillary Ostrow	
Carroll Nast	
Scott Barlow	
Kevin Schader	
Paula Ray	

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Kermit Cuff	
Michael Sarabia	
Seth Picker	
Lynne Jeffries	
Peg Albrets	
Jeanne Nourse	
Ted Fishman	
Austin Nealon	
Elizabeth Novak	
Lequa Nwaohu	
Suzi Beaton	
Nancy Havassy	
Jane Spini	
Ricco Bonelli	
Marilyn Siegel	
John Steponaitis	
Michael Bordenave	
Bonnie Robinson	
Scott McCreery	
Stephen Greenberg	
Anthony Jammal	
Eva Thomas	
Tasha Boucher	
Carole Gonsalves	
Paul McDermott	
Marianna Mejia Contact	
Richard Blain	
Lois Bacon	
Karen Brodtkin	
Griffyn Odonnell	
Joanne Barnes	
Penelope Prochazka	
Stephen Zelman	
Dena Schwimmer	
Elizabeth Etgen	
Greg Allen	
Ken Lamance	
Elisse De Sio	
Paul Hunrichs	
Linda Sartor	

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Terri Trammell	
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Daniel Feldman	
J. Spencer. Lake	
Ingrid Newstadt	
Bianca Molgora	
Andy Tomsky	
Jeffrey Jones	
Joann Nazworthy	
Debbie Tenenbaum	
Mark Chotiner	
Elizabeth Porter	
Victoria Wade	
Susan Hampton	
Ross Heckmann	
Jeffrey Streicher	
Harry Drandell	
Don Orahod	
Jeffrey Jenkins	
Dean Vogel	
Michael Henderson	
Mariano Marquez	
Paul Ramos	
Sherman Lewis	
Cleda Houmes	
Donald Sparks	
Sabrina Thompson	
Ravid Raphael	
Alicia Jackson	
Pat Magrath	
Lynn Pedersen	
Joanne Michalik	
Mario Guzman	
Kaytee Sumida	
Mark Gotvald	
Maureen Besancon	
Holly Dowling	
Gabrielle Swanberg	
Christine Doyka	
Nicole Fountain	

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Ted Cheeseman	
Charles Wieland	
Javier Del Valle	
Sadie Sullivan-Greiner	
Robert Reed	
Vivian Deutsch	
Glenn Finch	
Diane Mckernon	
Melissa Hutchinson	
Mike Kappus	
Edward Cavasian	
Marjory Keenan	
Jon Povill	
Peter Sawyer	
Blake Wu	
Robert Boughton	
Janice Tarr	
Therese Debing	
Mary Fryer	
Jay Jones	
Debra Reuter	
Susan Hathaway	
Thomas Deetz	
Leslie Kowalczyk	
Eric Bergman	
Jane Nachazel-Ruck	
Marisol Dominguez	
Steven White	
Peggy Luna	
Ed Atkins	
Georgia Goldfarb	
Rita Davenport	
Paul Waller	
Roger Ewing	
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Elissa Wagner	
Andy Lupenko	
Jo Baxter	
Joe LeBlanc	
Frank B. Anderson	

Name	Address
Erlinda Cortez	
Geoffrey Shaw	
Kate Bordisso	
Beth Herndobler	
Ellen Rosenblum	
Christine Ney	
Sue Massey-Kirkpatrick	
Holly Burgin	
Judith Smith	
Beverley Patterson	
Lauren Linda	
Elizabeth Berteaux	
Joanne Sulkoske	
Allen Leinwand	
Peter Lee	
Evan Mc Dermit	
Laura Strom	
Ms. Courtney	
Bret Smith	
Hunter Wallof	
Suzanne Becket	
Laura Sternberg	
Jessica Ruppert	
Mignon Moskowitz	
Michael Schwager	
Michael Comstock	
Judith Borcz	
Rosemary Shiolas	
Edwin and Jean Aiken	
Christine Stewart	
Matthew Heath	
June Cancell	
Rebecca Wang	
Miriam Baum	
Sylvia De Baca	
Donna Shaw	
Jane Forbes	
Nancy Carr	
Marilyn Price	
Paula Katz	
Linda Kourtis	
Lindsay Mugglestone	

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Laakea Laano	
John Pasqua	
Lawrence Carr	
Brigid Murphy	
Leah Berman	
Theresa Novak	
Rick Luttmann	
Timothy Villalobos	
Katharine Warner	
Robert Kurz	
Heidi Palmer	
Carla Zuckerman	
James Ashcraft	
Dan Kittredge	
Carol Tao	
Robin Reinhart	
Michael Cass	
Heather White	
Joseph White	
Russell Weisz	
Martin Marcus	
Greg Rosas	
Krista Dana	
Robert Mcdonnell	
Susan Balthasar	
Randy Gerlach	
Penelope Ward	
Angela Gantos	
Thomas Saito	
Linda Bruce	
Diane Ryerson	
Cindy Ferguson	
Elizabeth Estes	
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Candy Bowman	
Regalado Geoff	

Name	Address
Jeffery Olson	
Steve Iverson	
Roberta Stern	
Kim Messmer	
Nanlouise Wolfe	
Irene Hilgers	
Merris Weber	
Joan Raphael	
Dennis Landi	
Diana Morgan-Hickey	
Robert Harless	
Thomas Gregory	
Catherine Uchiyama	
Gary Warner	
Carole Cole	
Chuck Dresel	
Debbie Chaddock	
Julie Wartell	
Jennifer Tomassi	
Ron Kaiser	
David Soto	
Don Meehan	
Philip Simon	
Charles Hancock	
Sara Fung	
Robert Magarian	
Vicki Hughes	
Michael Ireland	
Carlin Black	
Linda Nauman	
Jaffa Dayan	
Karen Dallow	
Dana May	
Anastasia Yovanopoulos	
Susan Tatro	
Gary Simmons	
Sue Williard	
Joel Johnson	
Armando A. Garcia	
Brad Crestol	
Teresa Treiber	

Name	Address
Nathan Vogel	
Stacey Mcdonald	
Kathleen Fernandez	
Petra Sapir	
Annette Pirrone	
Patricia Morton	
Jeff Thayer	
Susanna Marshland	
Jane Stallman	
Savannah Gil	
Kevin Jensen	
Mark Stevens	
Samantha Smith	
Michael Kolezar	
Jamila Garrecht	
Mary Hicklin	
Frederick Hamilton	
Teri Yazdi	
Cathren Rose Murray	
Susan Hanger	
Aimee Wyatt	
Kelly Kramer	
Chris Eaton	
Jorge De Cecco	
William Briggs	
Charles and Rita Rossmann	
Stephanie Reader	
Paula Carrier	
Martin & Leslie McCormick	
Rob Seltzer	
Jamie Green	
Ellen McCann	
J Angell	
Ann Pinkerton	
Rita Poppenk	
Linda Howie	
Carla Holmes	
Liz Brooking	
Anne Kobayashi	
Kitty Kameon	

Name	Address
Angela Gardner	
Jan Cecil	
Michelle Palladine	
Judith Anderson	
Sharee Sharee	
Ellen Koivisto	
Daniel Gonzalez	
C. Martinez	
Tristan Dunker	
Kevin Patterson	
Jeffrey Hemenez	
Christopher Ware	
Christopher Parsons	
Caephren Mckenna	
Marlene Testaguzza	
Pattie Meade	
L Depew	
Megan Robbins	
Paul Welch	
Barbara Bellano	
Laurel Brewer	
Howard Meyerson	
Henry Morgen	
Lisa Salazar	
Sandy Commons	
Shane Yellin	
Tom Butler	
Audrey Ng	
Robert Keats	
Susan Wright	
Howard Belove	
Davin Peterson	
Patricia Gil	
Heather Sabin	
J Michael Brown	
Mary Stanistreet	
Jessica Perez	
Rob Gallinger	
Norm Stanley	
Joseph Dadgari	
Grant Smith	

Name	Address
Christie Turano	
Neal Steiner	
Judy Johnson	
Mieke Miller	
Richard Valencia	
Greg Sweel	
Larry Lerner	
Jimmie Lunsford	
Charles Heinrichs	
Karen Donohue	
Roger Hollander	
Joe Salazar	
Laura Dill	
James Parker	
Steve & Isabelle Robey	
Michael Tullius	
Margarita Perez	
Lorenzo Bavoso	
Varenka Lorenzi	
Lin Griffith	
J Barry Gurdin	
Ron Parsons	
Jim Szewczak	
Beth Bell	
Shannon Montoya	
Lynn Sentenn	
Barbara Luedtke	
Barbara Piszczek	
Yvonne Neal	
Quanah Brightman	
Ron Marks	
Charles Tribbey	
Rus Postel	
Misha Askren	
Stephanie Nunez	
Jeff Ligouri	
Paul Bickmore	
Kelley Lamke	
Janis Andersen	
Alexander Hernandez	
Mark Cappetta	
Jordan Culbreath	

Name	Address
Jana Ariss	
Aj Cho	
Tim Strohane	
Sydney Pitcher	
Rosario Sandel	
Renee Klein	
Nancy Berman	
Howard Meyerson	
Susan Perez	
Jennifer Ruiz	
Linda Alvarado	
Beverly Spector	
Robert Bursick	
Mark Stannard	
Terry Campbell	
Marilyn Shepherd	
Harvey Sherback	
Kathy Monteleone	
Basey Klopp	
Gabrielle Swanberg	
Holly Burgin	
Janice Jones	
Laura Strom	
Veronica Michael	
GREG DINGER	
O Lewis	
Glenn Gallagher	
Leslie Smith	
Nancy Havassy	
Chris Loo	
Martin Marcus	
Maryfrances Careccia	
Penelope Lepome	
Cristine Barsanti	
Alan Schwartz	
Peter Lee	
Nathan Lang	
Gary Goetz	
Jaime Nahman	
Jamie LeDent	
Stephanie Macdougall	
Stephanie Glatt	

Name	Address
Shawn Saunders	
Cassandra Griego	
Lisa Selby	
Katharine Ruthroff	
J Barry Gurdin	
Darrell Trombley	
Harry Silverdtein	
Kris Kelly	
Shannon Montoya	
Patrice Wallace	
Steven Yeager	
Richard Bejarano	
Sheryl Williams	
Annabelle Duval	



June 6, 2024

California Fish and Game Commission
715 P Street, 16th floor
Sacramento, Ca. 95814

Re: Petition to List White Sturgeon

Dear Commissioners:

I am a long-time owner (1981) of a sturgeon farm located near Sacramento, Ca. I would like to provide the Commission with a few bullet points of information that might be of some use when considering the proposed petition to list white sturgeon as threatened.

: White sturgeon were first spawned in a hatchery at UC Davis in 1980. UC Davis had secured a grant from USFWS to develop hatchery technology for white sturgeon.

: in 1981 the California Fish and Game Commission authorized private farms (ours) to collect a small number of mature wild sturgeon from the Sacramento River. We were able to spawn these fish, incubate the eggs, and rear the progeny. The wild adult sturgeon were returned to the Sacramento River after spawning, and a portion of the juveniles were provided to DFG for their use (some were stocked into the Sacramento River).

: Collection of wild sturgeon continued until around 1994, at which time several fish farms had sturgeon from the initial year classes mature, and were able to spawn these fish, rather than collect wild fish.

: From these humble beginnings, California sturgeon farms now provide approximately 80-90 percent of the farmed sturgeon meat and caviar produced in North America.

: Due to the success of commercial sturgeon farming, the industry has been able to secure numerous USDA funded research grants, including over 30 consecutive years of funding from Western Region Aquaculture Center. These funds supported many researchers from UC Davis and other California institutions, and developed valuable information of basic sturgeon physiology, maturation, genetics, pathology, and other disciplines that are useful for sturgeon farming and wild sturgeon management.

: The sturgeon farms in California, located in agricultural settings distant from natural waters, do not impact wild sturgeon populations. The farmed products provide a reliable, legal source of seafood items that discourages illegal poached sturgeon products from entering the marketplace.

Other thoughts:

: The petition expressed concern about degraded spawning habitat due to historic dam construction, and possible effects from pumping water to the proposed Sites Reservoir. My experience from collecting mature wild sturgeon in the Sacramento River from 1980-1994 was that white sturgeon mainly stage and spawn in the Sacramento River below Colusa. The spawning habitat for white sturgeon has not changed dramatically due to dam construction.

: Due to the demersal (sinking) adhesive eggs of white sturgeon, water flow during and immediately after spawning is probably not as critical a component as it is for fish species with pelagic (floating) eggs/larvae.

: There are many recorded instances where populations of sturgeon species have recovered from population declines simply by the imposition of effective limits on harvest (California white sturgeon in the early-mid 1900's being a prime example. White sturgeon in the Columbia River are another example). Sacramento River white sturgeon migrate, stage, and spawn at very specific times and place, and are very vulnerable to fishing pressure at that time. Protection of these fish at these times has not always been as thorough as desirable and is a logical step to boost annual recruitment.

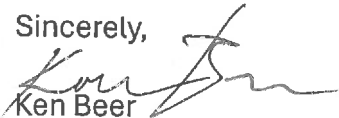
: A remnant population of white sturgeon on the Kootenai River in Canada and Montana is landlocked by dams, and listed as endangered. Two restoration hatcheries (1 in Canada, and 1 in the US) now stock limited number of hatchery produced fingerlings each year to maintain and eventually boost this population. Prior to constructing and operating these hatcheries their personnel visited and were assisted by UC Davis and various commercial sturgeon farms. Numerous other sturgeon hatcheries/farms world-wide benefit from the white sturgeon hatchery manual and other research publications that are periodically produced due to California's commercial sturgeon production.

Final Thoughts

I cannot thoroughly evaluate the merits of the proposal to list SF bay white sturgeon as threatened. However, it is my firm belief that our farmed white sturgeon poses no threat to wild white sturgeon. Also, our industry provides benefits that provide knowledge about sturgeon and could ultimately help in the recovery of wild sturgeon.

I urge the commission to definitively indicate that any recovery plan for sturgeon should not adversely affect California sturgeon farms.

Sincerely,



Ken Beer
President, The Fishery

California Fish and Game Commission

New Petitions for Regulation Change: Received by 5:00 PM on April 4, 2024

CFGC - California Fish and Game Commission CDFW - 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
2024-04	4/22/2024	Ben Mitchell, Recreational Fisherman	Recreational ocean fishing: Use of harpoon to land fish	Request to amend regulations to add use of harpoons with use of gaff or net as a legal aid to assist in landing fin fish (especially highly migratory species).	6/19-20/2024	8/14-15/2024
2024-06	5/28/2024	James Stone, President, Northern California Guides and Sportsmen's Association	Inland sport fishing: white sturgeon	Request to authorize a recreational fishery if a candidacy petition is approved for white sturgeon.	6/19-20/2024	8/14-15/2024



Tracking Number: (2024-06)

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: Northern California Guides and Sportsmen’s Association, James Stone, President.

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 and Game Code Section 2084 - Authorizing taking of candidate species or fish by hook and line for sport.

3. Overview (Required) - Summarize the proposed changes to regulations: The Northern California Guides and Sportsmen’s Association (NCGASA) is asking for the Commission to authorize a recreational fishery if a candidacy petition is approved for White Sturgeon, pursuant to statutory authorization in Fish and Game Code Section 2084:

(a) The commission may authorize, subject to terms and conditions it prescribes, and based on the best available scientific information, (1) the taking of any candidate species, or (2) the taking of any fish by hook and line for sport that is listed as an endangered, threatened, or candidate species, provided that in either case the take is consistent with this chapter.

(b) The department may recommend to the commission that the commission authorize, or not authorize, the taking of an endangered, threatened, or candidate species pursuant to this section. [Click here to enter text.](#)

Rationale (Required) - Describe the problem and the reason for the proposed change: The potential approval by the Fish and Game Commission of the White Sturgeon candidacy listing petition (CESA Petition White Sturgeon 2023.11.29) has the potential to cause irreparable damage the business and recreational anglers who fish for White Sturgeon in California’s coastal, Delta, and inland waters. This



includes five Commercial Passenger Fishing Vessels with a combined annual revenue of \$300,000 for sturgeon fishing, 40 captains operating 6 pack vessels (24 of which are full time at \$1.2M and 16 part time at \$300,000 revenue), approximately 45 charter/guide services with \$1.8M in total revenues, 10-15K recreational boats whose economic impacts are measured in launch fees, gas, bait, tackle, rods, reels, ice and more, and 45,000 individual anglers according to CDFW fisheries data.

Further down the supply chain at bait/suppliers/distributors with an estimated \$1M, including approximately 50 tackle stores. According to surveys from our captains and members of the public, we estimate a closure of the sturgeon fishery would cause 20 bait shops would automatically closed their doors. We have already lost 5 businesses since January 2024 (with an estimated economic loss of nearly \$100,000).

Over the past year and a half the Department has engaged with various stakeholders on outlining a pathway forward to protecting and conserving white sturgeon in California. First, to be crystal clear, recreational angling is not the cause of concern to the health of this fishery. Instead, this fishery is suffering from the mismanagement of our precious and limited water supplies, allocations of which have resulted in less than ideal breeding and spawning habitat and harmful algal blooms which have indiscriminately killed thousands of fish, sturgeon among them. Further, the Department lacks the funding and organizational structure to have a solid sense of the actual number of sturgeon in the system. In fact current scientific sampling and analysis underway show that the abundance estimates used are perhaps a magnitude of order to low and we are dramatically underestimating the count.

Regardless, the sturgeon working group, with limited data in hand, came to the conclusion that a 4% exploitation rate would be acceptable given the best available scientific understanding of the current state of the fishery. It is from this information at the October 2023 Commission meeting that the Commissioners recognized the importance of keeping the industry viable and directed the Department and the industry to work together on a solution for the 2024 season.

We are hopeful that you will continue in this pattern, choosing a pathway that maintains the Department's conservation objectives, and allows for continued economic vitality of our hard hit fisheries sector. If you proceed to direct the Department to study the candidacy listing petition you have the authority to continue to authorize a limited recreational fishery under Section 2084, and we urge you to do so.

In closing, the Department's own data indicate the steep and dramatic decline in license sales, harvest tags, and other recreational activities that a complete closure or a "catch and release only" season would inflict. Please also realize that the economic cost of these actions will come to bear on us, and we are already suffering from the 2nd year of a complete salmon season closure that is currently in effect along with the continued decline in the striped bass population.

There is a pathway forward to maintain angler enthusiasm and protect the species and meet the limited harvest objectives defined by the state.

SECTION II: Optional Information

4. **Date of Petition:** 05/28/2024

5. **Category of Proposed Change**



Sport Fishing

Commercial Fishing

Hunting

Other, please specify: [Click here to enter text.](#)

6. **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): [Click here to enter text.](#)

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Click here to enter text.](#)

7. **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.

8. **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: [Click here to enter text.](#)

9. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)

10. **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: [See rationale discussion.](#)

11. **Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [05/28/24](#)

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 June 19-20, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Scheduled for Final Action	Final Staff Recommendation
2024-03	4/2/2024	Mary Maerz, Counsel, Animal Law, PETA Foundation	Nongame mammals: Coyotes	Request to amend regulations to prohibit local governments from contracting with private trappers to trap coyotes on public land and to prohibit use of carbon dioxide as a killing method for coyotes.	4/17-18/2024	6/19-20/2024	REFER to DFW for review and recommendation.				

California Fish and Game Commission

**[Revised] Resolution Recognizing the 100-year Anniversary of the
Extirpation of Grizzly Bear in California**

June 13, 2024

WHEREAS, grizzly bear, a species of brown bear also known as California golden bear, was once a principal inhabitant of California; and

WHEREAS, in California grizzly bear was a keystone species with profound ecological and cultural value and significance that once roamed freely and thrived throughout the state, filling a vital role in shaping California's ecosystems; and

WHEREAS, for millennia, Native American tribes of the area that is now known as California coexisted with grizzly bears, developing a deep spiritual, cultural, social, and natural relationship with these magnificent animals, which in many ways persists today; and

WHEREAS, grizzly bear remains an iconic and beloved symbol of California, adorning its flag and great seal, designated as the state animal, and featured prominently as mascot of many California universities, reflecting its enduring legacy; and

WHEREAS, due to human actions, including a campaign of eradication and government-sanctioned bounties, grizzly bear was tragically extirpated in California, with the last confirmed sighting in Sequoia National Park in April 1924; and

WHEREAS, the California Fish and Game Commission, committed to "abundant, healthy, and diverse fish and wildlife that thrive within dynamic ecosystems," is entrusted together with the California Department of Fish and Wildlife with protecting and conserving California's diverse fish, wildlife, plants, and the habitats upon which they depend;

WHEREAS, recognizing 2024 as *Year of the California Grizzly Bear* as proclaimed by the California State Senate, the Commission acknowledges the importance of observing this year with public education and engagement in promoting responsible wildlife interactions and ensuring a healthy future for California's invaluable wildlife;

WHEREAS, efforts are underway elsewhere in the United States to restore and recover grizzly bears from areas in which they were previously extirpated, including in the Bitterroot ecosystem in Montana and Idaho, and in the North Cascades ecosystem in Washington State;

WHEREAS, on April 23, 2024, the National Park Service and the U.S. Fish and Wildlife Service, following a thorough environmental review, signed a record of decision authorizing a grizzly bear reintroduction program into the North Cascades region of Washington State; and

WHEREAS, while California has no current plan to restore grizzly bear to the state, scientists affiliated with the Grizzly Bear Research Network have carried out research and published studies that could inform a feasibility study on reintroducing grizzly bear to California in the future.

NOW, THEREFORE, BE IT RESOLVED, that the California Fish and Game Commission commemorates the 100th anniversary of grizzly bear's extirpation in California; and

FURTHER, BE IT RESOLVED, that the Commission encourages the State to focus on the lessons learned from the loss of California grizzly bear and those learned as Washington State reintroduces grizzly bear in the North Cascades region, the potential reintroduction program in the Bitterroot ecosystem, and from California-specific research; that those lessons may guide us in ensuring a thriving future for all of California's wildlife and any consideration of the future of grizzly bear in California.

FINALLY, BE IT RESOLVED, that the Commission requests the Department to review best available information on the restoration of grizzly bears in other states, and report back to the Commission with a brief summary of such information at a Commission meeting in the near future.

Proposed for adoption on June 19, 2024

California Fish and Game Commission
Wildlife Resources Committee (WRC) Work Plan
Scheduled Topics and Timeline for Items Referred to WRC
Updated June 13, 2024

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font

TOPICS	CATEGORY	Jan 2024	May 2024	Sep 2024
Periodic and Annual Regulations				
Upland (Resident) Game Birds	Regulatory		X	X/R
Mammal Hunting	Regulatory		X	X/R
Waterfowl Hunting	Annual Regulatory		X	X/R
Central Valley Sport Fishing	Annual Regulatory		X	X/R
Klamath River Basin Sport Fishing	Annual Regulatory		X	X/R
Inland Sport Fishing	Regulatory	X/R		X
Regulations & Legislative Mandates				
Falconry	Referral for Review			
Restricted Species	Regulatory			
Discussions and Updates				
Take of Nongame Mammals	Referral for Review	X	X	X
<u>Shotgun Wads (plastic pollution)</u>	<u>Referral for Review</u>	<u>X</u>	<u>X/R</u>	
Waterfowl Hunting in Southampton Bay	Referral for Review	X	X	X/R

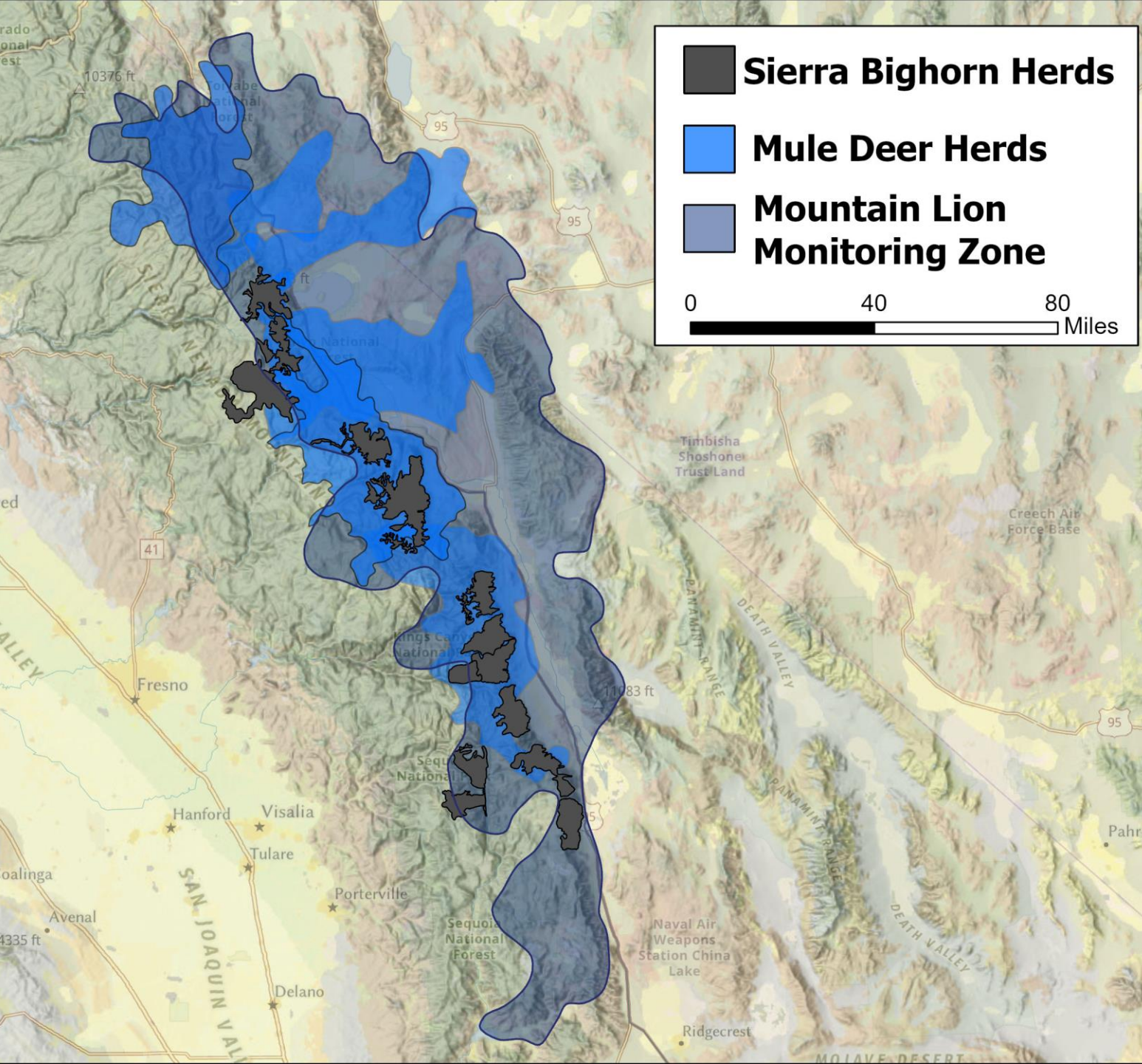
KEY: X Discussion scheduled X/R Recommendation potentially developed and moved to FGC



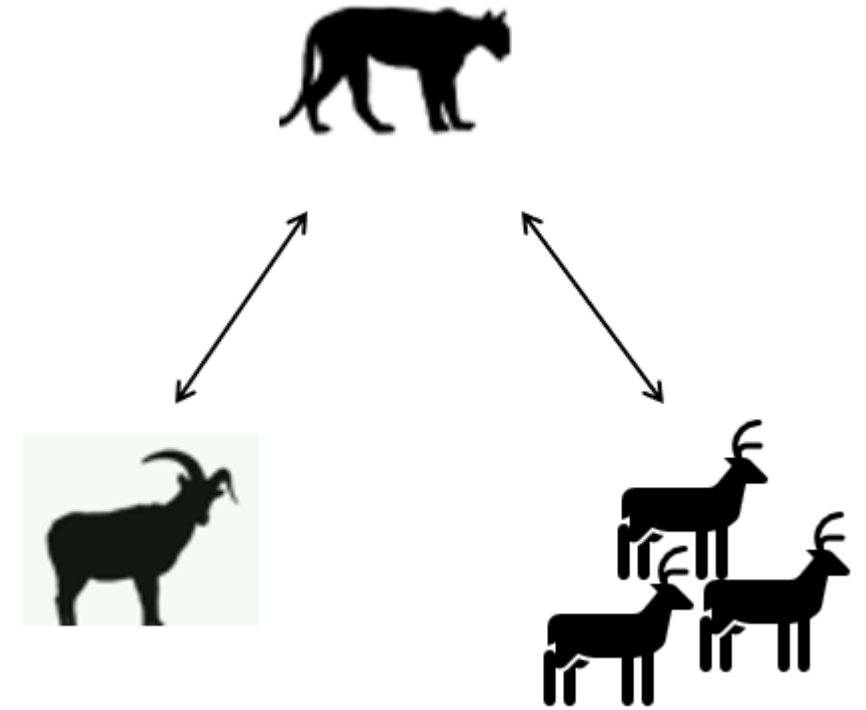
Mule Deer, Mountain Lions, and Sierra Nevada Bighorn Sheep

Fish and Game Commission Meeting
June 19-20, 2024

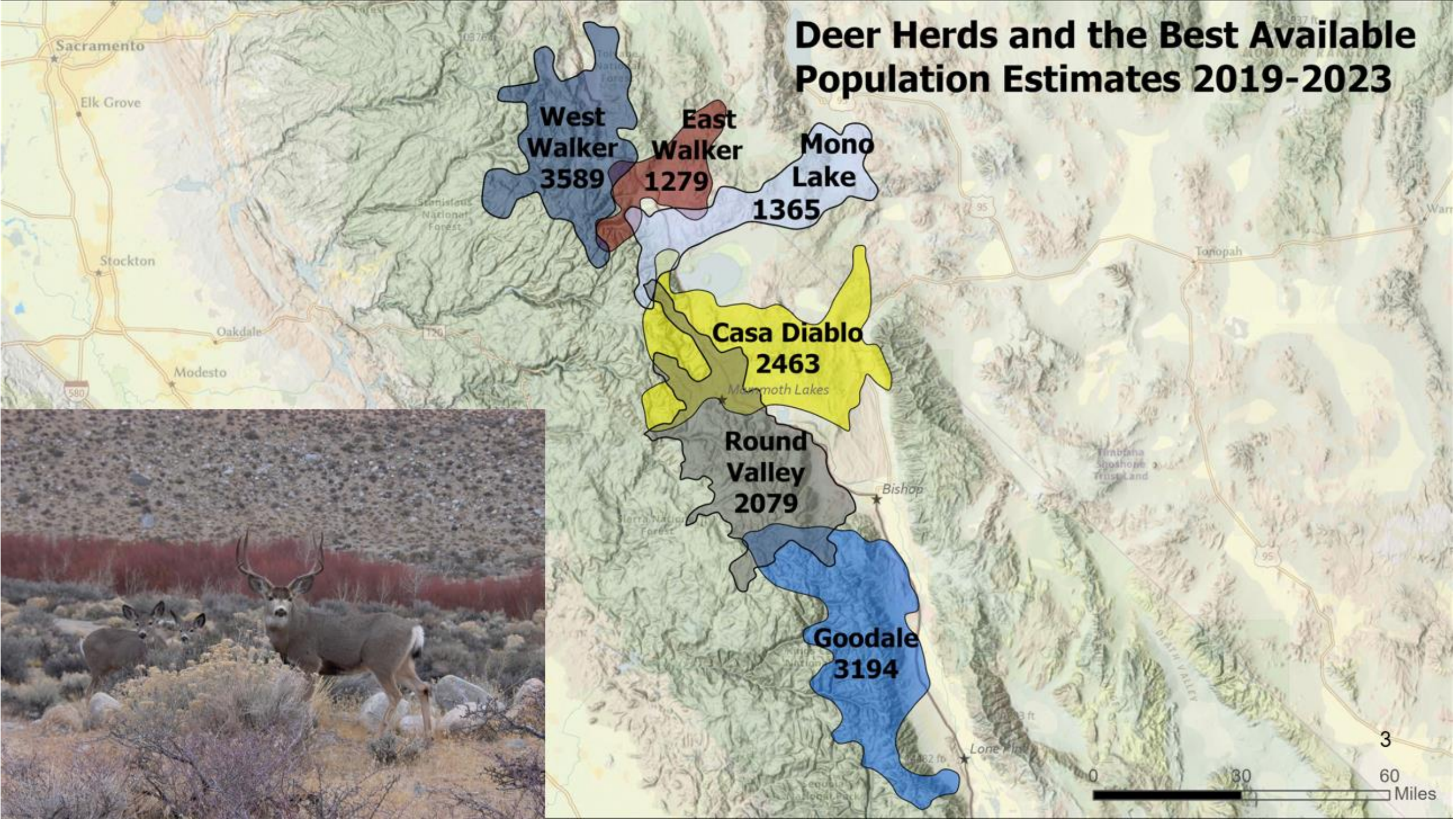
Tom Stephenson, PhD, Program Leader
Sierra Nevada Bighorn Sheep Recovery Program



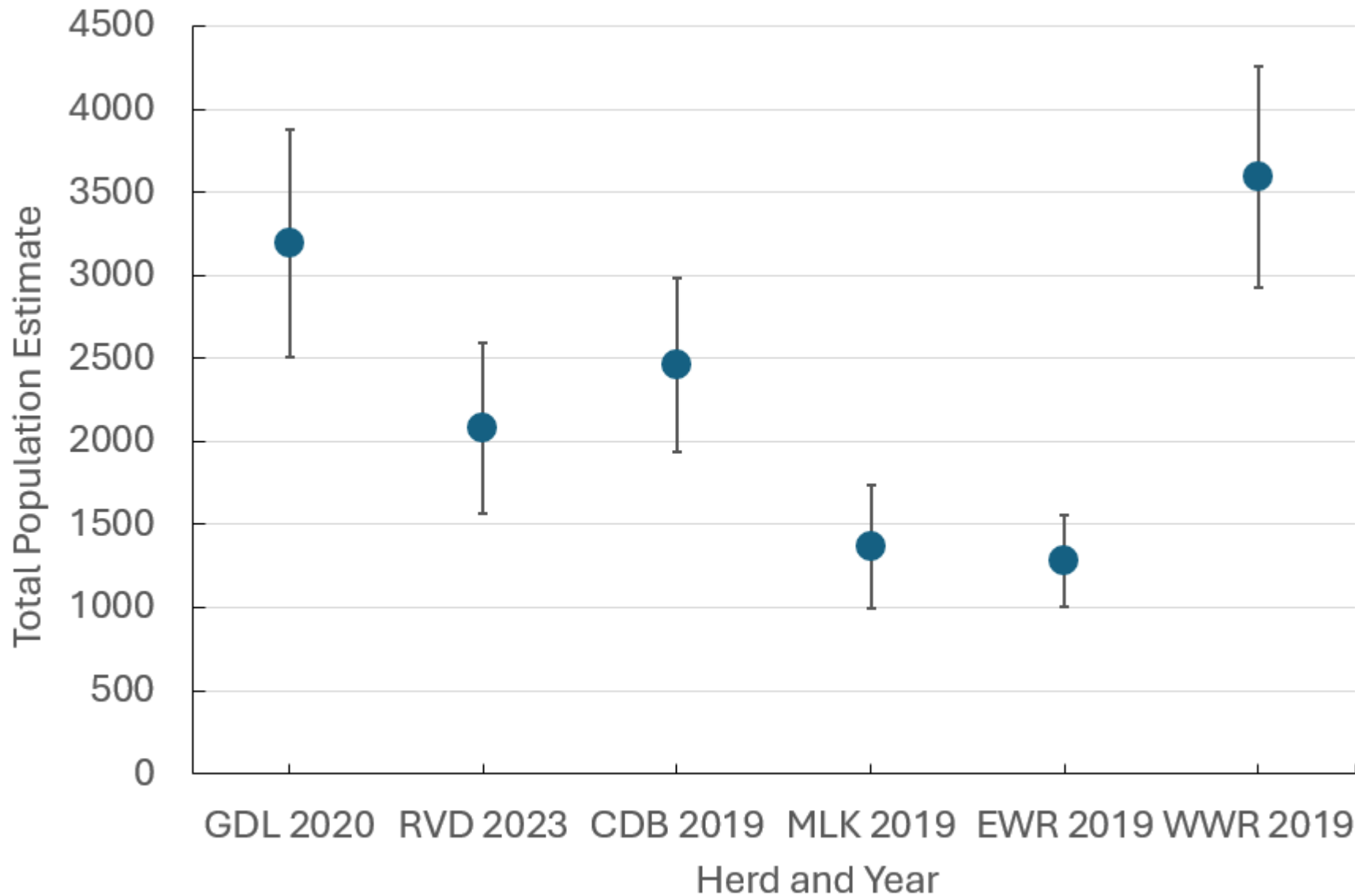
Eastern Sierra Food Web



Deer Herds and the Best Available Population Estimates 2019-2023

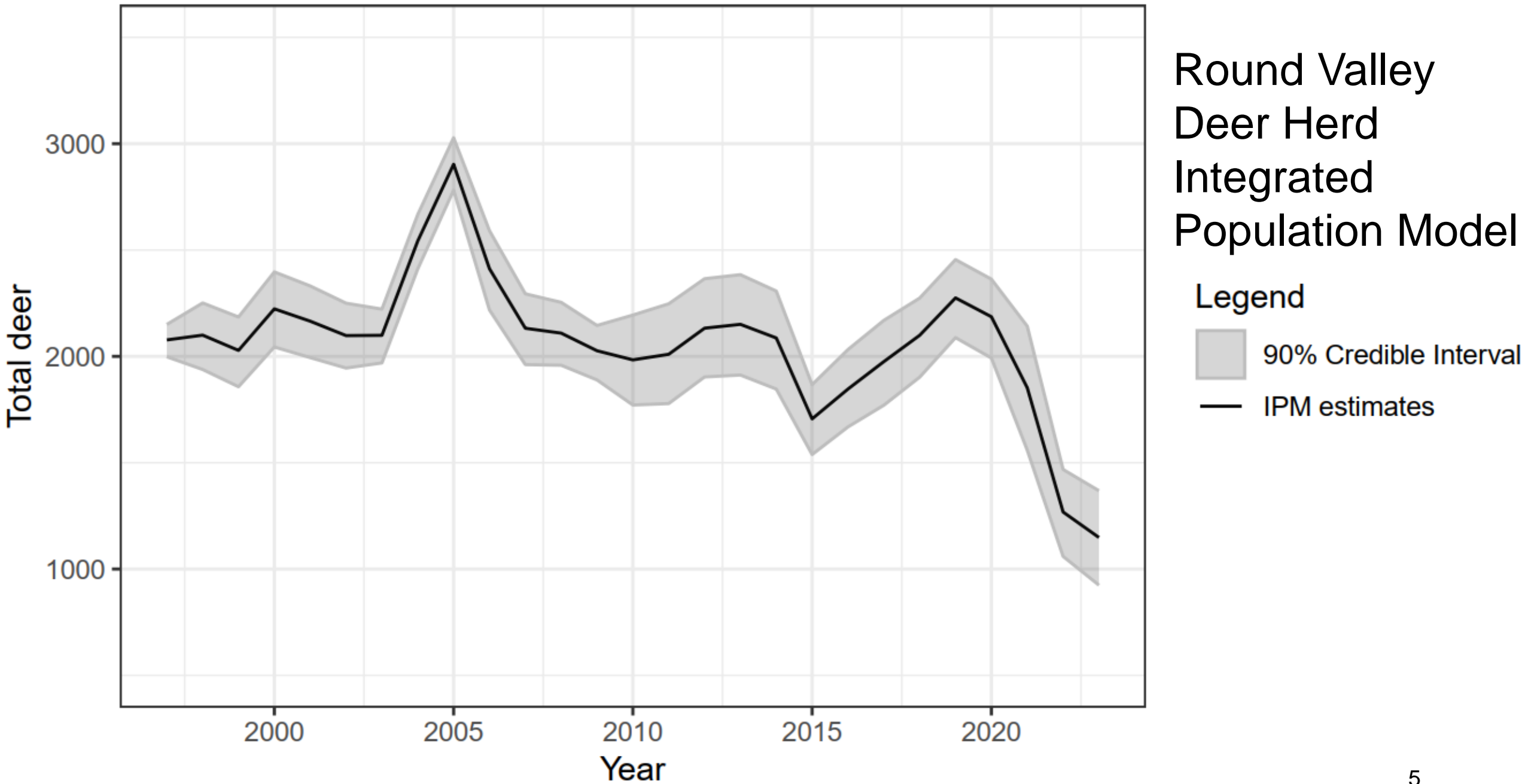


Deer Population Estimates

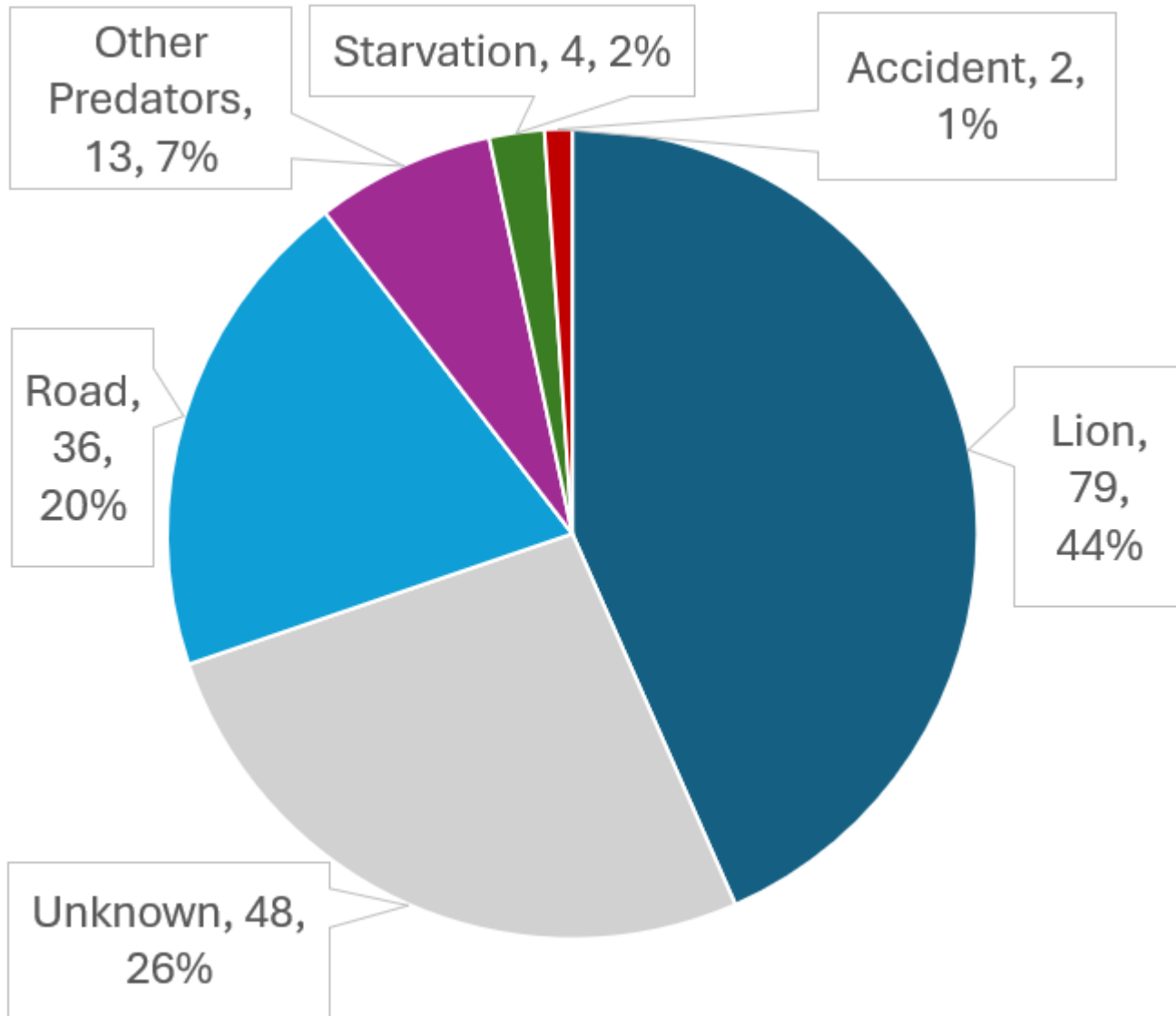


Most recent Mark-Resight population estimate where $CV < 0.20$ for each herd

Error bars are 95% confidence intervals



Deer Cause-Specific Mortality

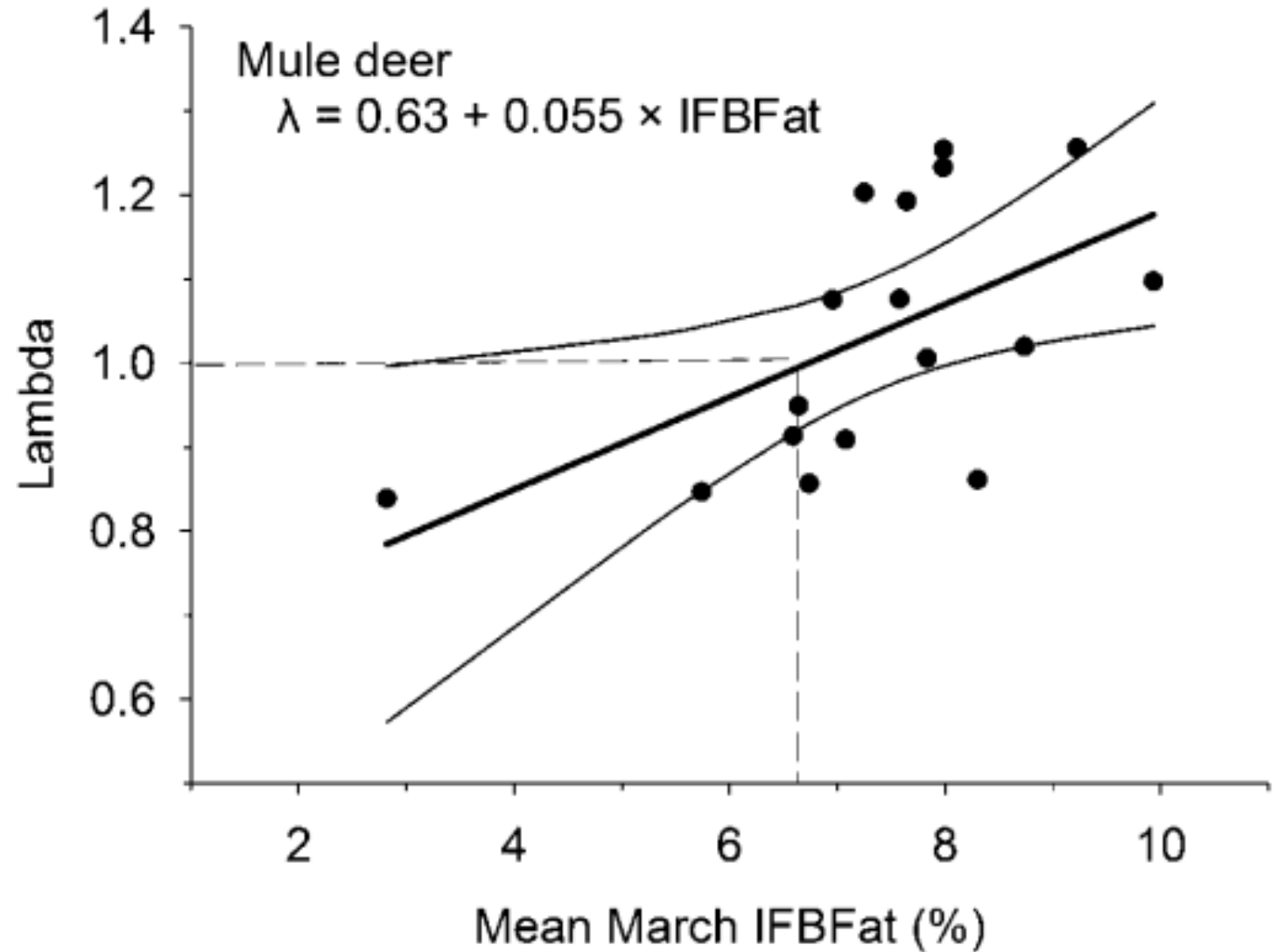


Collared female mortalities investigated within 5 days of death, from 2014-2023 (N=182).

Animals were collared with GPS collars beginning in 2016.

- Other predators = bobcats, coyotes, and bears
- Accident includes physical injury and poaching

Mule deer
body fat
(IFBFat)
predicts
population
growth rate
(lambda)



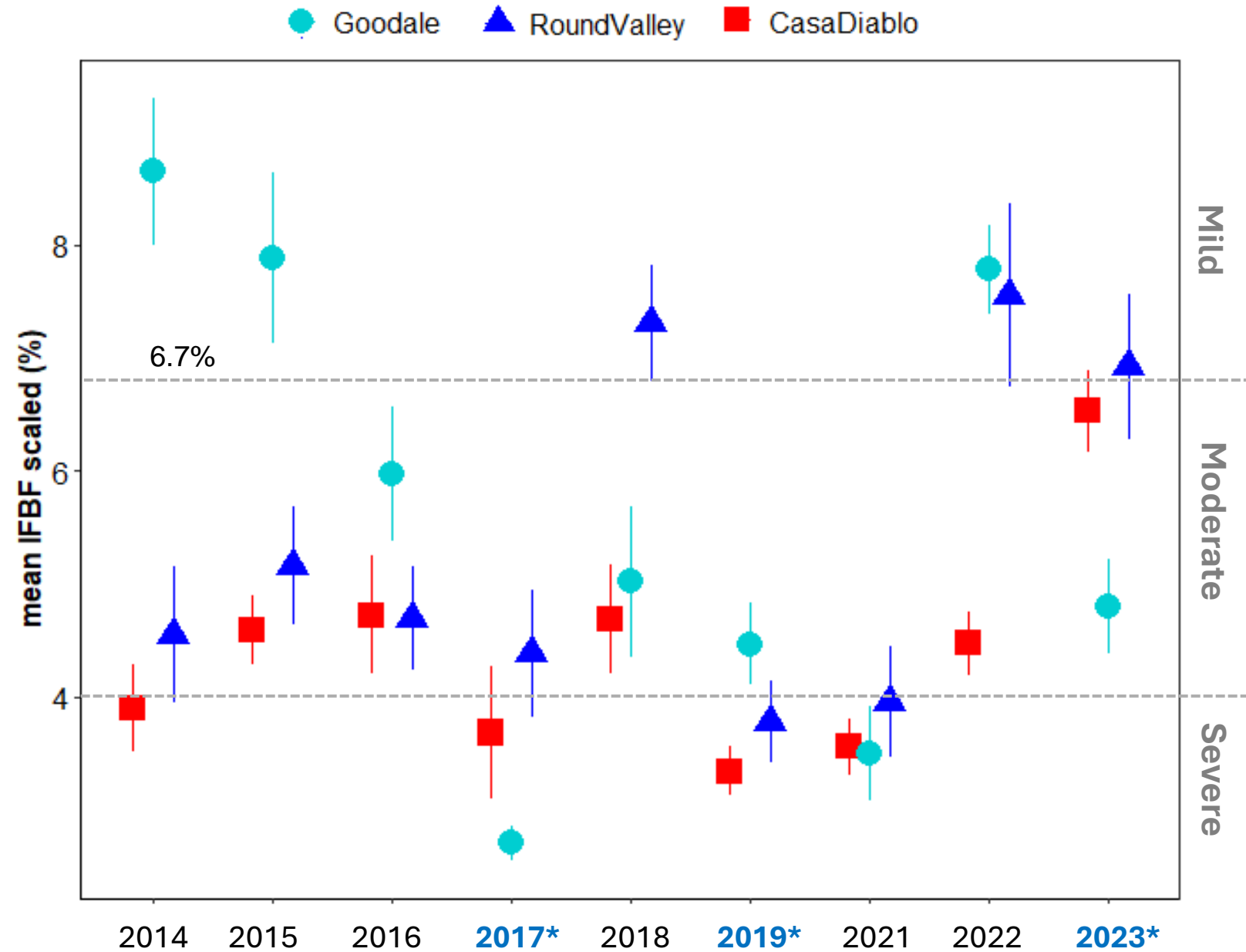
Monteith et al. 2014

Deer Body Condition

Average (\pm SE) ingesta-free body fat for females captured in 3 herds

March/April, 2014-2023
(excluding 2020)

Mild, Moderate, and Severe =
nutritional limitation based on
body fat %

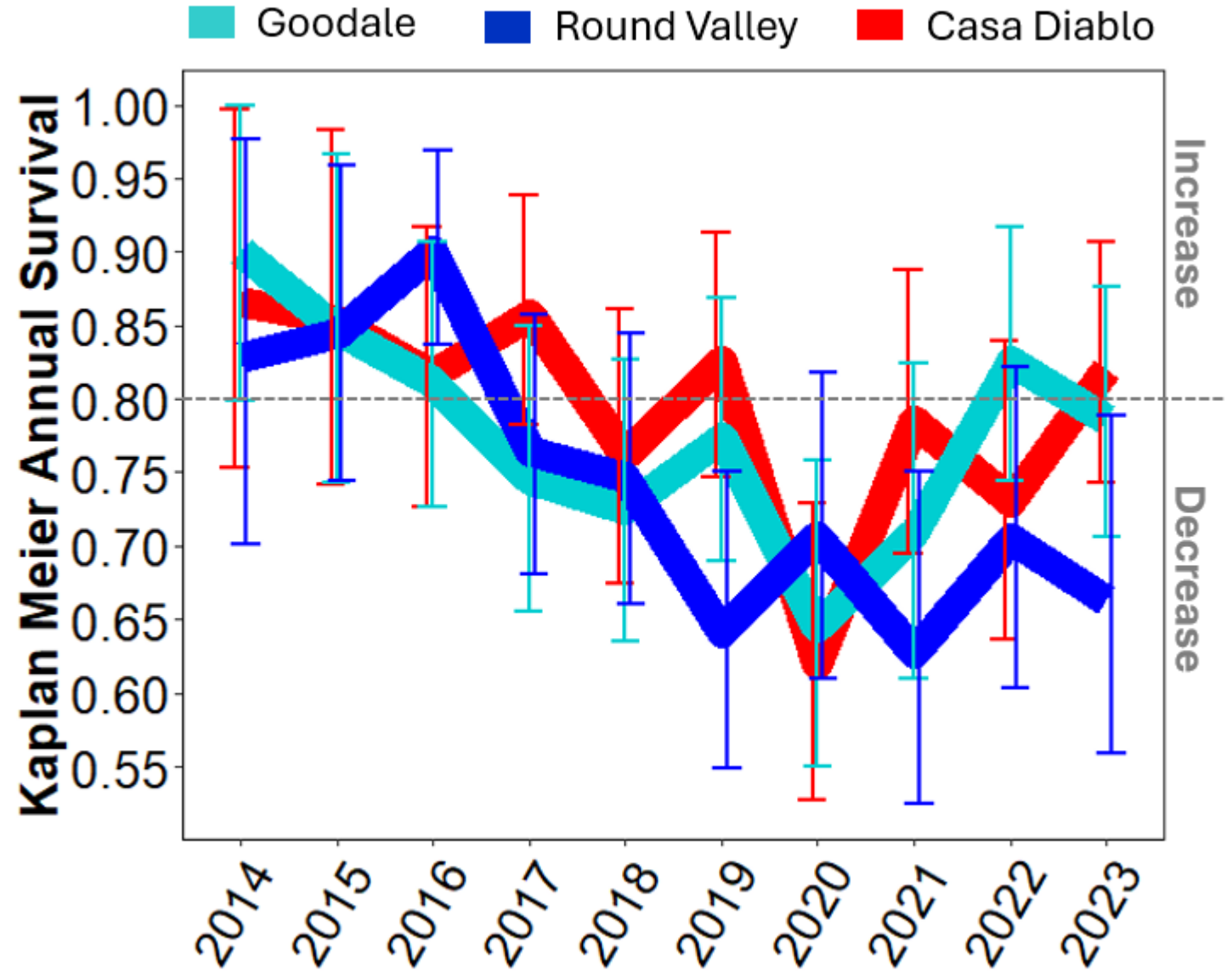


* Winters with heavy snowpack, >150% of average

Deer Survival

Annual survival for collared females, 2014-2023, (\pm SE)

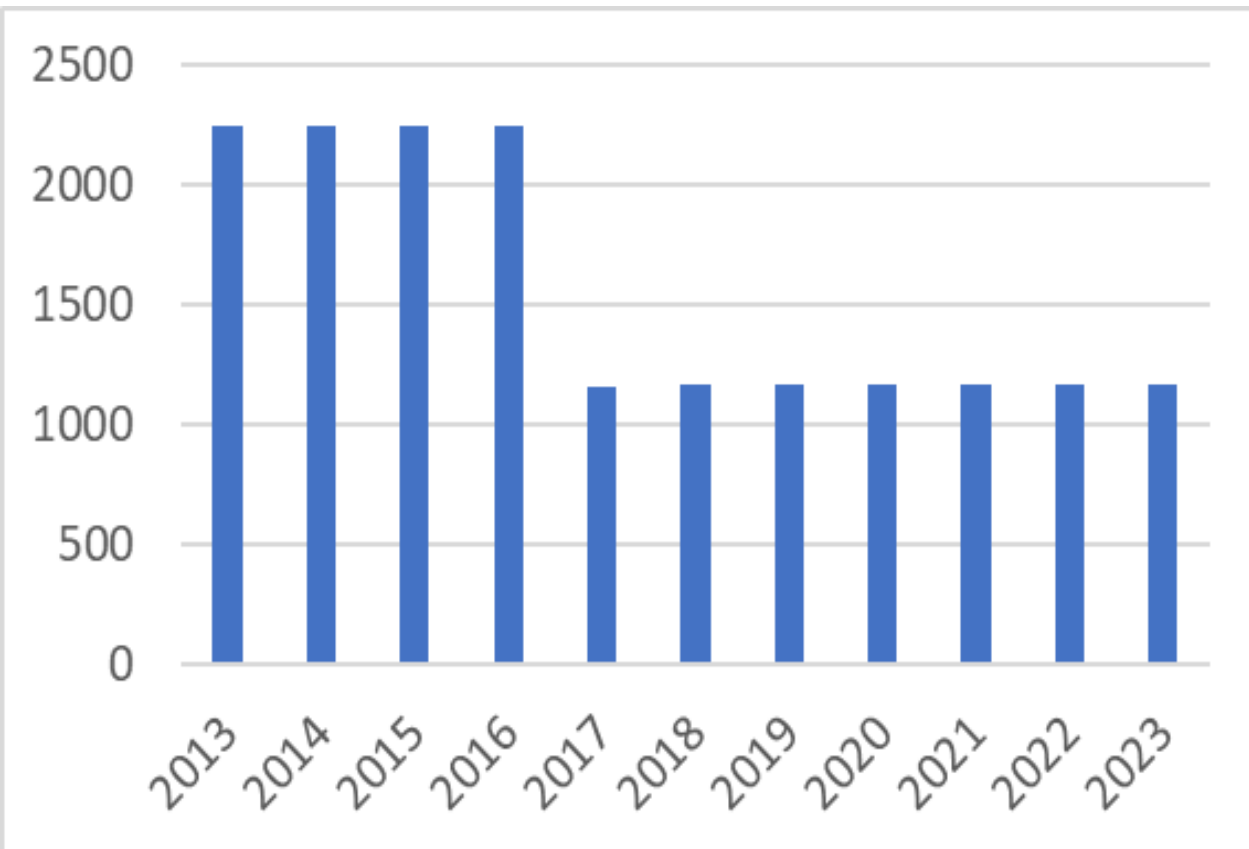
Survival below 0.8 typically results in a declining population



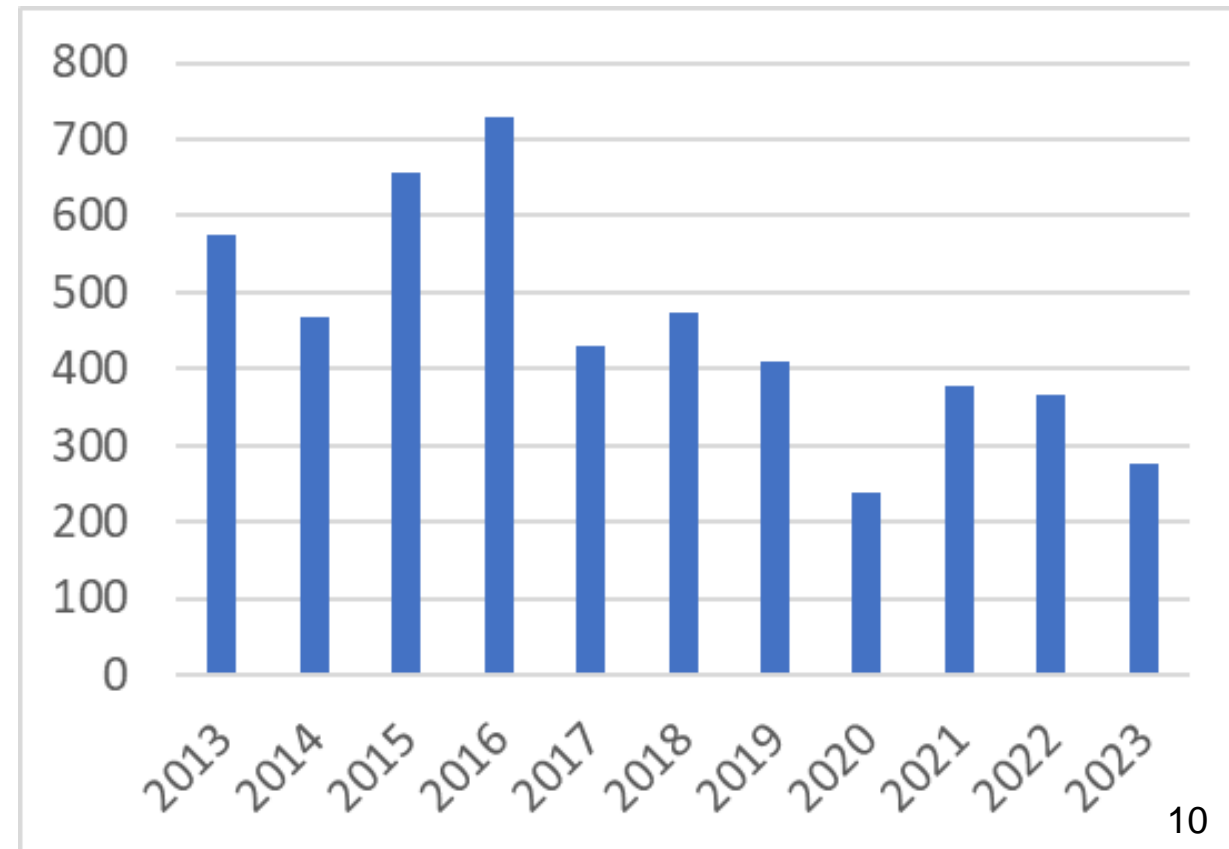
Deer Hunt Zones X9A, X9B, X12

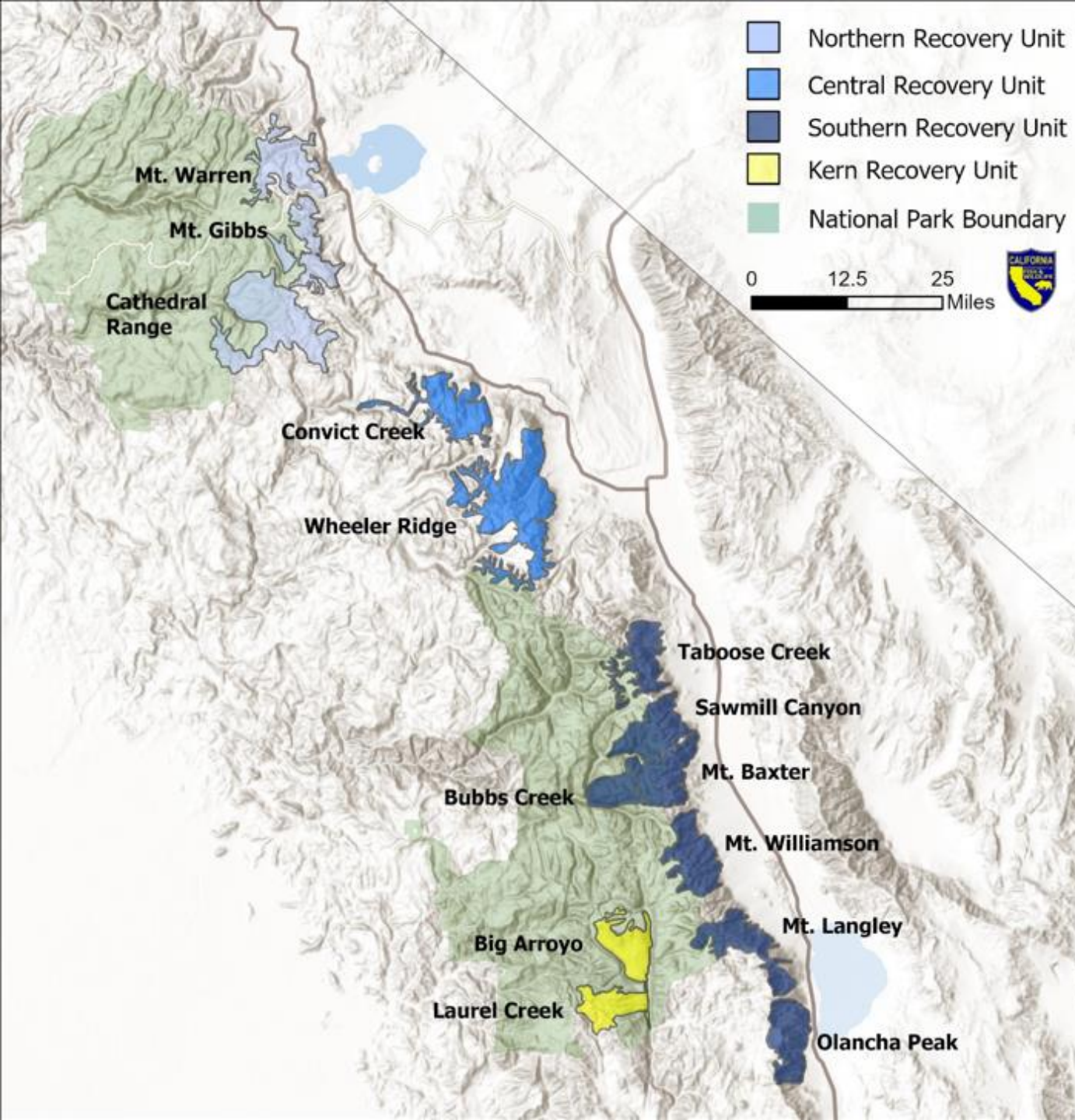
general season, archery, late, and junior hunts

Tag Quota



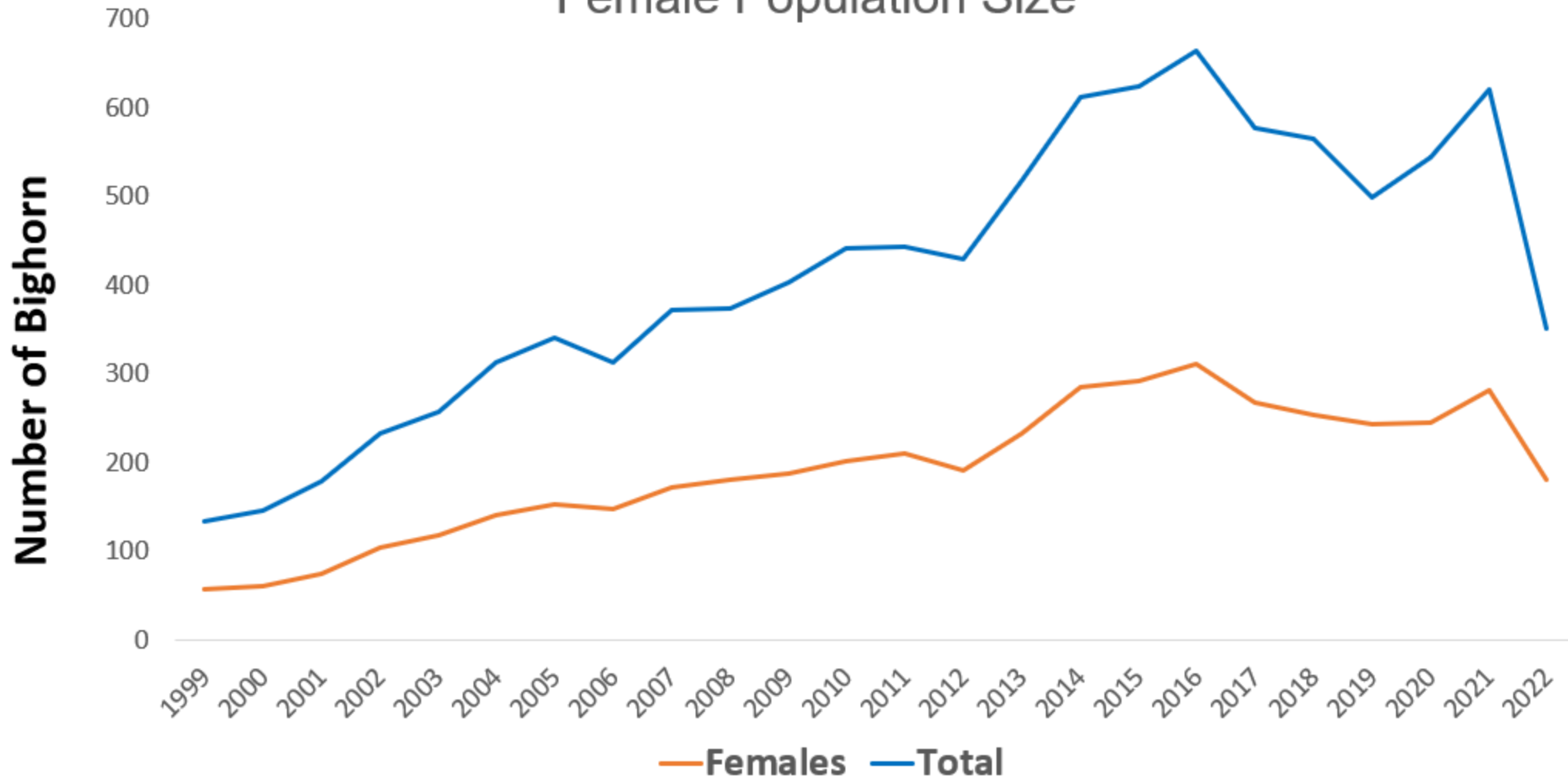
Buck Harvest



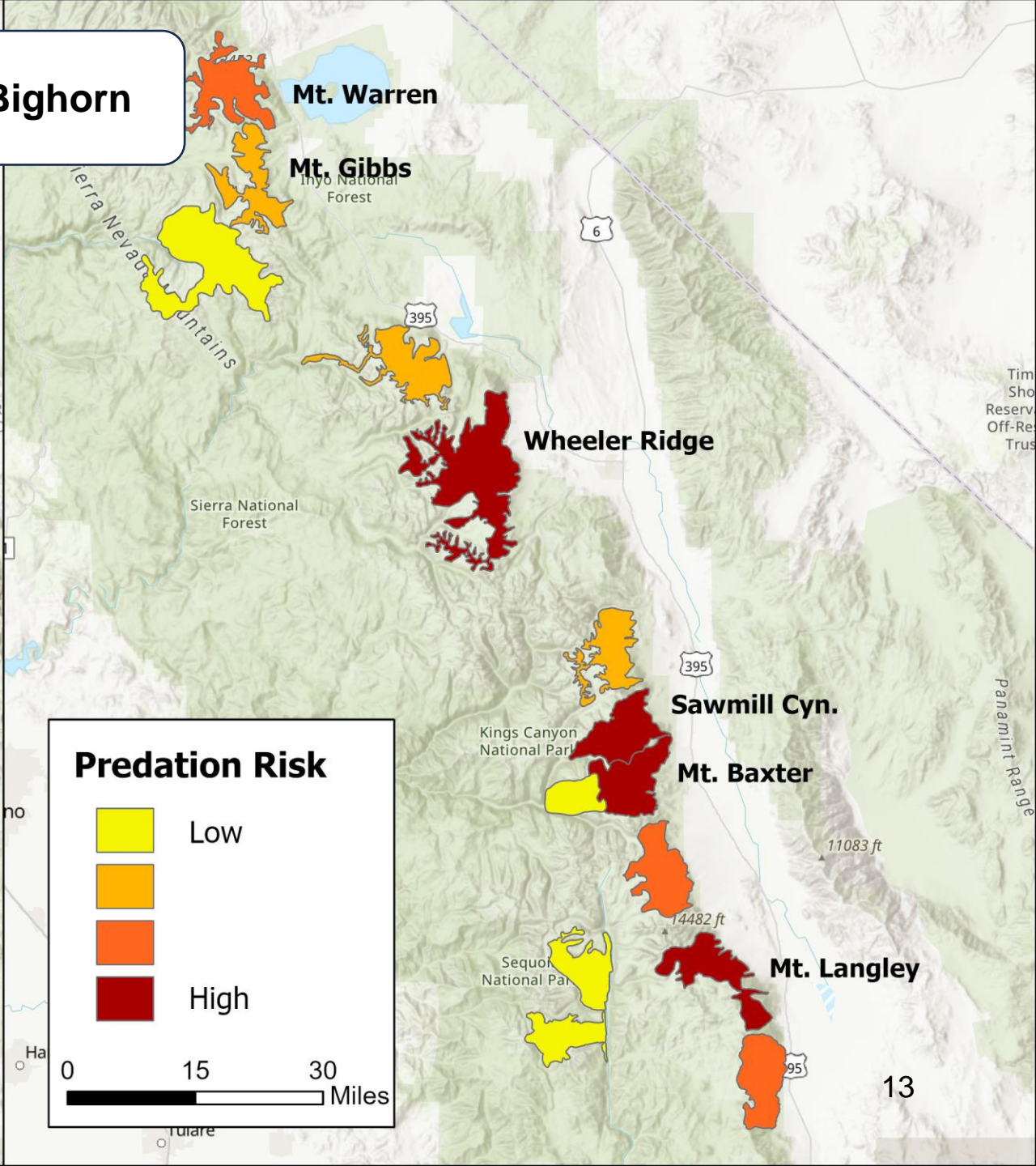
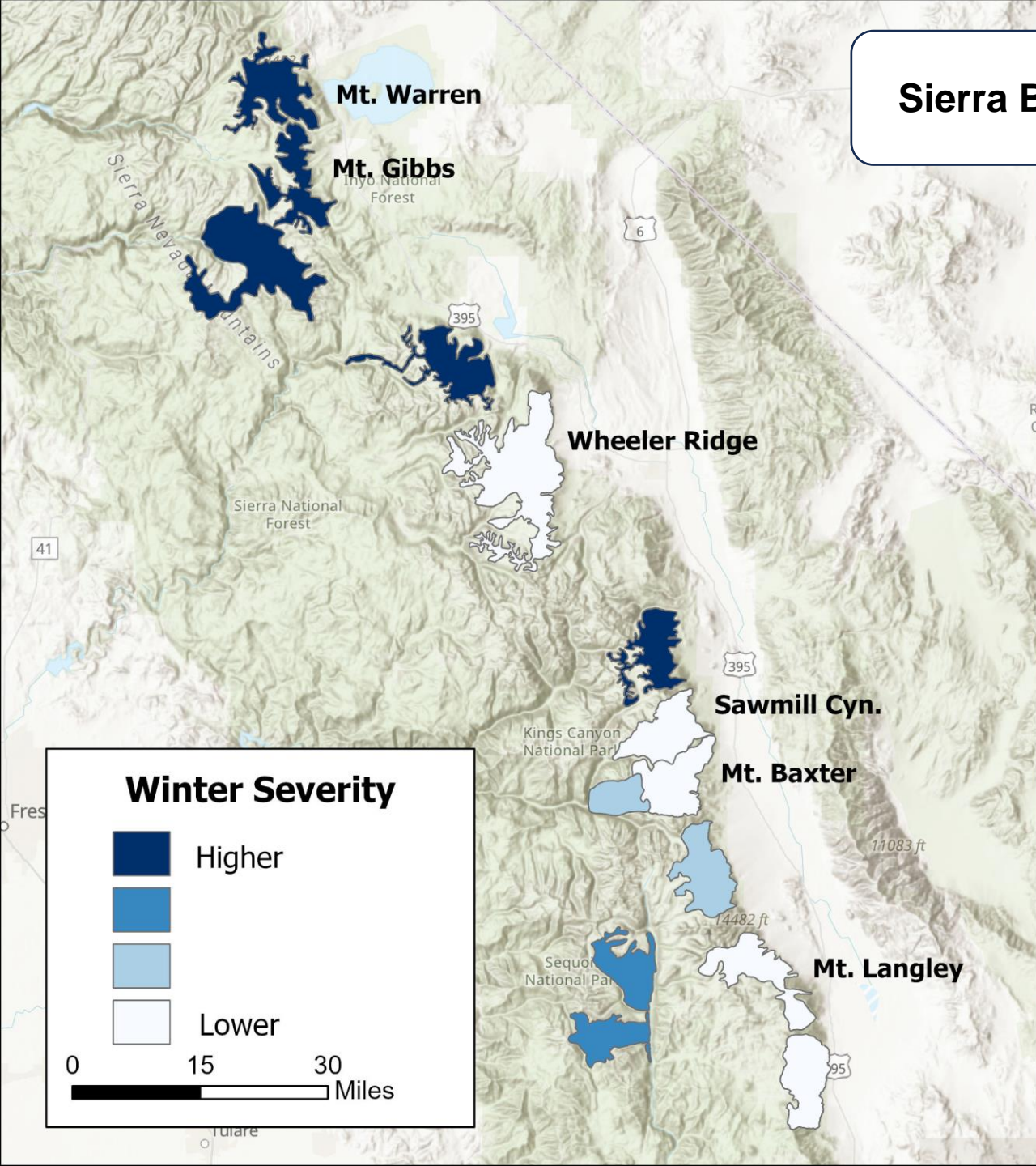
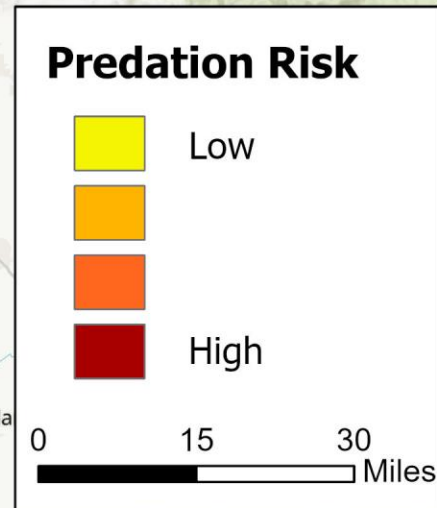
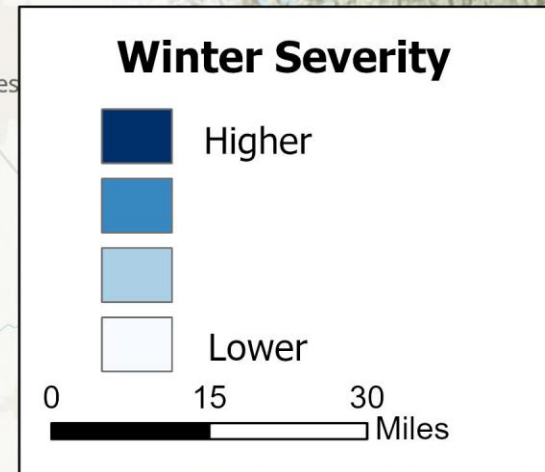


Distribution of Sierra Nevada Bighorn Sheep

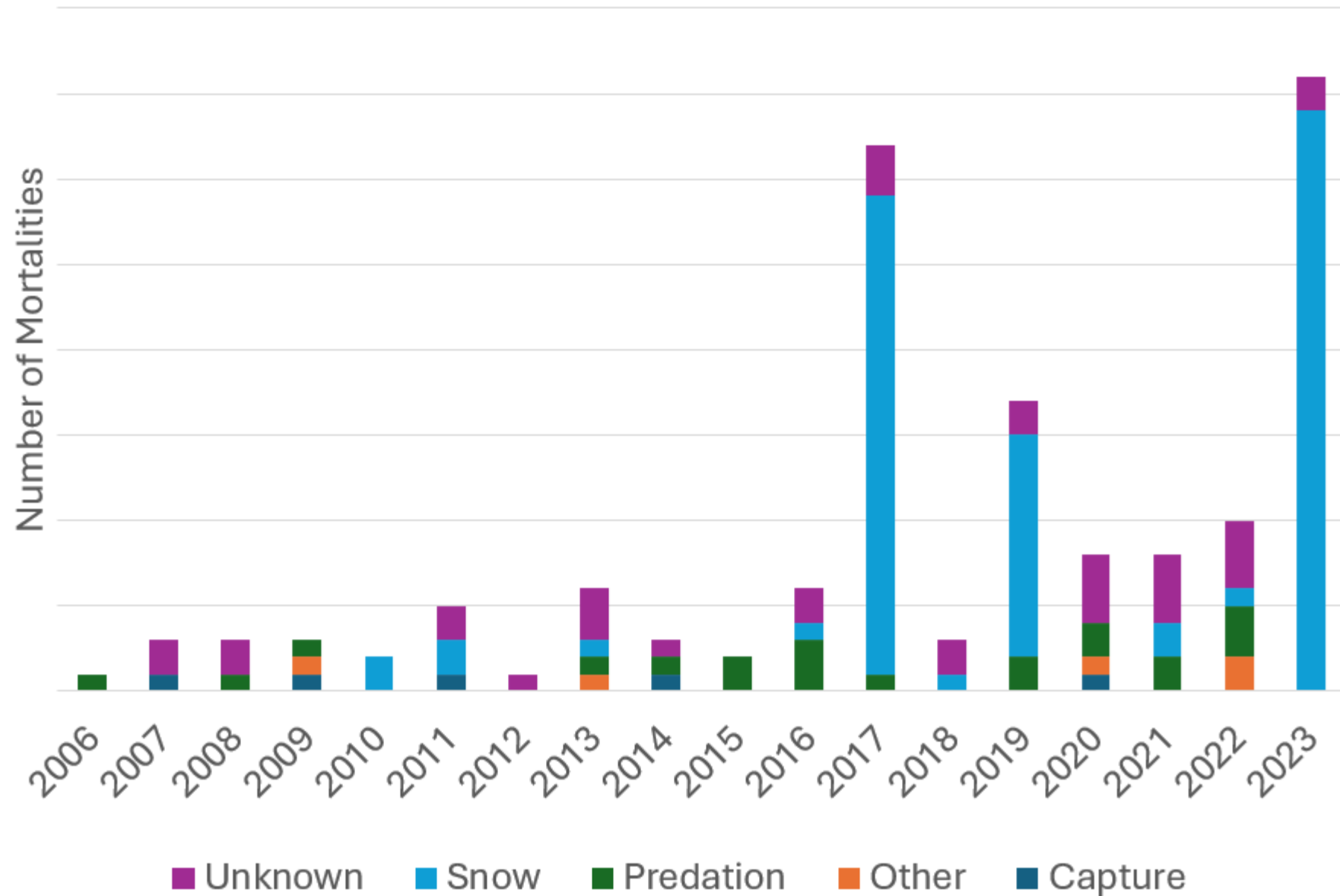
Sierra Bighorn Total Population and Adult & Yearling Female Population Size



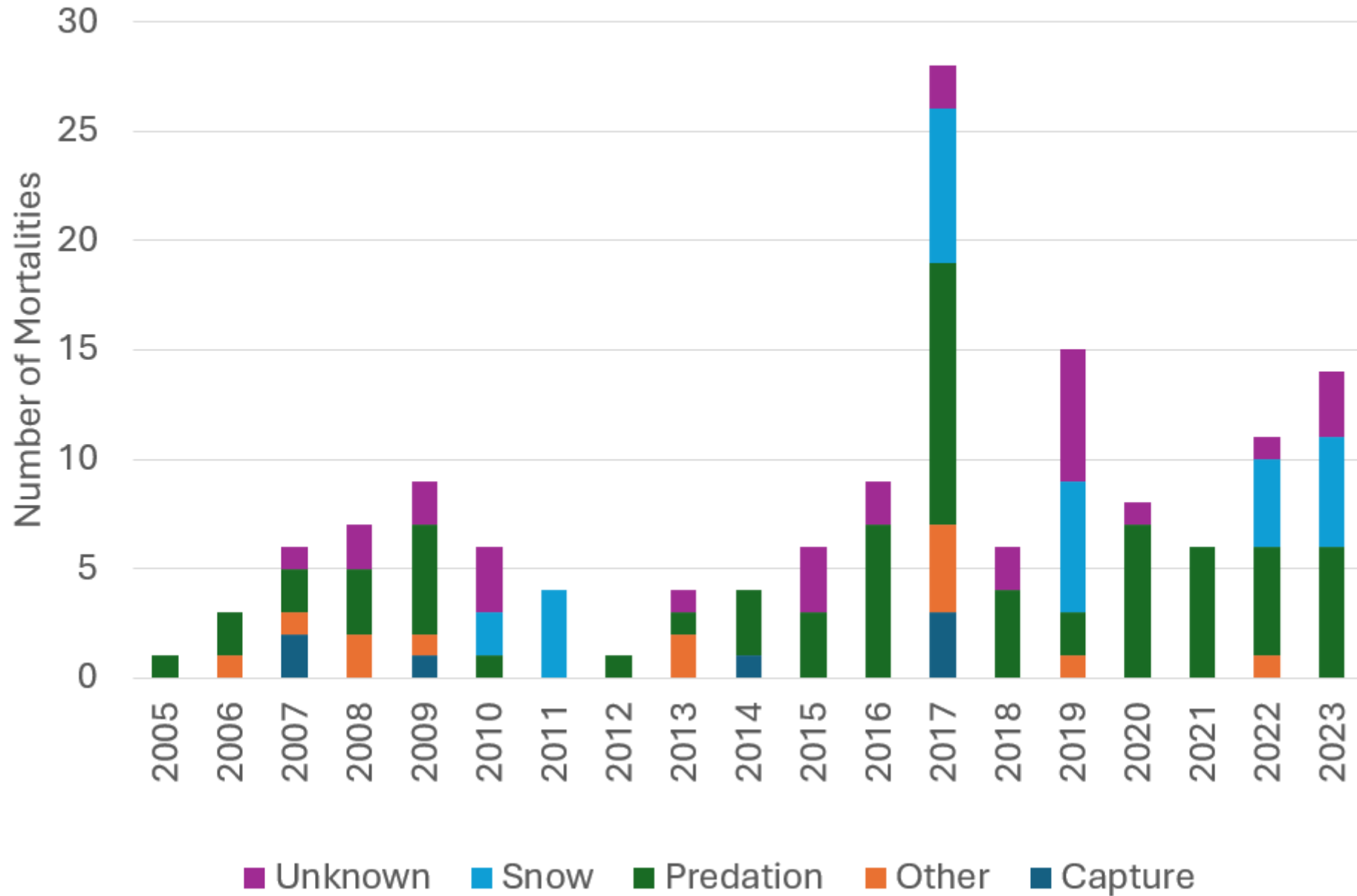
Sierra Bighorn



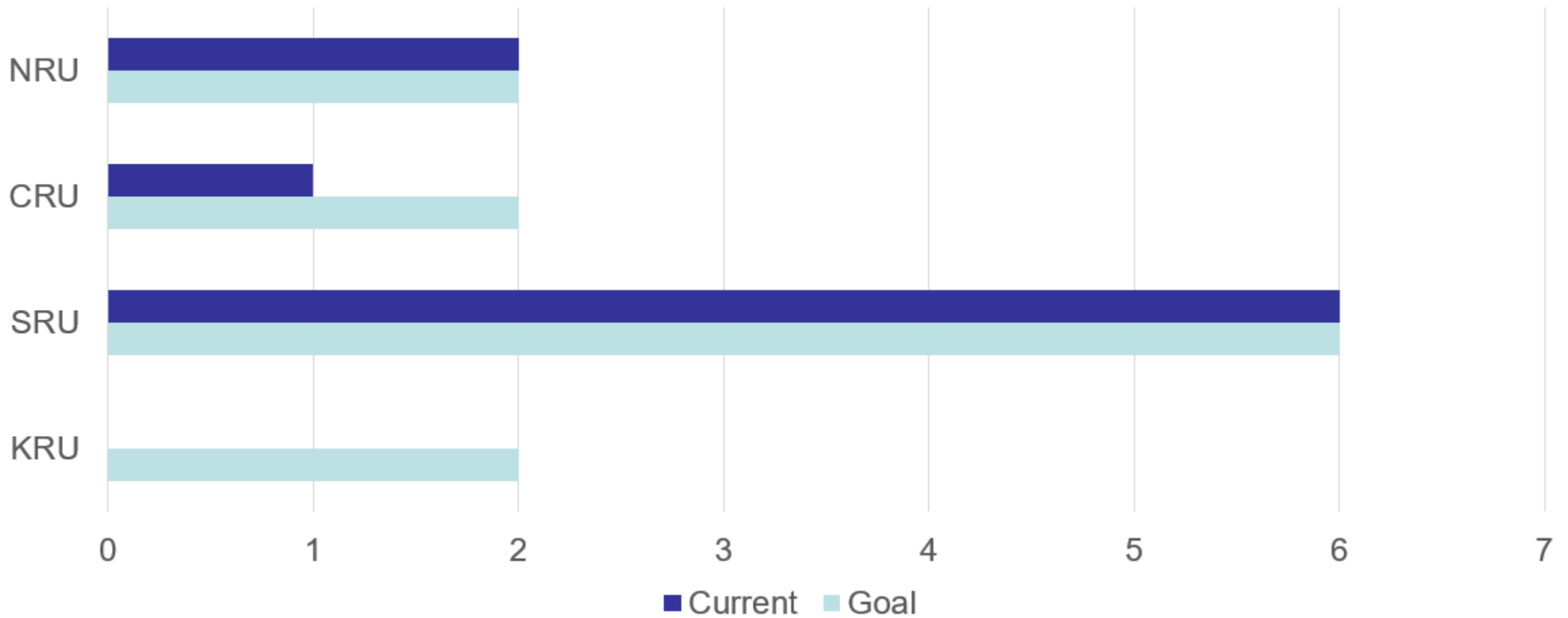
Sierra Bighorn Collared Female Mortalities Other Herds



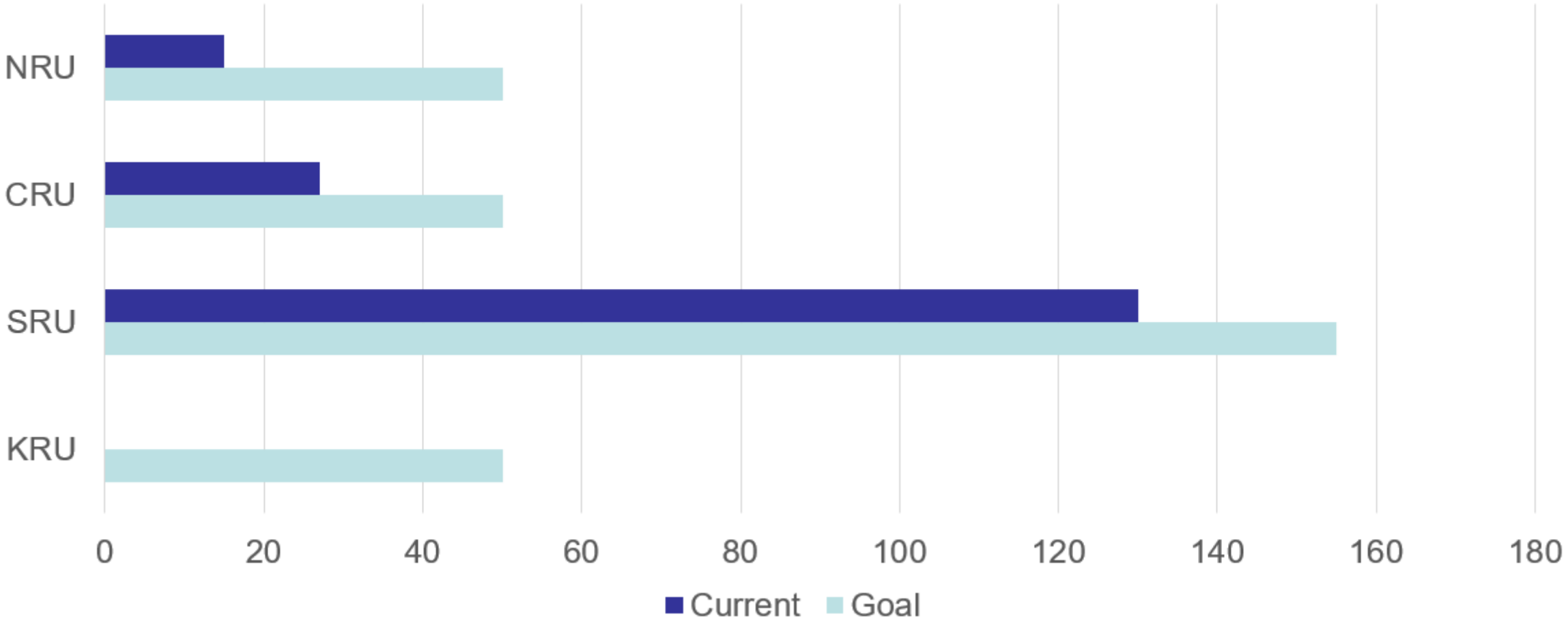
Sierra Bighorn Collared Female Mortalities Source Herds



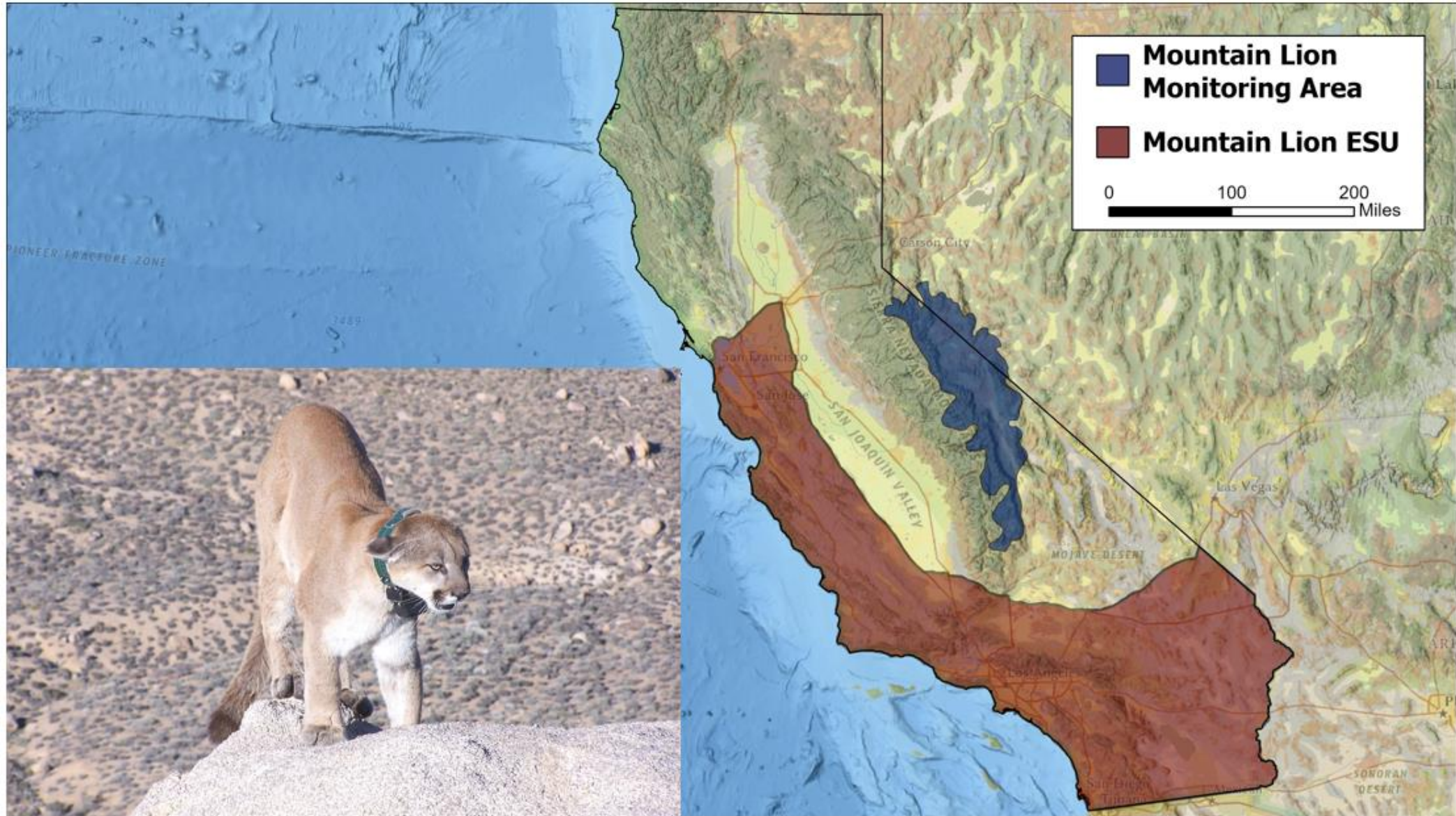
Geographic Recovery Goals



Numeric Recovery Goals



Lions in the eastern Sierra Nevada and Petitioned ESU



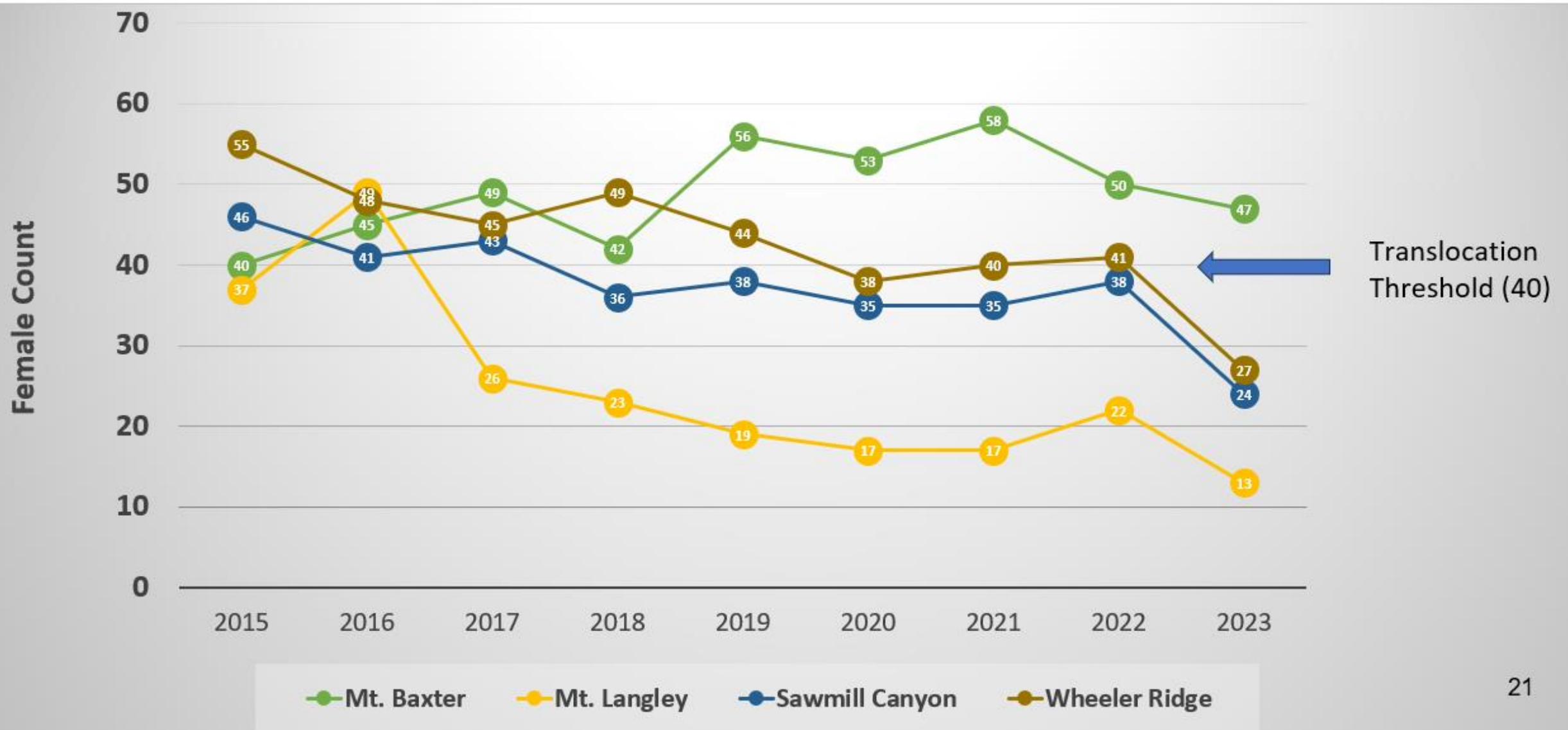
Lion management history

- In 1972, California legislature enacted a moratorium on the hunting of mountain lions
- In 1990, California voters passed Proposition 117 which designated mountain lions as a specially-protected species; hunting was further prohibited but exceptions were made for livestock depredation
- In 1999, California legislature authorized the Department to remove or take any mountain lion that is perceived to be an imminent threat to the survival of bighorn sheep (FGC 4801)

Lion management to recover Sierra Bighorn

- During 1999-2010, 22 mountain lions were lethally taken to protect Sierra bighorn
- During 2017, 2 mountain lions were lethally removed
- Since 2019, we have translocated 19 mountain lions that preyed on Sierra bighorn
- Only lions identified as preying on Sierra bighorn were removed
- In any given year, we have removed <10% of the population of lions in the eastern Sierra and typically far less

Declines in abundance of bighorn source herds



Restoring bighorn translocation stock

Growth Rate (r)	Years to recover
0.02	37
0.05	15
0.1	7
0.2	4

- Moderate to high lion predation results in negative population change
- If we can stop the decline, it will take decades for source herds to increase from <20 to 40 adult females unless we reduce mortality and promote higher growth rates (e.g., 10% per year)

Summary

- The variables that drive ungulate population dynamics in the eastern Sierra are complex and multifactorial
- In mule deer, nutrition is influenced by recent fire history on winter ranges and weather swinging between drought and severe winters; nutritional stress influences prey vulnerability
- In Sierra bighorn, individuals that use high elevation winter ranges to avoid predation are vulnerable to severe winters; bighorn that use low elevation winter ranges to optimize nutrition are exposed to high lion predation that is an additive source of mortality

Acknowledgments

- California Department of Fish and Wildlife
- U. S. Fish and Wildlife Service
- National Park Service
- U. S. Forest Service
- Bureau of Land Management
- Sierra Nevada Bighorn Sheep Foundation
- Yosemite Conservancy
- Wild Sheep Foundation
- Sequoia Parks Conservancy
- California Deer Association
- Special thanks to many field assistants without whom the demographic data would not exist



CDFW Releases More Than 2 Million Chinook Salmon into Klamath River

May 24, 2024



The California Department of Fish and Wildlife (CDFW) this week successfully completed the release of more than 2 million fall-run Chinook salmon smolts into the Klamath River.

On Wednesday, May 15, CDFW released approximately 1.3 million fall-run Chinook salmon smolts below the Iron Gate Dam and carried out another release of approximately 800,000 fish from the same location on Wednesday, May 22.

The salmon smolts were trucked about 7 miles to the release point from CDFW's new, state-of-the-art Fall Creek Fish Hatchery. The fish carried coded-wire tags and had their adipose fins clipped to later identify them as being of hatchery origin and provide scientists and hatchery managers with data about their life histories and the success of the release.

Although still undergoing the final phases of construction, CDFW's new Fall Creek Fish Hatchery, which replaces the 63-year-old Iron Gate Fish Hatchery on the Klamath River, has already exceeded its production goal of 3.25 million salmon in its first year of operation, the combined result of the excellent water quality in Fall Creek, a tributary to the Klamath River, along with improved efficiencies of the facility itself.

The salmon smolts are about six months old and average just under 3 inches in length. The smolt releases began earlier than scheduled last week due to warming temperatures in the Klamath Basin and C. Shasta disease concerns. C. Shasta – or *Ceratonova shasta* – is a naturally occurring freshwater parasite native to the Klamath River that can cause disease in young salmon. The fish are particularly susceptible in warmer water temperatures. Those concerns were alleviated this week, however, with a return of cooler temperatures to the Klamath Basin.

Dam removal provided a dramatic backdrop to CDFW's salmon releases. The three remaining Klamath River dams targeted for removal – JC Boyle, Copco 1 and Iron Gate – are all being actively deconstructed. Their removal is ahead of schedule and could open up free fish passage and access to hundreds of miles of new spawning and rearing habitat to salmon returning from the ocean as early as this fall.

CDFW plans another release of 250,000 to 300,000 yearling fall-run Chinook salmon later this year. If dam removal proceeds at its current pace, CDFW expects to release the fish directly from its Fall Creek Fish Hatchery into Fall Creek, which has been inaccessible to salmon due to its location behind the Iron Gate Dam.

Dam removal, the transition to the state-of-the-art Fall Creek Fish Hatchery, increasing variability in hatchery releases at different salmon life stages to supplement in-river production and the strong relationships forged with tribal partners that have made these actions successful are all critical components of the [California Salmon Strategy for a Hotter, Drier Future \(PDF\)\(opens in new tab\)](#) released by Gov. Gavin Newsom in January 2024.

**CALIFORNIA FISH AND GAME COMMISSION
 RECEIPT LIST FOR NON-REGULATORY REQUESTS RECEIVED BY 5:00 PM ON
 JUNE 6, 2024 PUBLIC COMMENT DEADLINE FOR THIS MEETING**

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
5/7/2024	Darcy Ellis, Inyo County Board of Supervisors	Mountain Lion Predation	Requests that CFGC and Director Charlton Bonham explore all options for Mountain Lion management policies to protect Bighorn Sheep and deer populations.	6/19-20/24	8/14-15/24
5/15/2024	David Trask	Klamath River Sportfishing	Requests CFGC develop a lethal management program for sea lions similar to programs implemented in Oregon's Columbia and Willamette Rivers.	6/19-20/24	8/14-15/24
5/29/2024	Doug Wells	Bear Shot and Killed	Requests CFGC make a request to the State Attorney General to open an investigation into why no charges were filed against an individual who killed a bear cub in the Lake Tahoe area.	6/19-20/24	8/14-15/24

Mountain Lion Predation in Eastern Sierra

Darcy Ellis [REDACTED]

Tue 05/07/2024 02:33 PM

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

Please see the attached from the Inyo County Board of Supervisors.

Darcy Ellis

**Assistant Clerk of the Board/Public Relations Liaison
County of Inyo**

P.O. Drawer N

224 N. Edwards St., Independence, CA 93526
[REDACTED]

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INYO COUNTY BOARD OF SUPERVISORS

TRINA ORRILL • JEFF GRIFFITHS • SCOTT MARCELLIN • JENNIFER ROESER • MATT KINGSLEY

NATE GREENBERG
COUNTY ADMINISTRATIVE OFFICER

DARCY ELLIS
ASST. CLERK OF THE BOARD



May 7, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 95814

Subject: Mountain Lion Predation of Eastern Sierra Mule Deer and Sierra Nevada Bighorn Sheep

Dear California Fish and Game Commissioners,

The Inyo County Board of Supervisors writes today to express grave concern about the viability of our mule deer and endangered Sierra Nevada bighorn sheep (SNBS) populations, particularly due to rising numbers of mountain lions allowing for increased mountain lion predation.

We believe this is an issue that requires immediate attention. While there are various factors contributing to declines in the deer and sheep population – such as weather and disease – these are largely beyond the control of the California Department of Fish and Wildlife. However, impacts from mountain lion predation can and should be mitigated through responsible management practices.

Sierra Nevada bighorn sheep (SNBS) are a unique subspecies of bighorn sheep native only to suitable habitat in the southern and central Sierra Nevada from Olancho Peak to the Sonora Pass region. They barely survived over the last century due to several factors, and ultimately were reduced to three populations in the southern Owens Valley. They are currently classified as endangered at both Federal and State levels. Their habitat is essentially all protected by federal ownership, much of which is in Inyo County.

Extreme weather in the form of winters with high snowfall is another source of losses for SNBS. Unlike mountain lion predation, there is no management tool to mitigate such losses. California has experienced three such winters since 2016, with the 2022-23 winter notably more extreme. One result is that two of the surviving populations have very small reproductive bases of only 1-3 females, thus need augmentation to secure their future. However, there are few, if any, females available to be translocated to fill this need¹.

California has witnessed high levels of mountain lion predation of SNBS since the 1980s and it has been cited as the largest factor limiting recovery of these sheep (Gammons et al. 2021²). In recent years, the mountain lion population in this Eastern Sierra region has grown to levels not

¹ John Wehausen, Sierra Nevada Bighorn Sheep Foundation Newsletter, December 2023

² Gammons, D. J., J. L. Davis, D. W. German, K. Denryter, J. D. Wehausen, and T. R. Stephenson. 2021. Predation impedes recovery of Sierra Nevada bighorn sheep. California Fish and Wildlife Special CESA Issue: 444-470.

seen for decades. This has led to larger and detrimental effects on other key species. The local deer population in Round Valley has plummeted, approaching historic lows observed back in 1990. The Goodale herd in the Southern Owens valley has been reduced to an unsustainable level, not capable of providing a viable hunting resource.

Not only are we committed to the well-being, protection and responsible uses of our open spaces, forests, streams, lakes, and ALL its inhabitants, our outdoor recreation-driven economy relies on it. From sportsperson who hunt, fish, hike, camp, and rock climb, to the wildlife enthusiasts who come to photograph and experience our native species by simply enjoying what nature has to offer, these recreational privileges sustain us. So yes, the responsible management of the mountain lion ensures a healthy and robust ecology, and economy.

The Inyo County Board of Supervisors has been involved in the issue of mountain lions and SNBS going back to the 1990s when two Inyo County Supervisors joined two from Mono County to work with the Sierra Nevada Bighorn Sheep Foundation looking for a way to adequately protect SNBS from excessive losses to mountain lion predation. That group disbanded after it became evident that Federal endangered status was the solution.

Now, our Board strongly urges the Commission and Director Charlton Bonham to look at the efficacy of current mountain lion management policies and, in combination with a consideration of the latest data and sound scientific research, explore all options for mitigating the loss being seen in the Eastern Sierra – including a revisit of the Bighorn Sheep Recovery Plan approved in 2002. Common sense management would not only contribute to the ability of the SNBH and deer populations to thrive but to the health and well-being of the many species (including the mountain lion) who are native to the area and call it home.

We respectfully request your attention to this matter and look forward to your response,

Sincerely,



Chairperson Matt Kingsley,
Inyo County Board of Supervisors

cc: California Department of Fish and Wildlife Director Charlton Bonham
Inyo County Fish & Wildlife Advisory Committee
Senator Marie Alvarado-Gil
Assemblymember Jim Patterson
Diana Papan, Chair, California State Assembly Committee on Water, Parks and Wildlife
Dave Min, Chair, Senate Natural Resources and Water Committee

Closures of Sport Fishing in the Klamath River Basin for Spring Chinook Salmon

David Trask [REDACTED]

Wed 05/15/2024 03:25 PM

To:FGC <FGC@fgc.ca.gov>;Dann Trask [REDACTED]

Please find attached the following letter suggesting the Department of California Fish and Game implement a lethal management plan for sea lions on the Klamath River. This letter explains the details of why such a plan would benefit salmon by balancing the sea lion population as permitted by the United States Congress in its modification to the Marine Mammal Protection Act.

Sincerely

David Trask
[REDACTED]

FROM: David Trask

15 May 2024

[REDACTED]
[REDACTED]
[REDACTED]

TO: California Fish and Game Commission
Attn: Sherrie Fonbuena
P.O. Box 944209
Sacramento, CA 94244-2090
Email: fgc@fgc.ca.gov

SUBJECT: "Closures of Sport Fishing in the Klamath River Basin for Spring Chinook Salmon"

Sherrie

I request the California Fish and Game Commission take a proactive approach to solving the Klamath River Chinook salmon fishery degradation by developing a lethal management program for sea lions like the program implemented on the Columbia and Willamette rivers in Oregon. The sea lion population is exploding as evidenced by the vast number preying on salmon at the mouth of the Klamath River and upriver for miles. I have pictures showing hundreds lounging on the beach while others decimate salmon in the river.

Sea lions are predators. Hunters know that it is important to balance the harvest of both the predator and prey to make sure there is a sustainable population of both. Excluding sea lions from hunting is leading to significant predator overpopulation, and the resulting downward trend in the salmon fishery is the outcome.

The Oregon Department of Fish and Wildlife acknowledges in their study of the Columbia and Willamette Rivers that sea lions were responsible for a significant reduction in spawning salmon and steelhead. As stated in their study, "Before sea lion management, Data showed that sea lions were consuming significant numbers of fish—up to 44 percent of the Columbia River spring Chinook run and 25 percent of the Willamette winter steelhead run each year. Since sea lion management began, these rates have been significantly reduced."¹

The study notes that relocating sea lions did not solve the problem. The sea lions quickly returned to the river to hunt salmon. The only effective solution was to employ lethal measures (hunting) to remove them.

The Marine Mammal Protection Act was amended by Congress to allow lethal measures to control problem sea lions at locations where salmon were particularly vulnerable to sea lion predation. Bonneville Dam on the Columbia River, and Willamette Falls were two locations documented in the study where lethal measure resulted in significant reductions in sea lion predation.

¹ <https://www.dfw.state.or.us/fish/sealion/index.asp>

The mouth of the Klamath River meets the criteria for employing sea lion management. The mouth is a choke point for salmon running a gauntlet of sea lions, each consuming eight or more salmon per day. The same situation exists all the way from the Highway 101 bridge up the river. There is no place for salmon to hide, and each year sea lions are roaming higher into the river to hunt. Applying good sea lion management would improve salmon stocks quickly. The post season estimated Chinook salmon return on the Klamath in 2023 was 174,000 fish.² Assuming the 44% predation rate on the Columbia and Willamette Rivers is the same on the Klamath means that if it was reduced to zero, over 76,000 additional salmon would have spawned. Recognizing that the predation rate should never be zero, even halving the rate by good management would have added 38,280 Chinook salmon to the returning count.

With these facts in mind, please pursue a sea lion management plan for the Klamath River.

Sincerely

David M. Trask

David M. Trask

² <https://fishingthenorthcoast.com/2024/02/29/salmon-numbers-up-slightly-but-closures-still-likely/#:~:text=In%202023%2C%20the%20preseason%20ocean,difference%20of%20over%2071%2C000%20salmon.>

Yet Another Failure at DFW

Doug Wells [REDACTED]

Wed 05/29/2024 09:16 PM

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

An irresponsible homeowner shot and killed a bear cub in South Lake Tahoe over Memorial Day weekend and once again California Department of Fish and Wildlife (DFW) officers failed to take any action, did not properly investigate or charge the homeowner for committing what the Sheriff's Office, bear experts and witnesses described as a deliberate and intentional crime. Every year we see innocent bears killed by homeowners and poachers and yet no charges are ever brought by Fish and Wildlife officers. Tahoe bears are killed because people know Fish and Wildlife officers won't do anything about it. Sadly residents of the Tahoe basin are all too aware that DFW is the problem, not the solution to protecting Tahoe's wildlife.

It's time State officials request the Director of DFW resign and command staff and officers are demoted or terminated for failing to take action to protect Tahoe's bear population. The Commission should also request the AG's Office open an investigation into why this person wasn't charged for killing a young bear cub without justification and why DFW officers failed to follow-up on reports that disputed the homeowner's story. It's a good thing this story has gathered international media attention as it might finally force the Governor's Office and the Wildlife Commission to take action to make much needed leadership changes at DFW.

2024 in season change for south central region

wayne blich

Wed 04/03/2024 04:44 PM

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

Hello My name is Wayne Blich. I am the owner and operator for Flying Fish Sportfishing, located in Port San Luis. I operate the CPFV Flying Fish which fishes in the south central management zone. I was amazed when the PFMC recommendations were posted in early March that recommended fishing outside 50 fathoms for October-December, despite a 2 fish limit for vermilion rockfish. My experience last year revealed vermilion rockfish to, far and away, be the most dominant species available. Nearly all of my trips outside 50 fathoms required the releasing of many vermilion while pursuing other species.

When I saw the decreased limit for vermilion from 4 to 2, I felt the need to offer a change that would help mitigate the catches of vermilion. I noticed many areas North of 36N were given periods to fish in 20 fathoms or less. This depth should prove to have a smaller encounter with vermilion rockfish. 20 fathoms or less is favored by fishermen as well (as opposed to being restricted to 50 fathoms or greater). Business in 2023 dropped by about 50% during the period from October to December.

For these reasons, I propose changing the current >50 fathom limit to <20 fathoms for the south central groundfish management zone, for the months of October-December 2024.

Thank you for your consideration,

Wayne Blich

Flying Fish Sportfishing

MPA Opposition

Ben Schock [REDACTED]

Mon 04/15/2024 09:26 PM

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

My name is Ben Schock, I'm from Santa Barbara, and I am speaking to oppose any future expansion of MPAs in California. Please do proper research on specific species regulations instead of closing entire areas to recreational fishermen.

Meeting comment; Hope Valley especially

Francis Coats [REDACTED]

Tue 04/16/2024 09:09 AM

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

Please do not forget that members of the public have constitutional right to fish on state-owned land (sec. 25 art. I Cal. Const.; San Luis Obispo Sportsman's Assc. (1978) 22 Cal. 3d 440). Under the Public Trust Doctrine the state should avoid so far as feasible interfering with public access for fishing on state-owned land or fishing in navigable water.

Francis Coats, [REDACTED]

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

letter to state water board

Mandy Davis [REDACTED]

Thu 04/18/2024 12:30 PM

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

Attached is a letter regarding issues that Fish and Wildlife should be aware of in the NP-6 permit application by Atlas Wind. They have not done due diligence and you should be aware of the situation. REACT Alliance will be speaking to both staff and the commission in the next scheduled public meeting. Please contact me with any questions or concerns you may have..

Mandy Davis | President
[REDACTED]

Website | [REACTalliance.org](https://reactalliance.org).

April 16, 2024

To the State Water Resources Control Board and its supporting staff:

On March 20, 2024, SWRC Attorney Serena Liu made several assertions in a letter to the MBCFO that were not well researched, and on further investigation, REACT Alliance has found to be untrue. Ms. Liu stated erroneously that Atlas Wind's NP-6 permit application is subject to a CEQA 15306 exemption *“allowing for basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.”*

This exemption, however, is not applicable to Atlas Wind's NP-6 permit application as the survey area is within established MPAs and endangered species habitat. Any and all sampling and geophysical surveys pose a definite danger to marine mammals that are migrating through the area, as well as the endangered southern sea otter that inhabits the near shore kelp beds and the estuary, and its benthic feeding grounds within the cited areas. Additionally, the high decibel emanations from HRG surveys and dredging for channel siting have been shown to harass, displace, and damage larval forms, benthic species and near shore groundfish populations. Claiming that the Atlas Wind permit application is not subject to CEQA review is unfounded even with the heavily redacted maps of the survey and sampling sites, making the application ineligible for enrollment under State Water Board Order 2021-0048-DWQ. The application of CEQA is not discretionary. When a public agency proposes to undertake a project that might cause a physical “660” change in the environment, the agency must engage in CEQA procedures. (Pub. Resources Code, §§ 21001.1, 21065)

Ms. Liu further asserted that public engagement of the permitting process is unnecessary, and that the Water Board has the right to certify the applicant's permit without a hearing. This too is untrue. As we have demonstrated, the Atlas Wind NP-6 permit is not CEQA exempt and is subject to full review. We have the right to ask for a full Water Board agendaized review, and in keeping with our rights under California law, we are asking for an agendaized hearing once the applicant's permit is fully restored and unredacted for public viewing and comment.

As for the applicant's permit and the degree to which it is redacted, we find the general claims of confidentiality ludicrous and overly general in nature. Legally, an applicant or agency must provide a detailed description of the reasons and justifications for such redaction. As of this time, Atlas Wind has not provided this necessary information. Additionally, your agency has not provided the requested information on the extensive redaction within the legally allotted 10-day timeframe for response, under the CPRA (gov. Code 7922.600), to information on this permit. Our lawyer and REACT Vice President Saro Rizzo, has repeatedly asked for clarification and to date has not received any. If you support the applicant's right to arbitrary redaction of a document, I would refer you to Government Code Title 1, Division 10, Part 2, Chapter. 3, Article 1 (Justification for withholding of record -7922).

There is one more issue that has been glaringly ignored by staff and Atlas Wind that I would like to draw your attention to; the mandatory notification and engagement of the local YTT Northern Chumash and the Salinan tribal entities as pertains to these proposed near shore actions. They should have been part of this process since day one, but have been left entirely in the dark that this permit was being reviewed. The surveys and sampling (dredging) are cited to occur in near shore areas that are known to be inundated indigenous villages, and the disturbance to the sea bottom could indeed harm the cultural heritage areas that are currently undisturbed. Engagement of local tribal entities must happen before any permit is even considered. The YTT Chumash have been notified of your oversight and REACT expects this legal mandate to be taken seriously and our indigenous neighbors to be respectfully engaged.

Lastly, there is one more item that neither your staff nor Atlas Wind has taken into consideration, and a step in the process that must be completed since this project is not CEQA exempt: the application for a SCP permit from CF&W. This permit is required for any benthic grab samples or survey activity conducted inside or adjacent to MPAs.

As I have explained, the Atlas Wind NP-6 permit is not eligible for consideration at this juncture. REACT Alliance will need an unredacted copy of the application, along with the assurance that the entire process and all necessary steps will be undertaken to satisfy eligibility under CEQA. The desire by an overly zealous and highly motivated wind energy company to circumvent our state process should not be a consideration, as this important process was specifically designed to protect our natural resources and help our state make wise decisions going into the future.

REACT looks forward to hearing from staff and the commissioners regarding the status of this permit and the future satisfaction of the issues outlined in this letter. I will be attending the upcoming board meeting on April 16th and look forward to meeting you and answering any questions you may have.

Attached is a copy of REACT's initial letter to your board stating our opposition to the issuance of a NP-6 permit to Equinor in December of 2023. It provides some background and is the basis for subsequent letters written by Saro Rizzo and myself in the last few months.

Thank you for your attention in this matter.

Sincerely,
Mandy Davis - REACT Alliance President

State Water Resources Control Board and its Central Coast regional engineer;

I am writing this letter on behalf of REACT Alliance to address the application for an NWP -6 for discharge of dredged or fill material by Equinor in the region described as: "discrete locations for proposed offshore cable corridors at Moss Landing, Morro Bay, vicinity of Diablo Canyon Nuclear Power Plant, and vicinity of Port Hueneme." Equinor has offered no information about specific sites, dredge ditch lengths, depths, potential bottom square footage disturbance or equipment to be used. As you may know, the locations described, most notably the Morro Bay and the Diablo Canyon regions, are extremely valuable, biologically diverse and abundant marine ecosystems. The region is home to a plethora of marine mammals, commercially important fish species and has a rich and abundant benthic community. It is an area that contains fish spawning habitat and is home to endangered and protected mammals and protected aquatic plants. Furthermore, this marine region contains several MPAs and ESHAs and is home to state protected groundfish habitat.

To consider giving a carte blanche permit to a company with no defined project, no clear cable route siting, and no clear description of the technology to be utilized is absolutely ludicrous! To consider such a permit without the input from interested and related agencies, such as California Fish and Wildlife, is unacceptable. To consider the permit without comment by the public and placement on an official agenda is circumventing due process and the citizens' right to be included in such important decisions that can impact our rich California coast for years. It also leaves your agency vulnerable to lawsuits from the public and a wide array of interested parties.

On perusal of the "general conditions" section of an NWP-6, I learned that the Equinor permit would necessarily violate several of the conditions outlined in the document. I would refer you to the following sections; 1) 15 (the need for this to be a single project); 2) 18 (referring to endangered species) subsections A,C,E and F; 3) 22 (referring to activities in Marine protected areas including state MPAs and National Estuaries); 4) 3 (referring to spawning areas); 5) 26 (referring to the need for a coastal zone management consistency concurrence); and finally, the requirement that a regional engineer give authorization after reviewing the project and its ability to meet the permit's stipulations.

As you can see there are multiple reasons to deny this permit as it will not comply with the General Conditions for an NWP-6. If you are not willing to deny the permit in your next meeting on December 19 in Sacramento, REACT asks that at least you agendaize the issue in your next public meeting and allow the public and other concerned state agencies to weigh in on the permit issuance.

If you have any questions about the potential impacts cited above, please contact us at mandy@reactalliance.org or call for a conference at 941 323-2703. We invite you to visit our very informative website at www.reactalliance.org to learn more about our organization, our mission and the large body of research we have accumulated regarding the impacts of offshore wind energy on our marine and coastal environments.

REACT will have a representative at the meeting on the 19th who will be speaking during public comment. We will gladly address any of your concerns at that time as well.

Thank you for your attention in this matter.

Sincerely,

Mandy Davis - REACT Alliance President

Spend plan comments from ASA

Larry Phillips <[REDACTED]>

Fri 04/19/2024 11:08 AM

To: Wildlife Salmon Disaster <SalmonDisaster@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>

Larry Phillips
Pacific Fisheries Policy Director
American Sportfishing Association

[REDACTED]

[REDACTED]

www.asafishing.org | www.KeepAmericaFishing.org





AMERICAN SPORTFISHING ASSOCIATION

April 19, 2024

Charlton H. Bonham, Director
California Department of Fish and Wildlife
715 P Street
Sacramento, CA 95814

Re: California 2023 Salmon Disaster Spend Plan

Dear Director Bonham,

The American Sportfishing Association (ASA) appreciates the State of California's effort to secure federal disaster relief funds that will provide critical financial support to businesses impacted by the 2023 California salmon closure. Unfortunately, despite repeated requests from ASA and others, CDFW did not include sportfishing businesses like tackle shops, equipment manufacturers and marinas that experienced economic hardship in the proposed plan. We respectfully request that the plan be amended to include all businesses that can document economic losses.

ASA's member businesses and organizations represent every sector of the sportfishing industry, including manufacturers, retailers, resource management agencies, conservation nonprofits and media. In California alone, 2.1 million anglers generate approximately \$6 billion in economic impact annually. The recreational fishing industry also supports over 43,000 jobs. Much of this economic activity is concentrated in the San Francisco area, where anglers from all around the world travel to participate in the popular Chinook salmon fishery each year.

Unfortunately, the 2023 disaster is not new to our industry. In 2008, following a similar closure of salmon fishing to protect California stocks, the states of CA, WA, and OR received \$170 million dollars in federal disaster relief that was used to assist 2,263 fishing industry related businesses (including sportfishing retail stores and manufactures). ASA appreciated the support the industry received from state and federal agencies and are hopeful that a similar approach will be taken this year.

The fishery disaster declaration process under the Magnuson-Stevens Act prescribes that the initial request is calculated using gross economic losses to commercial fisherman, seafood processors, and the charter/guiding industry. Using this guidance, Governor Newsom submitted a disaster relief request to Commerce for \$35.4 million dollars. Although the initial estimate of financial impact doesn't include impacts to recreational fishing related businesses, a provision of the bill defines eligible uses of these funds as, *"Direct assistance to a person, fishing community (including assistance for lost fisheries resource levies), or a business to alleviate economic loss incurred as a direct result of a fishery resource disaster, particularly when affected by a circumstance described in paragraph (5)(D) or by negative impacts to subsistence or Indian*

Tribe ceremonial fishing opportunities.” This clearly gives CDFW the latitude to include all businesses that incur economic loss. ASA believes the intent of the Act is to help all fishing-related sectors, not just a few.

Last week the Pacific Fisheries Management Council adopted regulations that close all fishing in California for the 2024 season. This, in addition to recently adopted rockfish closures, will cause economic hardship that may be unsustainable for many businesses that are still trying to recover from the 2023 disaster. ASA and the businesses impacted by disaster respectfully request that CDFW amend that plan to include everyone impacted. Many of these small businesses cannot survive another year of closures.

Sincerely,



Larry Phillips
Pacific Fisheries Policy Director
American Sportfishing Association



2024-2025 Waterfowl Hunting Season Final Dates

Sat 04/20/2024 12:04 PM

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

Cc: [REDACTED]; [REDACTED]; [REDACTED]
<[REDACTED]> [REDACTED] <[REDACTED]> [REDACTED]; [REDACTED]
<[REDACTED]>

President Samantha Murray
California Fish and Game Commission

I am very disappointed that the Veterans Weekend Hunt was combined with Late Goose Season. This action greatly diminishes the respect for Veterans and diminishes greatly their recognition for service. As noted previously the proposed combining the Veteran Weekend with Late Goose Season this would result in two (2) less days for Veterans to hunt in the Waterfowl season due to the fact that the dedicated Veteran Weekend would be lost when combined with Late Goose season.

Since there will be non veterans out shooting geese on Veterans weekend it would no longer be a Veterans only hunt. The Veterans will lose the additional late goose as a separate hunt. The youth, Veteran weekend and late goose should all be separate and moved back another week and not combined with anything.

Also as noted earlier another problem with combining the Veterans Weekend Hunt with Late Goose is Veteran and non Veterans hunting together. Veterans could hunt both ducks and geese and non Veterans could only hunt geese. A game warden would not be able to tell who harvested ducks and who did not with regard to Veterans and non Veterans in the same hunting party. Non veterans could kill ducks on Veterans Weekend under the combination weekend and pass them on to a Veteran hunter who had under the limit or no ducks.

Over all combining Veterans Weekend with anything else greatly diminishes the importance and recognition of Veterans Weekend in my opinion.

Thanks,
Robert C. Hughes

FGC JEDI and Ballona

Walter Lamb <[REDACTED]>

Tue 04/23/2024 03:26 PM

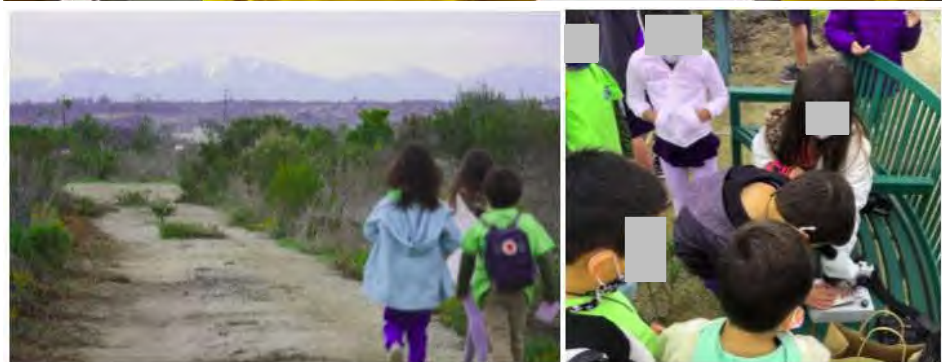
To [REDACTED] FGC <FGC@fgc.ca.gov>

Good afternoon, Melissa.

There are many aspects to last week's hearing that we will need to sort through over the coming weeks and months. One issue that I feel the need to raise now is the idea that FGC's JEDI principles support the exclusionary operation of the baseball fields and parking lots. This notion appears to be based on a harmful stereotype that youth from disadvantaged communities lack interest in nature and therefore athletic fields are needed to attract them to an ecological reserve. As someone who spends considerable time organizing and leading field trips for students from disadvantaged communities at Ballona, it was truly painful to hear these notions coming from the Fish and Game Commission, an entity that should know better.

The FGC Jedi page lists as one of its goals to: "Improve and champion equitable access to nature and abundant and healthy fish and wildlife populations." The baseball fields are currently off limits to anyone who doesn't play baseball. While the area around the fields is degraded with invasive weeds, that is the direct result of policies prohibiting stewardship there. This is a self-fulfilling prophecy that is depriving tens of thousands of students equitable access and potential career development. Community involvement in improving the habitat around the ballfields while learning about the flora and fauna there, including the presence of native vegetation, will make the ecological reserve healthier, and the community more engaged. It is very unfortunate that the Fish and Game Commission and Department of Fish and Wildlife oppose these efforts, rather than support them.

Below are just a few photos from some of our field trips and events. Kids from disadvantaged communities appreciate nature and they deserve at least equal access to an ecological reserve that is afforded to baseball players. This should be common sense.



I would appreciate it if you pass this email along to President Murray and the other Commissioners. I do not want another two months to pass before communicating how disappointing it was to hear the

Fish and Game Commission downplaying the value of open space for **wildlife-dependent** (i.e. compatible) programs for disadvantaged youth as an integral part of its JEDI initiative.

Thank you,

Walter Lamb
Ballona Wetlands Land Trust



Junior Hunt Feb 1 2024. FINALLY GOT AROUND TO VENTING MY DISPLEASURE!!

MINSHALL, MICHAEL L [REDACTED]

Wed 04/24/2024 03:11 PM

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

All,

Why did DFW schedule our 2024 Youth hunt the very day after the Balance of State season ended? I took my 11 year old daughter out for what used to be a special hunt. Predictably, it was "just another day" with shy birds tired of being shot at after a 100 day season. How does this make any sense? What is the point of it? Anyone who has ever spent more than a day in the field could predict this outcome, as programmed by DFW this year.

Why did you do this? To make an allowance for a veteran hunt (consisting of adults, every veteran that I know hunted all season anyhow?

KIDS ARE THE FUTURE HERE FOLKS, NOT VETERANS TAKING ADVANTAGE OF A "BONUS WEEKEND" TO SHOOT BIRDS, DRINK BEER, AND HOB KNOW AROUND WITH THEIR CRONIES AT THE CLUB. THAT IS WHAT I SAW.

THINK THIS THROUGH NEXT YEAR!!!!. PLEASE!!

LIVE FOOD MARKETS - frogs/turtles - letter to editor

[REDACTED]
Fri 04/26/2024 10:33 AM

To: Wildlife DIRECTOR <[REDACTED]>; FGC <FGC@fgc.ca.gov>; [REDACTED] <[REDACTED]>

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastbaytimes.com%2F2024%2F04%2F25%2Fletters-1700%2F&data=05%7C02%7Cfgc%40fgc.ca.gov%7Cb3bdd3ad17134e3afc0708dc66170852%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C638497496317060271%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=sL0XerbTpb0KvUyvLkA%2FDdhp03SobAtiXtGRPqVYIP4%3D&reserved=0>

FYI -

x
Eric Mills, coordinator
ACTION FOR ANIMALS
Oakland

Please Oppose New Marine Protected Areas

James Janzler [REDACTED]

Fri 04/26/2024 12:48 PM

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

California Fish and Game Commission,

My name is James Kanzler and I live in Santa Cruz County. I am an avid outdoorsmen, with fishing and hunting being my primary recreation. Please oppose new marine protected areas in our area. I am for responsible management. I am for regulation when it makes sense. The proposed new MPA's in Santa Cruz do not make sense, and are not supported by objective science.

I can say as someone who spends time on the water that the kelp beds off Santa Cruz and Capitola are larger now than they were 10 years ago. The fishing is better now than it was 10 years ago. I can also say that, like me, many people recreate in these near shore fisheries. If they became off limits to fishing it would essentially end inshore fishing opportunity in Santa Cruz. The only people who could continue to fish in the ocean would be those who can afford large boats.

Please oppose new MPA's. Current levels of regulation are working well.

Thank you,

James Kanzler

URGENT ATTENTION NEEDED BURBANK

Stephanie Ford [REDACTED]

Sat 04/27/2024 08:40 AM

To [REDACTED]

Good Morning Mr. Janzen,

Thank you for the call back, per our conversation Friday evening, please follow the link below of Mariposa Tree Management Inc deliberately destroying the nest of hatchlings on Niagara Street on 4.25.24. The footage shows disturbing footage of the workers from Mariposa Tree Management, Inc cutting the last part of the tree which held the nest and the nest full of birds dropping from over 50 ft to the ground and immediately bulldozed over them. This is unacceptable, cruel and unnecessary.

<https://www.instagram.com/reel/C6MSbjsR2Hn/?igsh=MzRIODBiNWFIZA==>

I understand you have been contacted by several residents in the area - and that the City of Burbank has gone to great lengths to ensure these trees are destroyed as systematically and quickly as possible with a complete disregard for the wildlife and seemingly in spite of the efforts of the surrounding community to push the tree removal until AFTER nesting season. We simply do not understand or accept the urgency that the City of Burbank has adhered to this task.

I have copied several news and media outlets including KTLA, LA Times, and local Burbank news. Someone might find some intriguing threads to pull and discover how this urgency is being funded. Initially these trees were not posing an immediate threat and were only declared so when there was pushback from the community. Our elected officials are offering no support whatsoever.

I have copied several other wildlife and animal organizations as well in the last hope to get a stay on the giant Aleppo tree located at 1130 N. Niagara Street Burbank, 91505 so that the nest of Ravens can be saved. The demolition of the tree is scheduled for MONDAY, APRIL 29, 2024 at 7:00am PST. Also attached are photos of the giant tree, which provides beauty, shade, safety and shelter to countless native California species.

All we want is the opportunity to do what we can to try to save any remaining wildlife before these trees are destroyed.

We need your immediate attention to save a nesting pair of ravens at 1130 N. Niagara Street from what is likely the most magnificent tree on the whole street before the City of Burbank and Mariposa Tree Management, Inc destroys it.

Thank you in advance to all on copy for your time and attention to this urgent matter.

Sincerely,
Stephanie Ford

Stephanie Ford
Make Up FX Coordinator
Scarecrow Entertainment
Eternal Craft Dessigns

<https://www.cnelsonfx.com/>
[REDACTED]





From: grace smith [REDACTED]
Sent: Thursday, May 2, 2024 01:23 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Marine Protected Area Expansions

Dear California Fish and Game Commission,

I urge you to expand the network of Marine Protected Areas in California. We have shown that this program is working and providing refuge for marine populations of wildlife. As climate change becomes more and more of an issue, we need to strengthen the protections that we have that are already working.

Having grown up in California I truly love the natural beauty it holds. I have fond memories of learning to surf at Dana Point, exploring tide pools in Monterey, and playing in the waves in Santa Cruz. These formative experiences have led me to a passion for protecting our natural resources. As a college student in wildlife biology the future of my career is reliant on the protection of our wildlife. My studies have shown me the importance of protecting our natural resources for future generations, and expanding California's Marine Protected Areas is an amazing way to do this. I want future generations to be able to have the experiences I have had with the ocean, and we must protect this natural beauty.

Additionally, fisheries are an important economic and cultural resource. The FAO estimates that about one billion people worldwide rely on fish for food. This makes our fisheries an important resource to preserve, and expanding Marine Protected Areas is an amazing step to preserving them. Many people have dedicated their lives to the ocean and built their careers and hobbies around their love for fishing. We need to make sure their interests are protected.

Thank you for your time,
Grace Smith

Catalina Deer Eradication Permit Application - CWD Considerations

Joshua Wels <[REDACTED]>

Sun 05/12/2024 10:15 AM

To: [REDACTED];FGC <FGC@fgc.ca.gov>; [REDACTED]

<[REDACTED]>

Tim Dillingham, Charlton Bonham & CFG Commissioners,

Good morning. I am a hunter who is opposed to the permit application the Catalina Conservancy has initiated. Along with many others, I have hunted the island first hand and have not witnessed many of the conditions they state are present including the deer population levels that they estimate without credible scientific evidence.

My concern today is whether or not the development of Chronic Wasting Disease entering California is being considered in the application process. Catalina presents a unique benefit to the state in the future battle with the disease. The isolation of the herd keeps it out of risk of the spread of the disease and in the future this may be an invaluable asset to the species. It would be a disaster to eradicate these animals, not knowing if they might be a critical part of the future of the species as the battle against CWD continues.

[CDFW News | Chronic Wasting Disease Confirmed in California Deer Population—CDFW Urges Hunters to be Vigilant and Participate in Disease Surveillance Efforts](#)

I'd appreciate if these issues are addressed as part of the permit evaluation.

Thank you for your hard work and dedication to our state's wildlife.

Best Regards,

Joshua Wels

Tustin, CA Resident.

Oppose the Eradication of Mule Deer on Catalina Island

Kolin Ozonian [REDACTED]

via [REDACTED]

Mon 05/13/2024 08:55 PM

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

Dear,

Please STOP the proposed eradication of mule deer on Catalina Island. Join such varied groups as the Humane Society, Safari Club International, and the California Rifle and Pistol Association to stop this needless killing. The mule deer population provides enjoyment for island residents and tourists and supports active recreation in a state where such opportunities are dwindling.

It is clear that the Catalina Island Conservancy and its supporters are not concerned about non-native species, or they would similarly propose elimination of the bison herd and other species. The Conservancy applied for a scientific collection permit years ago and was rejected due to a lack of science. Yet now the Department of Fish and Wildlife is set to approve the permit without demonstration of any previously-required supportive science. This is clearly not about the species or island restoration; it is about those who have political access to the Governor and his willingness to respond.

You can help stop this slaughter by prohibiting these actions, revoking the Use Permit for the Conservancy, and requiring a new operator of the Conservancy that represents all the uses on Catalina Island.

Sincerely,

Sincerely,
Kolin Ozonian

[REDACTED]
Laguna Niguel, CA [REDACTED]

Petition for Enforcement

Rachel Doughty <[REDACTED]>

Mon 05/13/2024 08:07 AM

To:Freeburn, Kim [REDACTED]; Hill, Kathleen (CAT) <[REDACTED]>; Miller, Kathleen [REDACTED]; Chan, Eric [REDACTED]; FGC <FGC@fgc.ca.gov>; Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; Wildlife R6 Ask Region 6 <AskRegion6@wildlife.ca.gov>
Cc:Greg Allord [REDACTED]; Amanda Frye [REDACTED]; Steve Loe [REDACTED]; Susan Longville [REDACTED]; [REDACTED] <[REDACTED]>; Lisa Belenky <[REDACTED]>; John Buse <[REDACTED]>; Hugh Bialecki [REDACTED]
Steven Farrell [REDACTED]

Please find attached, and also at this [link](#), correspondence regarding Strawberry Creek and Canyon in San Bernardino County.

Rachel S. Doughty, Esq.
Greenfire Law, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703

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RACHEL S. DOUGHTY
2748 Adeline Street, Ste. A
BERKELEY, CA 94703
PHONE: [REDACTED]
EMAIL: [REDACTED]
WWW.GREENFIRELAW.COM

By Electronic Mail

May 13, 2024

Samantha Murray, President
California Fish & Game Commission
P.O. Box 944209
Sacramento, CA. 94244-2090
fgc@fgc.ca.gov

Charlton H. Bonham, Director
California Department of Fish and Wildlife
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Heidi Calvert, Regional Manager
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Kim Freeburn
Environmental Program Manager
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3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764

[REDACTED]
Kathleen Miller
California Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA. 94244-2090
[REDACTED]

RE: Petition to the California Fish & Game Commission and California Department of Fish and Wildlife for investigation of and enforcement against BlueTriton Brands, Inc. regarding potential violations of California Fish & Game Code § 1602 and other law

Dear President Murray, Director Bonham, Regional Manager Calvert, Mr. Chan, Regional Environmental Program Manager Freeburn, and Attorney Miller:

This law firm represents the interests of the Story of Stuff Project (“**The Project**”), a global non-profit organization headquartered in Berkeley, California. The following organizations and individuals, who can be reached through Greenfire Law, join The Project in this petition:

1. Amanda Frye, resident San Bernardino County
2. Steve Loe, retired USFS, co-chair Freshwater Fauna Working Group
3. Save Our Forest Association
4. Sierra Club, San Gorgonio Chapter
5. Southern California Native Freshwater Fauna Working Group (“**FFWG**”)
6. Tri-County Conservation League
7. Center for Biological Diversity

Each of the petitioners has been actively engaged for years in seeking the protection and restoration of Strawberry Canyon in San Bernardino County (“**Strawberry Canyon**”).

The exhibits referenced in this petition are listed at the end of this petition and are available on box.com at the following link:

<https://app.box.com/s/4u4gfbkosnrwi2r85ugujzjsrq24ufhk>

Please include them in the record for this petition.

Trust Resources at Issue

This petition pertains to the following trust resources:

1. Strawberry Canyon,
2. Certain springs located in the headwaters of Strawberry Creek in Strawberry Canyon (“**Headwaters Springs**”),
3. Certain springs located at the cienega in Strawberry Canyon at approximately 4,200 feet (“**Cienega Springs**”),
4. Strawberry Creek and its riparian habitat, and
5. The fish and wildlife (including threatened and endangered species) of Strawberry Canyon and the waters and riparian habitat to which Strawberry Creek is tributary, including Twin Creek and the Santa Ana River.

Request

Petitioners request that the Department of Fish and Wildlife (“**Department**”) take the following actions:

1. Demand that BlueTriton Brands, Inc. (“**BTB**”) immediately file an application for a Lake and Streambed Alteration Agreement (“**LSA Agreement**”) for its existing and any planned diversion infrastructure in Strawberry Canyon;

2. Ensure that diversions and infrastructure in Strawberry Canyon are consistent with the California Endangered Species Act (“**CESA**”);
3. Review whether BTB’s present and proposed diversion of substantially all of the water from Strawberry Canyon is lawful;
4. Ensure California Environmental Quality Act (“**CEQA**”) consistency of all activities involving the diversion of water from Strawberry Canyon;
5. Take all appropriate enforcement action against BTB for any unlawful action past or present, pertaining to the diversion of water from Strawberry Canyon; and
6. Ensure that any habitat restoration efforts are consistent with California law, including species protection laws and regulations.

DFW Background

On May 2, 2016, the Department submitted a letter (“**CDFW Scoping Comments**”), **Exhibit 1**, which stated that the diversion facilities “have been constructed with the bed, bank, or channel of a stream” and the proposed maintenance of these areas is therefore within the jurisdiction of Department. The Department recommended that “Nestle Waters [BTB’s predecessor in interest] consult with CDFW as soon as possible to determine if a [LSA Agreement] may be required.” The Department also urged that CEQA be undertaken concurrent with the NEPA process for the permit Nestle was seeking from the Forest Service. To our knowledge, neither BTB nor its predecessor has ever initiated consultation regarding the need for an LSA Agreement nor made any effort to comply with CEQA.

Story of Stuff Project petitioned the Department on November 20, 2018, seeking an investigation of Nestlé Waters North America, Inc. (“**Nestlé**”) for potential violations of California Fish & Game Code section 1602 (“**Section 1602**”) resulting from its extraction of substantially all of the water from the Strawberry Creek Watershed within the San Bernardino National Forest. That “**2018 Petition**” is provided for you here as **Exhibit 2**, without its attachments.¹ To our knowledge, no enforcement action has been taken by the Department in response to that 2018 petition, and the infrastructure in Strawberry Canyon remains fundamentally unchanged.

On April 10, 2019, Nestlé wrote to the Department and stated that its activities for which it was seeking a permit from the U.S. Forest Service would “not result in any substantial diversion” and that “[t]here are no existing diversions from Strawberry Creek and there are none proposed.”² It is unclear what action the Department took to confirm whether these asserted facts were true.

¹ Attachments will be provided to you upon request, or you may access them at <http://ftp.waterboards.ca.gov>, username: AHO-FTP, password: ahoftppublicaccess, and then click “Water Right Enforcement-Other”, followed by “BlueTriton Brands, Inc.”

² **Exhibit 3**, Letter from Nestlé to the Department (Apr. 10, 2019). At the same time, Nestle was representing to the U.S. Forest Service that it had a right to surface waters in Strawberry Canyon, and upon that representation, it

DFW attorneys Nancee Murray and Kathleen Miller appeared at the hearing by the State Water Resources Control Board on behalf of the Department, regarding BTB's diversion of water from Strawberry Canyon, described in greater detail, below.³

Law

Fish and Game Code section 1602 mandates prior notification to the Department where any entity intends to “substantially divert or obstruct the natural flow of [. . .] any river, stream, or lake.” If the proposed activity “may substantially adversely affect an existing fish or wildlife resource” then an agreement that includes “reasonable measures necessary to protect the resource” is required.⁴

The Legislature has declared section 1602's explicit legislative purpose to be as follows: “The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state, as well as providing a significant part of the people's food supply; therefore their conservation is a proper responsibility of the state. This chapter is enacted to provide conservation for these resources.”⁵

Section 1602's notification obligations apply to “taking water out of its natural flow. . . , whether or not the streambed itself is altered to accomplish the taking.”⁶

Regardless of the nature of any alleged water right, or past use, the impacts of assertion of that right on trust resources must be considered:

Quite obviously, a severe drought, which has the effect of further damaging the habitat of an endangered fish species, must be part of the factual matrix considered in determining what is a reasonable use of the water—water which belongs to the people, and only becomes the property of users—riparian or appropriative—after it is lawfully taken from the river or stream. Past practices, no matter how long standing, do not change current reality.⁷

There is no conflict between the duties of the SWRCB and the Department's obligations under Section 1602.⁸

obtained a Special Use Permit from the U.S. Forest Service to divert water from Strawberry Creek. See **Exhibit 7**, p. 9.

³ The Department's Notice of Intent to Appear was filed August 4, 2021.

⁴ Fish and Game Code, § 1602, subd. (a)(4)(B).

⁵ *Siskiyou Cty. Farm Bureau v. Dep't of Fish & Wildlife* (2015) 237 Cal. App. 4th 411, 427.

⁶ *Id.* at 444.

⁷ *Id.* at 447-448.

⁸ *Id.* at 549.

Any LSA Agreement or Incidental Take Permit (“**ITP**”) under CESA will trigger obligations under CEQA, including mitigation.⁹

Key Developments Since 2018

Since 2018, there have been several key developments, upon which we base this new request that DFW investigate the water diversions from the Strawberry Creek Watershed and take the actions requested at the end of this letter. These include a conclusion by the State Water Resources Control Board (“**SWRCB**”) that BTB is diverting substantially all of the natural flow of water in Strawberry Creek; a SWRCB hearing preceding developing a factual record that includes evidence of that substantial diversion as well as of damage to trust resources; and issuance of multiple federal permits to BTB without any notification of the Department regarding alteration to a streambed.

1) SWRCB Proceedings Establish BTB is Diverting Substantial Flow from Strawberry Creek

On September 19, 2023, the SWRCB ordered BlueTriton Brands (“**BTB**”) to cease and desist certain diversions of water from Strawberry Canyon.¹⁰ This SWRCB Order 2023-0042 (“**Order**”, **Exhibit 5**) was scheduled to take effect on November 1, 2023. The Order has been stayed pending outcome of review by the Fresno Superior Court, on BTB’s initiation.¹¹ The hearing and Order did not address impacts to trust resources. However, the upshot of the SWRCB’s enforcement is the construction of a robust factual record supporting the Order.¹² It is now abundantly clear, that but for BTB’s diversions, Strawberry Canyon would provide rich habitat and a critical water source.

The modern scientific consensus is that there would be a flowing stream in the Strawberry Canyon headwaters of Strawberry Creek, supporting threatened and endangered fish and other species and a rich riparian ecosystem but for BTB’s diversion.¹³

⁹ See “**CEQA Guidelines**,” Cal. Code Regs., tit. 14, § 15000 et seq.; see also **Exhibit 4**, FFWG’s comments which describe species dependent upon a healthy, functioning Strawberry Canyon ecosystem (May 2, 2016)(“**Freshwater Letter**”).

¹⁰ The Order is available for viewing and download on the Administrative Hearing Office’s webpage at the following link:
https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2023/2023-10-02-wro-0042.pdf.

Reference to “**BTB**” throughout is inclusive of BTB and its predecessors in interest. See **Exhibit 6**, press release discussing acquisition of Nestle (Feb. 16, 2021)(“**One Rock Press Release**”).

¹¹ *BlueTriton Brands, Inc. v. California State Water Resources Control Board*, Fresno County Superior Court, Case No. 23CECG04292 (filed Oct. 24, 2023).

¹² Some of the Exhibits reference evidence presented at the SWRCB’s hearing. All such evidence will be provided upon request, and also, SWRCB attorneys who attended the hearing have access to the docket for that matter, including all party exhibits.

¹³ See **Exhibit 7**, The Project’s Closing Brief at the SWRCB hearing, pp. 5-9, 22 (“**The Project Closing Brief**”).

Engineer W.P. Rowe¹⁴ was hired by BTB's predecessor to identify potential water sources in and around Strawberry Canyon. He and other eyewitnesses described the condition of Strawberry Canyon prior to diversion. What they described is markedly different from the diminished condition of the Canyon today.¹⁵

In the early 1900s, before anyone bottled any water for off-site consumption, the vicinity of Strawberry Canyon was described by a University of California Geology Professor as lush and "sub-tropical":

Mysterious canyons penetrating deep into the heart of the ranges, radiate from the hotel. Deep narrow valleys where a precipice two or three hundred feet high in places shut out the sunlight; and opening out into delightful nooks and coves that are veritable flower gardens. At one point towering sections of rocks hold the eye of the geologist, in another ferns and flowers drape the banks with their choicest tapestry charming the botanist. To all these heavily shaded gorges are places of delight, flower decorated and musical with the songs of mountain brooks. Overhead are the arches formed by the branches of the heavy tree growth; sycamore, maple, oak, alder, pine, cedar and juniper, hiding the sun.

The changes of foliage mark the differences of elevation as one climbs up from the sub-tropical to Alpine heights. Sparkling streams of purest water, gushing from eternal springs, tumble and leap over ledges and among the boulders; now stopping to play awhile in some emerald pool sunk in the granite, then hiding in the shadows of ferns and vines. These depths where one may get near to nature, are quiet except for the songs of birds and of rippling brooks; just the hidden spot where one may rest and enjoy peace.¹⁶

When Mr. Rowe first examined Strawberry Canyon in 1929 as a potential source of water for a hotel below Strawberry Canyon on Twin Creek ("**Hotel**") and for off-site water bottling, he described what he found:

Strawberry creek drains a portion of the south slope of the San Bernardino Mountains. It has its source at a group of springs which issue from the side of Strawberry peak. The elevation of the top of Strawberry peak is 6150 feet above sea level and the springs issue from the broken rock between elevation 6400 and 6050 feet above sea level. The flow from these springs being deep seated should

¹⁴ W.P. Rowe was a well-respected engineer, who would today be called a hydrologist. See **Exhibit 8**, Declaration of Steve Loe, Dec. 17, 2021 ("**Loe Decl.**"), ¶¶22-24.

¹⁵ See **Exhibit 8**, ¶35(Loe summarizing Taylor findings); **Exhibit 9**, slides supporting Loe Surrebuttal Decl. ("**Loe Sur Rebuttal Slides**"), slide 11.

¹⁶ **Exhibit 10**, Report on the Arrowhead Hot Springs, Gilbert Ellis Bailey, 1910 ("**Arrowhead Hot Springs Report**") at p. 6.

be fairly regular, especially during the late summer season. The observations show this to be the case. The dependable supply will aggregate about 10 inches.¹⁷

Rowe went on to describe the water as supporting “alder, sycamore, dogwood and cedar trees together with ferns and thimble berry bushes.”¹⁸

Rowe’s observations are consistent with the direct field observations of USGS survey teams in the late 1890s.¹⁹ Mr. Allord, the former Manager of Historical Topographic Mapping Collection for the United States Geological Survey, testified that the portrayal of the Cienega Springs and Strawberry Creek as perennial streams and the Headlands Spring as intermittent would have been reflective of actual on-the-ground observation.²⁰

Before BTB’s infrastructure was in place, there was sufficient continuous water in Strawberry Creek that the Forest Service was regularly stocking Strawberry Creek with trout.²¹

BTB’s longstanding practice was to take water from the Forest and dump it at the foot of the mountain.²² BTB continues to divert substantially all of the water from Strawberry Canyon, depriving that ecosystem of needed water.

The San Bernardino Valley Municipal Water District (“**SBVMWD**”) complained in early 2018 of injury caused by BTB’s excessive water take and the adverse impacts of BTB’s over-appropriation on fish and wildlife in the San Bernardino Area.²³

¹⁷ **Exhibit 11** Letter from WP Rowe to Petroleum Securities Bldg. and Standard Oil Bldg, May 15, 1931 (“**WP Rowe Letter**”); *see also* **Exhibit 12**, Sur Rebuttal Testimony of Steve Loe, describing historical conditions and comparing them to present day conditions in Strawberry Canyon (Apr. 8, 2022) (“**Loe Sur Rebuttal Testimony**”), ¶¶ 2, 3, 7, 10; **Exhibit 8** (Loe Decl.) ¶¶26-30 (summarizing Rowe reported observations with citations).

¹⁸ **Exhibit 11**, WP Rowe Letter at p. 1.

¹⁹ *See* **Exhibit 5**, Order, Figs 3 and 4 (quadrangle maps showing Strawberry Creek as a perennial stream, and the Headwaters Springs and the Cienega Springs all as USGS maps showed Strawberry Creek, and its Headwater Springs as blue lines).

²⁰ **Exhibit 5**, Order at pdf 49-50; *accord* **Exhibit 13**, Rebuttal Testimony of Senior Engineering Geologist, SWRCB, Natalie Stork (“**Stork Testimony**”) ¶¶2-4 (comparing present-day to historical maps and concluding that BTB has dewatered the Headwaters Springs); **Exhibit 14**, Rebuttal Testimony of Tomas Eggars, Water Control Engineer, SWRCB (“**Eggars Testimony**”) ¶¶2-6 (Eggars Testimony reaching conclusion that differences in modern and historical maps are evidence of dewatering by BTB).

²¹ **Exhibit 15**, Various articles from early 1900s regarding presence of fish in Strawberry Creek (“**Strawberry Creek Fishing Articles**”); *accord*, **Exhibit 12** (Loe Sur Rebuttal Testimony.) ¶2 (testimony of Mr. Loe, a former USFS biologist who has studied Strawberry Creek for 40 years).

²² *See* **Exhibit 5**, Order, Figure 10. This practice is also inconsistent with the 2018 Decision Memo, which stated that Nestlé would need to “install suitable shut-off valves or other flow control devices to ensure that water will not be extracted in excess of the holders ability to store or transport water without waste or spillage from local storage.” **Exhibit 16**, Decision Notice, p. 6.

²³ **Exhibit 17**, SBVMWD Letter (Jan. 17, 2018).

An award-winning biologist, a former U.S. Forest Service employee and contractor, who has worked on Strawberry Creek for nearly four decades has pleaded with the U.S. Forest Service to address the severe environmental impacts of allowing the dewatering of this ecosystem, including fire vulnerability, local extirpation of threatened and endangered species, loss of vegetation, and increase in temperature.²⁴

The U.S. Forest Service has determined that BTB's diversions in Strawberry Canyon are causing habitat fragmentation, preventing the survival of native aquatic life forms, diminishing surface water flow, and resulting in the loss of riparian vegetation. Environmental conditions in Strawberry Canyon are rated as poor in several reaches. Previously supported stream channels are now missing due to BTB diversions.²⁵

Finally, both the U.S. Forest Service and SWRCB have received very large numbers of comments and sustained interest from concerned citizens, as well as elected officials, regarding the poor stewardship of Strawberry Canyon by BTB and its predecessors in interest.²⁶

2) BTB to Undertake Work in Streambed & Divert Water

The U.S. Forest Service is demanding that BTB prepare a Well Water Decommissioning Plan for "removal of all stainless pipe and pipe supports from 7, 7A, 7B, and 7C. The plan should include details for the removal of the pipes and ancillary facilities associated with the 7s Complex, as well as a detailed timeline for the restoration of the impacted surface area."²⁷

Additionally, the U.S. Forest Service is at present allowing BTB to divert water from Strawberry Canyon on its expired permit, apparently not considering restoration of springs other than the 7s Complex at this time.²⁸

Request for Notification

We request immediate notification, by email or letter to Greenfire Law, should BTB submit an application, notification, or request for consultation to the Department. Also, we request to be notified of any formal agency action by the Department pertaining to Strawberry Canyon such as any decision notice, permit, or entry into agreement with BTB or any other agency, state or federal.

²⁴ **Exhibit 4**, Freshwater Letter.

²⁵ **Exhibit 18**, USFS Hydro Report (Jul. 2017), with useful narrative summary starting at page 33, table at 44.

²⁶ *See, e.g.*, **Exhibit 19** Letter from the U.S. House of Representatives Committee on Oversight and Reform, March 3, 2020.

²⁷ **Exhibit 20**, Letter from U.S. Forest Service to BTB (Mar. 1, 2024)("USFS Letter").

²⁸ *Id.*

Conclusion

In conclusion, we respectfully petition the Department to reopen its 2018 inquiry into BTB’s activities in Strawberry Canyon. Overwhelming facts, including U.S. Forest Service hydrologic reporting, USGS maps, and senior biologist’s reports establish harm to fish and substantial diversion of surface water. BTB will be entering into a binding agreement with the Forest Service requiring removal of infrastructure in a streambed and restoration of aquatic resources, including fish habitat. It is seeking to continue diversions that have caused the extirpation of native species and the destruction of riparian habitat—clearcut harm to the public trust. Those uses cannot be allowed to continue unexamined and unmitigated under California law, including Section 1602 and CEQA.

Membership of the petitioners welcome the Department’s action on this critical resource issue and stand ready to assist in whatever way the Department may find helpful. We have on hand substantial historical documentation of the pre-diversion condition of Strawberry Creek as well as historical documents regarding ownership and actions by BTB and its predecessors.

We request the courtesy of an identified contact person from whom we may seek updates regarding this petition and to whom we may supply information pertaining to Strawberry Canyon going forward.

Sincerely,



Rachel S. Doughty
Greenfire Law, PC

Cc:

Greg Allord, retired USGS
[Redacted]

Amanda Frye
[Redacted]

Steve Loe, retired USFS
co-chair FWWG
Tri-County Conservation League
[Redacted]

Susan Longville
League of Women Voters of San Bernardino
[Redacted]

Ian James, Los Angeles Times
[Redacted]

[Redacted]

Lisa Belenky
John Buse
Center for Biological Diversity
[Redacted]

Hugh Bialecki
Save Our Forest Association
[Redacted]

Steven Farrell
Sierra Club, San Gorgonio Chapter
[Redacted]

Enclosures:

Exhibit Number	Description of Document	Date	SWRCB EXHIBIT NO.
1	CDFW Scoping Comment re Nestle SBNF SUP ("CDFW Scoping Comments")	May 2, 2016	
2	Petition from The Project to the Department regarding Strawberry Canyon Diversions ("2018 Petition")	November 20, 2018	
3	Letter from Nestle to CDFW ("Nestle Letter")	April 10, 2019	
4	Letter from Southern California Native Freshwater Fauna Working Group to USFS ("Freshwater Letter")	May 2, 2016	
5	California State Water Resources Control Board Order 2023-0042 ("Order")	September 19, 2023	
6	One Rock Press Release	February 16, 2021	
7	Story of Stuff Project Closing Brief ("The Project Closing Brief")	August 5, 2022	
8	Declaration of Steve Loe at Water Board Hearing, (SOS 31) ("Loe Decl.")	December 17, 2021	SOS 31
9	Sur-Rebuttal Slides of Steve Loe at Water Board Hearing (SOS 283) ("Loe Sur Rebuttal Slides")	April 8, 2022	SOS 283
10	A Report on Arrowhead Hot Springs, San Bernardino (SOS 006) ("Arrowhead Hot Springs Report")	1910	SOS 006
11	Letter from WP Rowe re Strawberry Creek Stream Flow Measurements (SOS 051) ("WP Rowe Letter")	May 15, 1931	SOS 051
12	Sur-Rebuttal Testimony of Steve Loe at Water Board Hearing (SOS 282) ("Loe Sur Rebuttal Testimony")	April 8, 2022	SOS 282
13	Natalie Stork Testimony (PT 313) ("Stork Testimony")		PT 313
14	Tomas Eggars Testimony (PT 312) ("Eggars Testimony")		PT 312
15	Various articles re fishing in Strawberry Creek ("Strawberry Creek Fishing Articles")		
16	USFS Decision Memo Special Use Permit Strawberry Creek ("Decision Notice")	June 27, 2018	
17	Letter from SBVMWD to SWRCB (SOS 115) ("SBVMWD Letter")	January 17, 2018	SOS 115
	Article in the Palm Desert Sun (SOS 263) ("Desert Sun Article")	October 14, 2021	SOS 263

Exhibit Number	Description of Document	Date	SWRCB EXHIBIT NO.
18	USFS Surface Water Hydrology Specialist Report (SOS 027) (“USFS Hydro Report”)	July 2017	SOS 027
19	Letter from US House of Representatives Oversight Committee (“Oversight Letter”)	March 3, 2020	
20	Letter from the USFS to BTB (“USFS Letter”)	March 1, 2024	

Lifetime deer/bear combo

DANIEL B EPPERSON [REDACTED]

Wed 05/15/2024 12:57 PM

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

To whom it may concern,

As a lifetime hunting license holder, lifetime bird package holder and lifetime fishing license holder, I would like to suggest that an option be made for lifetime Deer/pig tag holders be given the option of getting a bear tag and two pig tags instead of five pig tags. That would encourage a lot more hunters to pursue bears as their numbers are expanding rapidly and human bear encounters are becoming a major problem throughout the state.

The bear option would definitely motivate me, at least, to purchase a lifetime deer/bear/pig package. I feel it would encourage others to do the same.

Thank you for considering my comments.

Dan Epperson

Lifetime hunter, Hunter Education Instructor

lone, Ca
[REDACTED]

DCTF public comment response: RAMP 2024 Revisions for the Commercial Dungeness Crab Fishery

Rachelle Fisher <[REDACTED]>

Thu 05/16/2024 11:48 AM

Dear Ms. Temple_King,

The California Dungeness Crab Task Force (DCTF) respectfully submits the following comment letter (see attached) in response to the California Department of Fish and Wildlife's Risk Assessment Mitigation Program: 2024 Program Revisions for the Commercial Dungeness Crab Fishery. The comment letter can also be accessed via the [DCTF's webpage](#).

Pursuant to Fish and Game Code Section 8276.4, the DCTF is directed to review and evaluate the California Dungeness crab management measures and make management recommendations to the California Department of Fish and Game, Fish and Game Commission, and Joint Committee on Fisheries and Aquaculture.

Thank you for the opportunity to comment on the proposed changes to the RAMP program. Please direct questions about this letter or the DCTF to Rachelle Fisher at 714-330-7976 or info@dungenesscrabtaskforce.com.

Sincerely,
Rachelle Fisher, Kelly Sayce, and Scarlett Schroeder
DCTF Administrative Team

--

Rachelle Fisher, MAS
Principal, Strategic Earth Consulting
she/her/hers

p/c: [REDACTED]
e: [REDACTED]
w: www.strategicearth.com/

I respectfully acknowledge that Strategic Earth Consulting works throughout the traditional, ancestral, and unceded territory of California, home to nearly 200 Tribal Nations. [Learn more about the land on which you live and work.](#)



~California Dungeness Crab Task Force~

<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

May 16, 2024

California Department of Fish and Wildlife
Regulations Unit
Attn: Chelle Temple-King
P.O. Box 944209
Sacramento CA, 94244-2090

RE: Public Comment for the Risk Assessment Mitigation Program: 2024 Program Revisions for the Commercial Dungeness Crab Fishery

Dear Ms. Temple-King,

Thank you for the opportunity to comment on the proposed amendments to the Risk Assessment and Mitigation Program (RAMP) for the California Dungeness crab fishery (Section 132.8 to Title 14, CCR). The California Dungeness Crab Task Force (DCTF) met on April 23, 2024, to discuss the draft rulemaking and has concerns about the impacts these proposed amendments will have on the already struggling California Dungeness crab fishing community. Additionally, some of the proposed amendments are counterproductive to meeting the RAMP's goals of mitigating and reducing marine life entanglements.

The DCTF strongly recommends the California Department of Fish and Wildlife (CDFW) consider the following unanimously approved changes to the proposed RAMP rulemaking.

§ 132.8 (c), Title 14 CCR - Triggers for Management Action

The DCTF recommends amending Title 14 CCR Section 132.8(c) to increase entanglement triggers to reflect whale population increases.

The management triggers outlined in the proposed regulatory amendments are excessively low and must account for the increased anticipated interactions as whale populations rise. A 2020 report from Calambokidis and Barlow,¹ which serves as the basis for the NOAA's humpback whale stock assessment,² indicates that humpback whale stocks have grown 8.2% annually since 1989. As humpback whale populations increase, the probability of interactions between whales and fishing gear also increases. The proposed trigger of three entanglements to immediately close the fishery will severely impact our industry's ability to operate. Due to the increased probability of entanglements relative to whale populations, the DCTF recommends the trigger be set at a higher number of allowable entanglements (e.g., five) before the fishery is closed. We also question whether this lower threshold for a trigger is necessary at all because the number of entanglements from the Dungeness crab fishery has not been increasing in recent years, providing that the current mitigation measures are working and stricter triggers are unnecessary.

¹ Calambokidis, J. and J. Barlow. 2020. Updated abundance estimates for blue and humpback whales along the U.S. West Coast using data through 2018, U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-634. <https://repository.library.noaa.gov/view/noaa/27104>

²NOAA Fisheries. 2023. Humpback Whale (*Megaptera novaeangliae kuzira*) Mainland Mexico - California - Oregon - Washington Stock. <https://www.fisheries.noaa.gov/s3/2023-08/Humpback-Whale-Mainland-Mexico-2022.pdf>

§ 132.8 (e), Title 14 CCR - Management Actions

The DCTF requests that a “fleet advisory” continue to be included as a management action when the risk of entanglement is elevated and before triggering a closure or other management action.

By removing a fleet advisory from the list of RAMP management actions, CDFW is missing a critical first step in mitigating entanglements before placing a hardship on the fleet. Fleet advisories are an essential tool to raise awareness about the presence of whales in an area. Advisories help fishermen take additional precautions to avoid entanglements before CDFW issues other management action(s) that may cause financial hardship to the fleet.

The DCTF recommends removing the “surface gear” prohibition as a management action.

Surface gear is critical to help locate and recover fishing gear, especially in high current or traffic areas. Prohibiting surface gear under elevated entanglement risk will result in increased gear loss. This adverse outcome will further hinder entanglement mitigation efforts. Most of the fleet uses surface buoys (i.e., trailer buoys) to locate their gear. The DCTF recognizes the importance of following CDFW’s best practices guide³ to fish responsibly, and CDFW should hold accountable those fishermen using excessive surface lines. Fishermen who have been recovering lost gear since the season closed in the Central Management Area in early April report that approximately 85% of lost gear recovered has no surface gear attached, providing a strong argument for the association between lost gear and lack of surface line. CDFW indicated in its draft Conservation Plan that removing and preventing lost and derelict gear is an urgent and crucial step to reducing the number of entanglements.⁴ Prohibition of surface gear under elevated entanglement risk contradicts this stated goal. Instead, CDFW should require fishermen to fish with tight lines, as detailed in CDFW’s best practices guide.

The DCTF recommends removing the “active tending requirement” as a management action due to safety concerns.

The DCTF discussed a version of the active tending requirement during our November 2023 meeting⁵ and generally did not support the concept of active tending during the fall opener. During our meeting on April 23, 2024, these same concerns continue to be expressed, with DCTF Members questioning the ability to enforce compliance of active tending under a four-hour timeframe. Additionally, active tending would promote gear congestion near shore (within two miles of ports and harbors), creating safety and navigational hazards. We are concerned that CDFW disregarded our feedback and recommend that CDFW revisit our concerns about safety and enforceability.

§ 132.8 (e) & (i), Title 14 CCR - Alternative Gear

The DCTF recommends clarifying throughout the updated regulations that the fleet may only use alternative gear in the spring after a season fishery closure.

Section 132.8 (e)(6) states that alternative gear may be used “During a Fishery Closure after the Fishing Season has opened...,” which makes it clear that alternative gear will only be permitted after the season closes, not during a delay. However, Sections 132.8 (e)(5) and (i)(1)(A) are less clear about when alternative gear may be permitted to be used such that it could be authorized during a delay or at the season opener. In their 2023 report⁶, the DCTF stated that they “[do] not support, under any

³ California Department of Fish and Wildlife. 2003. Best Practices Guide for Avoiding Marine Life Entanglement in the Dungeness Crab Fishery. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216638&inline>

⁴ California Department of Fish and Wildlife. 2024. Application for an Individual Incidental Take Permit Under the Endangered Species Act of 1973: Draft Conservation Plan for California’s Commercial Dungeness Crab Fishery. Interim Draft. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=219843&inline>

⁵ Dungeness Crab Task Force. 2023. November 2-3, 2023 DCTF Meeting Summary. https://opc.ca.gov/wp-content/uploads/2023/12/DCTF_-DRAFT_Meeting-Summary_Nov2-3_2023_508.pdf

⁶ Dungeness Crab Task Force. 2023. November 2023 recommendations from the California Dungeness Crab

circumstances, commercial Dungeness crab fishing in the fall before the legal commercial crab opener with the use of alternative or non-traditional Dungeness crab trap gear. The commercial fishery should only open once traditional fishing gear, as defined in FGC §9006 and §9011, may be used.”

The DCTF is committed to upholding the fleet’s priority to provide fishermen the opportunity to maximize their income while minimizing the risk of entanglements. The DCTF can only condone alternative/non-traditional gear (e.g., pop-up gear, hoop nets) in the spring after a season closure in a zone. The DCTF opposes using alternative gear in the fall before or during the opener. An entanglement from alternative gear during a delayed opener could jeopardize the broader commercial opener. Additionally, the fleet should only use traditional gear at the start of any fishing season. Dungeness crab is one of California’s most valuable fisheries⁷ with approximately 80% of the catch landed in the first six weeks of the season, starting late fall and tapering off in the winter. A large proportion of the commercial Dungeness crab fleet participates at the start of the season, and their businesses rely on it.

§ 132.8 (g), Title 14 CCR - Mandatory Data Reporting Requirements

The DCTF recommends amending Section 132.8(g)(3)(C) to say: “Whenever regular data transmission is interrupted, or the vessel owner/operator is notified by the department that data are otherwise not being received, the vessel shall be allowed to continue fishing. Upon request, the vessel owner/operator shall share their vessel track lines from a data plotter or other onboard backup device with the department’s law enforcement division until regular data transmission resumes.”

DCTF Members and other Dungeness crab fishery participants have extensive experience with onboard vessel tracking devices in other fisheries and have suffered financial hardships due to the malfunction of these systems. Many times, vessel operators are unaware that their devices have been malfunctioning for quite some time. Additionally, repairing a vessel tracking unit can take weeks or months since local repair services are often nonexistent. If a fishing participant were to miss the commercial fishing season opener due to a malfunction of their electronic monitoring device, it would have devastating impacts on their business and livelihood. The DCTF recommendation is an attempt at a solution that balances CDFW’s need for data where fishing occurs while not creating undue hardship on fishing participants.

The DCTF was established pursuant to Fish and Game Code Section 8276.4. The DCTF reviews and evaluates Dungeness crab fishery management measures and provides recommendations to the Joint Committee on Fisheries and Aquaculture, CDFW, and the Commission. The DCTF is composed of 27 members, including seventeen (17) members representing commercial fishing interests, two (2) members representing sport fishing interests, two (2) members representing crab processing interests, one (1) member representing Commercial Passenger Fishing Vessel (CPFV) interests, two (2) members representing nongovernmental organization interests, one (1) member from Sea Grant, and two (2) members from CDFW. Additional information about the history of the DCTF is available on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.

We appreciate the opportunity to respond to CDFW’s proposed amendments to the RAMP program. The DCTF appreciates the ongoing working relationship with CDFW and looks forward to continuing to work together. For additional information about the DCTF, including a summary of the April 23, 2024, DCTF meeting, please visit <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/> or contact Rachelle Fisher at info@dungenesscrabtaskforce.com or 714-330-7976.

Sincerely,

Task Force. https://opc.ca.gov/wp-content/uploads/2023/12/DCTF_LegReport_November_2023_508.pdf

⁷ California Department of Fish and Wildlife. 2023. Dungeness Crab, *Metacarcinus magister*, Enhanced Status Report. <https://marinespecies.wildlife.ca.gov/dungeness-crab/>

The California Dungeness Crab Task Force

EC: CA Department of Fish and Wildlife, Charlton Bonham, Director
CA Department of Fish and Wildlife, Craig Shuman, Marine Regional Manager
CA Ocean Protection Council, Jenn Eckerle, Executive Director
California Fish and Game Commission, Samantha Murray, President
Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair
CA Dungeness Crab Fishing Gear Working Group

Request and comment regarding the hunting lead ban and non-lead ammo roster.

Prathers <[REDACTED]>

Fri 05/17/2024 12:15 PM

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

Greetings.

I am writing to respectfully let you know (if you are not already aware) that your current CA lead-free ammo roster is outdated and really needs regular updating for it to be helpful to California hunters looking for lead-free ammo to hunt with. One example of this is that the company CCI has not made .22 Ir copper lead-free ammunition for more than two years.

Please note, that this means that to my knowledge, there is no company currently making lead-free .22 Ir ammunition that can be purchased in CA. I believe that since the California hunting lead ban, there has only been maybe two or three companies that have offered lead-free .22 Ir ammunition??-- The only brand I have seen anywhere I have looked is CCI. I would add that this is significant in that .22 Ir is arguably one of the most popular rifle and pistol calibers ever!

I am also writing to ask you to consider something regarding the current "blanket ban" on the use of lead for hunting. By doing this, do you realize that you have in essence removed a huge number of vintage, old tech Sporting guns from being able to be used? What that means is, that people cannot use grandpa's or great grandpa's old single shot gun to hunt with. They cannot use their old vintage shotgun, or rifle or pistol and must buy a new modern gun to harvest upland game, deer or any other game animals because the vintage guns do not handle lead-free ammo OR the new lead-free ammo does not achieve the accuracy or lethality that traditional lead ammo does to ethically harvest game. What this means is that more game is wounded and not harvested--- and how sad is that? No one wants that.

I acknowledge that there are a lot of cases where modern guns of certain calibers claim great results using non-lead options. I would respectfully encourage you to check out some of the calibers and firearm types that cannot claim great results or even average results. A case in point is with the above mentioned .22 long rifle non-lead options. .22 long rifles have ethically and cleanly harvested game for over a hundred years using lead. But the non-lead options reduce the accurate ethical

hunting distance in half, and they will not cycle in certain types of actions. Lead-free options can also be very hard on some (not all) older guns and can damage them.

I know I am not alone. I enjoy the rich history and pleasure of using older guns-- some that have been handed down from my Grandfather and Father. Some that are reproductions of old firearms from the 17 & 1800s. They are a part of our rich history, and they are very capable of ethically and safely harvesting game animals. They are sustainable- made of steel and wood (not plastics made of oil). They are not at all considered a military weapon and in some cases the ATF does not even consider them a "firearm." I am also not a wealthy man and am close to retirement. I cannot afford to buy new guns even if I wanted to. I would also add that as a vintage hunter, I shoot far less ammunition when hunting or when practicing than modern gun users do. If I shoot more than three shots when hunting it is rare. And in practice, I might shoot less than a dozen shots to sight in my gun and get it ready for hunting season. In some cases, it takes me two or three minutes to reload the guns I enjoy shooting and hunting with. LOL. My gunpowder is biodegradable and there are no brass cartridges to drop. The impact on the environment is very small.

As you can see, there are a lot of things to consider in this blanket lead ban, and some changes to it might actually improve the intended, or hoped for outcome of this restriction. It might also generate good will in the hunting community, and encourage more to comply, making for better results.

My question is, would it be possible to include a small variance in the hunting lead ban, to allow the use of lead for hunting only in vintage firearms, or those firearms that do not have lead-free ammo options? I suspect that the numbers of vintage hunters is not huge (maybe 15%), and most all of the vintage guns I enjoy using have quite low velocity, and therefore the bullets have a far less risk of contaminating the environment. You could also require that vintage hunters remove their harvest from the woods in total and therefore eliminating even more risk.

Thank you for reading this far, I wish you the best and mean well with this letter... If I ever bump into you in the woods I'll shake your hand and wish you happy hunting.

Sincerely,

Ken Prather

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

To whom it may concern.

In purchasing my hunting license and tags for the coming fall season, it occurred to me that there is no option at checkout for a senior discount. This year is the first year I considered foregoing a second tag because frankly, the price went up in a time when the price of everything has rocketed out of control. I have a cousin in Idaho who gets very inexpensive tags and license as a resident of that state. A similar situation here in California makes sense and would make me more likely to continue buying the license and tags annually.

Thank you for taking the time to read this.

Sincerely,



Paul Smith

[REDACTED]
Rancho Cordova, CA [REDACTED]

Urgent action in killing of innocent cub

Ashley Erickson [REDACTED]

Fri 05/31/2024 02:53 PM

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

I am writing to express my profound dismay and outrage upon learning about the recent killing of the bear cub in Tahoe and the mishandling of this crime by the local CFWD. The news of this senseless act of violence against an innocent animal is nothing short of horrific and I feel compelled to voice my protest.

Bears, like all living creatures, deserve to inhabit their natural environment without fear of harm or persecution. The wanton destruction of this bear cub not only constitutes a grave injustice but also highlights the urgent need for stricter regulations and greater awareness regarding wildlife conservation. The fact that it was dismissed as self defense despite eyewitness reports to the contrary is reprehensible.

As a concerned citizen, I implore you to take immediate action to ensure that such incidents do not recur in the future. This includes enforcing stricter penalties for those who engage in acts of cruelty towards animals, as well as implementing comprehensive educational programs to foster empathy and respect for wildlife.

Furthermore, I urge you to support initiatives aimed at preserving and protecting the habitats of bears and other endangered species. By working together, we can create a safer and more compassionate world for all living beings.

Please consider my plea and take decisive steps to address this issue. The life of every bear, no matter how small, is precious and deserving of our utmost protection.

Thank you for your attention to this matter.

Best, Ashley Erickson

Bear Killed in South Lake Tahoe

Fri 05/31/2024 08:48 AM

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

Forwarding to Melissa Miller-Henson,

Please help me. This bear killing situation should not be ignored.

Thank you...

May 30, 2024

Governor Newsom,

I must express my distress over the unnecessary killing of the young bear in South Lake Tahoe on May 27, 2024. Please look into this tragic event. I strongly believe the shooter should be held accountable for killing the bear that was clearly walking away from the man. Please insist on further investigation of this incident.

The Department of Fish and Wildlife heard only one side of the story from the shooter. As we all know there are always two sides to every story. The eyewitness has clearly told the other side on behalf of the bear. Please investigate. Please have the DFW to re-evaluate the incident.

We live in the mountains. We live in the woods, according to the insurance companies who will not insure us anymore. We must share these woods with the animals, all species, who were here long before we were.

California spends so much money on promoting humans living with wildlife. Presently the changeable alert boards warn of bears in the area, be alert. And DFW has allowed a random person just shoot a bear. It was clearly NOT self-

defense. What kind of precedence does this set for the next person who is not Bear Aware and leaves their trash available, their car doors unlocked and a bear gets in to the accessible food and they get upset.

So many of us strive to keep the bears alive by ensuring no food is available. Personally, my electrified bear wires are up 24/7. I am not afraid of the bears, I just do not want to be responsible for feeding them and encouraging them to feed in our neighborhood.

The young bear could have been shooed away and learned neighborhoods are not his home. The shooting of him is completely unethical, immoral, and oh so sad. The truth is to let this man get away with it sets a terrible precedent.

Please implore the DFW and CA Fish and Game to charge this man with a crime, as it was.

Thank you for your time,

Paddy Farley

[REDACTED]

Tahoe City, CA [REDACTED]

CC: California Department of Fish and Wildlife, California Fish and Game Commission

LIVE the life you LOVE!
LOVE the life you LIVE!

Shooting of Yearling Bear

CARRI GOLDSWORTHY [REDACTED]

Wed 05/29/2024 02:25 PM

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

I am deeply disturbed at the lack of charges filed against the person who shot (2x) and killed a yearling bear on Monday, May 27th in South Lake Tahoe. It is reprehensible to allow someone to negligently discharge a firearm and murder an animal when there wasn't just cause to do so! I expect more from the DFW and CFG. You must reassess and charge this person with something for unnecessarily killing a bear!

Carrie Goldsworthy

Yearling Bear shot & killed by man in Tahoe

Catrina Lessley [REDACTED]

Wed 05/29/2024 03:51 PM

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

Please consider this a formal complaint and reconsider your decision to not charge this man with unlawful behavior. Very disappointed to hear that the man that shot the yearling cub in the back as it was fleeing in Tahoe yesterday will not be charged. This was an unnecessary killing & by not holding him accountable you are encouraging this lawless behavior.

Thank you,

Catrina Lessley

Pollock Pines, CA

Sent from my iPhone

Bear Murder

Isabelle Minder [REDACTED]

Sun 06/02/2024 07:57 AM

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

A few evenings ago in beautiful South Lake Tahoe, the BEAR League received the news that the young bear who was shot and killed on Monday did not receive justice – the Department of Fish and Wildlife quickly decided not to press charges, citing 'self-defense'. This was an 80-pound yearling bear who, according to witnesses, briefly approached the man's open door, didn't enter inside but was killed anyway as he turned to run away.

The man's neighbors, who witnessed everything, stated that he had spoken for years of his hatred of bears and his desire to kill them, and that there was another incident two years ago with this man and a bear. Based on their testimony it is abundantly clear to us that this man did not act in self-defense.

Rulings such as this one only exacerbate Tahoe's issues with human-bear conflict, by promoting unfounded fear and lethal tactics. If the man had asserted dominance by scaring the young bear off his property, standing his ground, yelling, and perhaps using a non-lethal method such as a paintball gun or throwing a pine-cone at him, the bear would have been given the chance to learn that he needs to respect human territory.

We have received many calls from concerned members of Tahoe's communities, asking what can possibly be done about this injustice. We encourage everyone to exercise your democratic rights by contacting the CADFW, Wildlife Commission, and the Governor and by respectfully explaining your concerns regarding this issue. Not only is killing bears deeply unethical, but we know after more than a century of doing so that it simply does not solve the problem.

That man just wanted an excuse to shot his gun "in self defense" to protect his "property" with ZERO regard for the protection of the environment, the environment we continually disrespect and disregard. This is another drop in the bucket of truths: truth that our justice system only protects the rich and their property, never the people or the greater good.

Please help Tahoe bears!

Isabelle Minder
[REDACTED]

Urgent: Demand for Justice and Policy Review on Bear Shooting Incident

Cecilia Rangel [REDACTED]

Fri 05/31/2024 05:06 PM

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

CA Fish and Game Commission,

I am writing to express my deep concern and frustration regarding the recent decision by the Department of Fish and Wildlife not to press charges against the individual who shot and killed a young bear on Monday, citing 'self-defense.' This decision is not only a grave miscarriage of justice but also sets a dangerous precedent for human-wildlife interactions in our community.

The bear in question was an 80-pound yearling who, according to witnesses, approached an open door but did not enter the house. It was killed while running away. Neighbors have testified that the shooter has a known history of expressing hatred towards bears and had previously been involved in a similar incident two years ago. This evidence strongly suggests that the man did not act in self-defense, but rather out of a long-held intent to harm bears.

This ruling exacerbates Tahoe's ongoing issues with human-bear conflict by promoting fear and lethal responses rather than encouraging peaceful coexistence. It is imperative that we adopt and enforce policies that foster non-lethal methods for managing wildlife encounters. For example, the man could have easily asserted dominance and scared the bear off his property by standing his ground, yelling, or using non-lethal means such as a paintball gun or a pine cone. These actions would have provided the bear with an opportunity to learn and respect human territory without resulting in its death.

Our community members are outraged and concerned about this incident. Many have reached out to the BEAR League, seeking ways to address this injustice and prevent future occurrences. It is crucial that the Department of Fish and Wildlife reassess its decision and take appropriate legal action against the individual responsible for this unnecessary killing. Furthermore, it is essential to review and strengthen our policies to promote humane and effective wildlife management strategies.

I urge you to reconsider the ruling, hold the shooter accountable, and implement measures that protect both our wildlife and our communities. It is our collective responsibility to ensure that incidents like this do not happen again and that we foster a respectful and safe coexistence with our local wildlife.

Thank you for your attention to this critical matter. I look forward to your prompt response and action.

Thank you,

Cecilia Rangel

South Lake Tahoe Resident
[REDACTED]

BABY BEAR SLT

tim <

Thu 05/30/2024 07:25 AM

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

THE MAN ON PLAYER DRIVE IN SLT BATED THIS BEAR TO COME TO HIS HOUSE AND THEN SHOT IT TWICE WHILE IS WAS RUNNING AWAY. THEN THE REAL KICKER HE SHOT THE BEAR WHILE IT WAS TRYING TO HIDE IN THE TREE A 3RD TIME. PROSECUTE THIS JERK YESTERDAY.

Kelp Restoration: The necessity

Mark Michaelsen <[REDACTED]>

Fri 05/31/2024 03:49 PM

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

Hello,

I am a Kelp Restoration Diver in Monterey. I have dove in these waters since the 80s. There is no comparison to what I saw in '84 and what we see in many sites today. Urchin barren upon urchin barren. These little buggers, I like to call them tribbles, have been devouring our kelp as their natural predators are gone. I'm sure you are aware. But the severity of the problem is possibly not obvious looking at the surface from a satellite or even the shore. Kelp is drastically thinning out yet this is where healthy ecosystems live and flourish.

The fishing industry always seems to be portrayed as an adversary of kelp restoration divers and our reserved areas performing experimentation. Yet healthy fish populations are essential for healthy oceans which serve the fishing industry. The issues are related.

Then you have the pelican population dying off of starvation. This can't be an unrelated issue. I know warm water at the surface drives fish deeper, too deep often for pelicans to feed. So it's a complex issue. Yet this is clearly one component.

Please consider allowing us to continue our work from the past several years and let's find out if we can stem the tide of our unfortunate kelp lack of health and further disappearance.

Thank you,
Mark Louis Michaelsen

Mpa

Randy Anderson [REDACTED]

Fri 05/31/2024 02:05 PM

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

Get rid of them. There are plenty of fish everywhere. 🐟🐟🐟

Urgent: Violation of Brown Act and Reckless Approval of PFAS-Laden Herbicides by WCB

Kim Konte <[REDACTED]>

Mon 06/03/2024 04:52 PM

To: abokde@parks.lacounty.gov <abokde@parks.lacounty.gov>; Norris, Jennifer <[REDACTED]>; Fris, Rebecca <[REDACTED]>; Topping, Mark <[REDACTED]>
Cc: gavin.newsom@gov.ca.gov <gavin.newsom@gov.ca.gov>; Senate.Natural.Resources@senate.ca.gov <Senate.Natural.Resources@senate.ca.gov>; FGC <FGC@fgc.ca.gov>; Bonham, Chuck <[REDACTED]>; <[REDACTED]>; senator.mcguire@senate.ca.gov <senator.mcguire@senate.ca.gov>; <[REDACTED]>; Stephenshaw, Joe <Joe.Stephenshaw@dof.ca.gov>; <[REDACTED]>; Kathryn At home <[REDACTED]>; Bruce Lanphear <[REDACTED]>; F. Franz <[REDACTED]>; Hugo Martinez <[REDACTED]>; senator.jones@sen.ca.gov <senator.jones@sen.ca.gov>; assemblymember.waldron@assembly.ca.gov <assemblymember.waldron@assembly.ca.gov>; ann.oleary@gov.ca.gov <ann.oleary@gov.ca.gov>; jancona@elmonteca.gov <jancona@elmonteca.gov>; jruedas@elmonteca.gov <jruedas@elmonteca.gov>; Peter Eliasberg <[REDACTED]>; Garcia, Yana@EPA <yana.garcia@calepa.ca.gov>

Dear Chair Bokde and Members of the Wildlife Conservation Board,

The Wildlife Conservation Board is in clear violation of the Brown Act. The WCB's Final Meeting Agenda for May 23, 2024 shared with board members included the herbicide questionnaire for agenda item 37 El Monte Preserve Cactus Scrub Restoration – Augmentation - **was omitted** from the **final agenda** made available to the public. The Brown Act requires full transparency and equal access to information, and this failure to provide the same agenda to the public breaches those requirements.

Additionally, we are deeply troubled by the recent approval of additional public funds for agenda item 37. By greenlighting these funds, you have failed in your duty to protect the very wildlife you are entrusted with safe-guarding. The majority of WCB's members and staff have blatantly ignored the devastating effects of the herbicides funded by public money despite ongoing budget cuts. This applicant has previously applied broadcast applications of glyphosate, resulting in failure. Awarding an additional \$579,330 of public funds totalling \$1,251,151 to these chemically dependent restorationists is not only reckless but also irresponsible, given their proven track record of failure.

Moreover, four of the five herbicides contain perfluoroalkyl and polyfluoroalkyl substances (PFAS), also known as "forever chemicals." The WCB should never have approved public funds for these PFAS-laden herbicides due to their severe and long-lasting harm. These substances are so dangerous that Governor Newsom has taken action to protect California from their effects. Funding herbicides that contain PFAS in wildlands as an alternative to Roundup ([glyphosate](#)) is contrary to the administration's actions on record regarding PFAS.

Fusillade (Fluazifop-p-butyl) PFAS

Garlon 4 Ultra(Balance-Isoxaflutole) PFAS

Vastian (Balance-Isoxaflutole) PFAS

Gallery (Isomers) PFAS

Telar XP (Chlorsulfuron) H410 (99.03%): Acute Hazard - very toxic to aquatic life with long lasting effects

Given the blatant Brown Act violation, the WCB staff and board's negligence in researching herbicides containing PFAS, and the applicant's failed restoration attempt that already doused the sensitive habitat with glyphosate, the vote to support this project must be immediately reversed. These chemically dependent restorationists have proven their approach is unsustainable and poses a far greater threat than any claimed benefits.

Supporting chemically dependent management with public funds is a liability risk only benefits the pesticide industry, pesticide advisors, and applicators profiting from cashback pesticide rewards programs, all at the expense of our environment and the wildlife the WCB is mandated to protect. Failing to act now will result in lasting harm to biodiversity and environmental health for generations to come.

Please feel free to contact me if you have any questions.

Sincerely,



Kim Konte

[NON - TOXIC NEIGHBORHOODS](#) | [OUR WORK](#) | [WHERE TO START](#)

IG: [@nontoxicneighborhoods](#) | FB: [nontoxicneighborhoods](#) | M: [REDACTED]

Non-Toxic Neighborhoods(TM) operates through a fiscal sponsorship with Players Philanthropy Fund, a Maryland charitable trust recognized by the IRS as a tax-exempt public charity under Section 501(c)(3) of the Internal Revenue Code (Federal Tax ID: 27-6601178). Contributions to Non-Toxic Neighborhoods(TM) are tax-deductible to the fullest extent of the law.



June 3, 2024

Alina Bokde, Chair
California Wildlife Conservation Board
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Chair Bokde and Members of the Wildlife Conservation Board,

Non-Toxic Neighborhoods' Advisors

BRUCE LANPHEAR

MD, MPH, Senior Scientist at the Child and Family Research Institute, BC Children's Hospital and Professor in the Faculty of Health Sciences at Simon Fraser University

DEAN BAKER

MD, MPH Dean Baker, MD, MPH Professor Emeritus University of California, Irvine

ZACH BUSH

MD, Triple Board-certified Physician Specializing in Internal Medicine, and Endocrinology

DELE OGUNSEITAN

M.P.H., Ph.D., Founding Chair of the Department of Population Health & Disease Prevention at the University of California

PHILIP J. LANDRIGAN

MD, MSc, FAAP Director, Global Public Health Program Schiller Institute for Integrated Science and Society

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Fusillade ([Fluazifop-p-butyl](#)) PFAS

Garlon 4 Ultra ([Balance](#)-Isoxaflutole) PFAS

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Gallery ([Isomers](#)) PFAS

Telar XP ([Chlorsulfuron](#)) H410 (99.03%): Acute Hazard - very toxic to aquatic life with long lasting effects

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Please feel free to contact me if you have any questions.

Sincerely,

Kim Korte



843-816-3085

Founder of [Non-Toxic Neighborhoods](#)
Former City of Irvine Commissioner

Letter regarding CA Bear Management Plan.

Jess Harris [REDACTED]

Mon 06/03/2024 09:45 AM

To: Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>

Cc: rhaupt@co.siskiyou.ca.us <rhaupt@co.siskiyou.ca.us>; [REDACTED];

Michael Kobseff <mkobseff@co.siskiyou.ca.us>; Mike Ford <[REDACTED]>; Scruggs, Janae [REDACTED];
[REDACTED]; susan_sawyer@fws.gov <susan_sawyer@fws.gov>; martha_williams@fws.gov

<martha_williams@fws.gov>; Andersen, Tony@CNRA <Tony.Andersen@resources.ca.gov>; Howard, Sally [REDACTED]

[REDACTED]; [REDACTED]; news@krctv.com <news@krctv.com>; Publisher SNN
<publisher@siskiyou.news>; [REDACTED]; Rick Travis [REDACTED]

Please see attached letter regarding CA Department of Fish and Wildlife recently released bear management plan.

--

06/03/2024

California Department of Fish and Wildlife and Fish and Game Commission:

The recently released bear management plan reveals a significant excess in the bear population. Since 2012, sportsmen have attempted to address this issue with the department and commission, but both entities failed to protect our most effective management tool for bears and other predators. Consequently, the annual quota of 1,750 bears has not been met, not even close. The department's and commission's inaction and failure to support sportsmen in maintaining sound and effective management practices have led to an estimated bear population exceeding 80,000. A recent report from the department acknowledging a human death attributed to a bear attack should serve as a clear wake-up call for the need for management change.

Not long ago, the commission received a petition from the Humane Society of the United States (HSUS), calling for an end to bear hunting in California. The HSUS claimed that the department's then-current estimate of 30,000 bears was incorrect, and that the actual population was much lower. This is the same organization that advocated for the removal of our most effective bear management tool, hound hunting. The department and commission should now recognize that the sportsmen of the state are the true conservationists, possessing the experience and knowledge to help manage the state's wildlife. The HSUS has lost credibility as they contributed to the population issue and then provided false information regarding population estimates.

The current situation requires drastic measures to return the bear population to a viable level. The previously estimated abundance of 30,000 bears was already high; now, we face an extreme excess. I call upon the department to:

1. Remove the bear quota until the population is reduced to an acceptable level.
2. Engage with the state legislature to reinstate our most valuable management tool for bears and predators, hound hunting.
3. Approve methods of bear hunting such as baiting and spring hunts.

We have reached a point where extreme measures are necessary. The number of cubs born each year alone will far exceed the current quota. The current hunting methods are insufficient for reducing the population to sustainable levels. The commission and department must manage wildlife as intended, without political influence. The lack of support for sportsmen and responsible management practices has significantly contributed to this issue, and they are now responsible for correcting the situation.

Jess Harris

Siskiyou County Resident



CC: US Fish and Wildlife Service

PLM and SHARE Program Feedback

Mike Costello <[REDACTED]>

Tue 06/04/2024 11:25 AM

To: Dibble, Chac <[REDACTED]>; Gardner, Scott <[REDACTED]>; FGC <FGC@fgc.ca.gov>; <[REDACTED]>

Hello Commissioners and Dept leaders,

Please see attached note regarding PLM and SHARE programs. I've heard comments in both the recent WRC and the Hunting & Conservation Coalition meeting which suggest updates to these programs may be on future agendas. I hope this is true. While the programs create more hunting opportunities I believe their greatest value is achieved when landowners are motivated to invest in high-functioning habitat and robust ecosystems.

If there are opportunities to participate in workshops or other discussions about PLM and SHARE program updates, I will make time to be involved.

Sincerely,

Mike Costello

[REDACTED]

Hello Commissioners and CDFW Wildlife team leaders,

The below notes are a summary of my views based on personal experience, investigation and anecdotes collected in the last 24 months. I have been working on a purchase of 1000-2500 acres in Lassen and/or Modoc Counties with the *primary purpose being ecosystem management for the benefit of wildlife*. I am going to improve marginal and degraded agricultural, range and forest lands for the purpose of creating robust, biodiverse, water-smart, chemical-free habitats which benefit everything from soil fungi to elk. Through multiple emails and conversations with the Dept. team leading PLM/SHARE I found the process of learning if a property could be included in SHARE or PLM was neither simple nor transparent.

- 1) **SHARE Hunts:** lack of clarity and transparency in how the program works, what the obligations and opportunities are to the landowner; how payouts are determined and what (if anything) a landowner can do to increase the economic opportunity in return for what they are offering to the Dept and hunting public.
- 2) **SHARE Hunts:** There are millions of acres of privately held land in CA which could be enrolled in the SHARE program. There are landowners who want to do what's best for habitat, ecosystems, and wildlife. The investments that yield high ROI in "ecosystem services" have substantial costs, plus there are ongoing management costs and risks related to hosting hunters on private property. If the SHARE program is not enrolling quality parcels, with outstanding habitat, wildlife and hunting opportunities, then it is a reflection on the SHARE program value to landowners or the process of implementation.
- 3) **PLM Hunts:** lack of transparency in how the program works, and what the obligations are to the landowner (for example: if you join PLM you are not allowed to also host/charge hunters for access with their own non-PLM tags?)
- 4) **PLM Hunts:** as noted by a commenter in the May 2024 WRC meeting, the effort a landowner makes to be included in the PLM program *is not substantially more* than they would already do for marginal upkeep via standard management practices. **Suggestion:** (1) require and verify higher standards for habitat, ecosystem and wildlife focused improvement and management in exchange for PLM tags or (2) make the PLM tag allocation a competitive process for multi-year inclusion in the program.
- 5) **PLM vs. SHARE:** it's my understanding that a property cannot be enrolled in both programs. I think this becomes a barrier to success for some properties.

I share these notes with you because I believe the PLM and SHARE hunt program present a great opportunity for wildlife, habitat investment and our hunting community. I believe in the Programs' potential. I welcome the opportunity to contribute to conversations which can lead to program updates.

Sincerely, Mike Costello

Letter regarding Dam Removal Project and Water Quality

Jess Harris [REDACTED]

Thu 06/06/2024 07:35 AM

To: Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; Ekdahl, Erik@Waterboards <Erik.Ekdahl@waterboards.ca.gov>; NorthCoast <NorthCoast@Waterboards.ca.gov>; Andersen, Tony@CNRA <Tony.Andersen@resources.ca.gov>; commentletters <commentletters@waterboards.ca.gov>; Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov>; [REDACTED] FGC <FGC@fgc.ca.gov>; George Steen >; Howard, Sally [REDACTED] >; justin.ly@noaa.gov <justin.ly@noaa.gov>; Scruggs, Janae [REDACTED] >; [REDACTED] <[REDACTED]>; martha_williams@fws.gov <martha_williams@fws.gov>
Cc: rhaupt@co.siskiyou.ca.us <rhaupt@co.siskiyou.ca.us>; Michael Kobseff <mkobseff@co.siskiyou.ca.us>; evalenzuela@co.siskiyou.ca.us <evalenzuela@co.siskiyou.ca.us>; Publisher SNN <publisher@siskiyou.news>

Please see attached letter regarding Klamath Dam Removal and Water Quality

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06/06/2024

California Department of Fish and Wildlife, State Water Board, and NOAA Fisheries:

The Klamath Dam Removal project is in full swing as we enter the summer months. Agencies have issued numerous statements regarding the river's recovery and the expected future outcomes. California Fish and Wildlife is currently touting the return of over 400 miles of salmon spawning habitat. The department has even invested millions of dollars in the new Fall Creek Hatchery. However, several important considerations are being overlooked by state agencies as the project continues.

During a recent tour of the Klamath Basin, I had a very informative and pleasant discussion with John Crawford. Mr. Crawford mentioned the temperature of the water leaving Upper Klamath Lake, noting that it can reach up to 78 degrees during the summer months. According to the USGS, the water temperature in July of last year (2023) reached 75 degrees in the lake, which means the water leaving the lake would be even warmer. Salmonids begin to experience stress at 64 degrees, and temperatures between 70-72 degrees can be fatal. Therefore, the agency's claims of salmon returning to the upper reaches of the water system are simply not feasible for most of the year, especially during the fall run. The Klamath River has always been known to cool as it nears the ocean, with each tributary entering the river creating a cooler temperature. However, north of the California border, the river is not suitable for salmon at a sustainable level.

As the summer continues, water quality will become a major issue. Water temperatures will increase, and flows will decrease. The river will not be suitable for salmonids or any other cold-water species. This outcome will be due to the actions of the agencies and their stakeholders, who have pushed their ill-informed agenda on our communities. These agencies will likely blame the farmers and ranchers instead of acknowledging their own disastrous mistakes. It will not be the responsibility of the farmers and ranchers to correct this tragedy. Their water rights are just that: rights. The responsibility for the project's results lies solely with the agencies and proponents of the project. When the project fails, it will be up to these parties to find a remedy without relying on farming and ranching resources that do not belong to them.

It is evident that this project has been expedited out of fear that a change in Presidential Administration could affect its continuation. The agencies, stakeholders, and project operators have been less than truthful with the community. This process must be transparent and scientifically sound. The community awaits the project's results and will not accept responsibility for its outcome.

Jess Harris

Siskiyou County Resident



Memorandum

Date: April 8, 2024

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the June 19-20, 2024 Meeting: Approval of Restricted Species Permit Application to Possess Transgenic Squid**

The California Institute of Technology (Caltech) has applied for a Restricted Species Permit to possess transgenic Hawaiian bobtail squid (*Euprymna scolopes*). According to California Code of Regulations (CCR), Title 14, Section 671.1(a)(8)(H), all approved applications to possess a transgenic aquatic animal shall be reviewed by the California Fish and Game Commission (Commission) at a regularly scheduled meeting. The Commission may deny the issuance of a permit if it determines that the applicant is unable to meet the regulatory requirements for the importation, transportation, possession, and confinement of transgenic aquatic animals.

The transgenic squid will be used for biomedical research. Caltech has agreed to comply with containment and security conditions as specified in CCR, Title 14. California Department of Fish and Wildlife (Department) Marine Region staff have coordinated with the Fish Health Lab in reviewing the permit. The Department recommends issuing Caltech a Restricted Species Permit to possess transgenic squid.

If you have any questions or need additional information on this matter, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov.

Attachment

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman D.Env., Regional Manager
Marine Region

Kirsten Ramey, Program Manager
Marine Region
State Managed Finfish and Nearshore Ecosystem Program

Adam Frimodig, Senior Environmental Scientist
Marine Region
[Nearshore and Bay Management Project](#)

Sara Briley, Environmental Scientist
Marine Region
[Nearshore and Bay Management Project](#)

Colleen Burge, PhD, Shellfish Pathologist and Research Scientist Supervisor
Fisheries Branch



State of California – Department of Fish and Wildlife
2023 RESTRICTED SPECIES PERMIT AMENDMENT REQUEST
 DFW 1313b (REV. 10/18/22) Page 1 of 2

RECEIVED
 AUG 18 2023
 BY LRB

IMPORTANT! YOU MAY NOT OBTAIN ANIMALS PRIOR TO AMENDMENT APPROVAL

Fees include a nonrefundable three percent (3%) application fee, not to exceed \$7.50 per item. (Section 700.4, Title 14, California Code of Regulations CCR).

FEE: \$73.13 (Nonrefundable application fee must accompany this amendment request.)

SEE INSTRUCTIONS ON PAGE 2. TYPE OR PRINT CLEARLY.

FIRST NAME Karen	M.I.	LAST NAME Lencioni	PERMIT NUMBER
BUSINESS NAME California Institute of Technology			DAY TELEPHONE

LOCATION OF ANIMAL(S) HOUSING: Note: Animals being held at multiple locations require inspection certification by the Department that each of those facilities meet the minimum applicable housing requirements as set forth in subsection 671.1(a)(8)(A-F), Sections 671.3-671.4 and/or 671.7(b), Title 14, of the CCR.

ADDRESS 1200 E. California Blvd	CITY Pasadena	STATE CA	ZIP CODE 91125	COUNTY Los Angeles
ADDRESS	CITY	STATE	ZIP CODE	COUNTY

List all restricted animals **TO BE ACQUIRED** in the following order: mammals, birds, fish, or reptiles. Group animals by order, family, and species. Use the following letters to denote sex: M=Male, F=Female, and U=Neutered or Unknown. Mark an "X" in the **TO BE ACQUIRED** column for animals to be acquired within the next year. **Unique Identifiers:** Use the following letters to denote unique identifying methods (See Section 671.1(c)(3)(J), Title 14, of the CCR): M=Microchip, T=Tattoo, and A=Alternative Method. Aquaculture and fish permittees: Identify the actual number in the ID number field and identify either W=Weight, V=Volume or C=Count in the method field. Remember to complete the Importation Only Section below for animals being imported into California. For California Residents Only: **All native species obtained from a licensed California Wildlife Rehabilitation Facility require a Native Species Exhibiting Permit.** Contact the License and Revenue Branch at (916) 928-5846 or SPU@wildlife.ca.gov if you need additional information.

COMMON NAME	SCIENTIFIC NAME	ID NUMBER	METHOD	SEX	AGE
Hawaiian bobtail squid	Euprymna scolopes	N/A	count	N/A	0-5d

WILL ANIMALS BE IMPORTED INTO CALIFORNIA? YES, COMPLETE IMPORTATION SECTION NO, EXPLAIN:
 Eggs will be collected from broodstock tanks, injected with CRISPR Cas9 and guide RNA, then incubated in Petri dish in a temperature controlled table top incubator until hatching. After hatching, individual transgenic squid will be held in 20ml glass scintillation vials for colonization with *V. fischeri*, and will be transferred to another prepared scintillation vial for euthanasia after imaging and/or experimentation.

IMPORT ONLY: COMPLETE THIS SECTION IF YOU ARE IMPORTING ANIMALS INTO CALIFORNIA

LIST SPECIES TO BE IMPORTED	NUMBER OF ANIMALS	ORIGIN (State or Country)
PERSON/BUSINESS SHIPPING ANIMALS	DAY TELEPHONE	
ADDRESS	CITY	STATE ZIP CODE
NAME OF CARRIER	POINT OF ENTRY INTO CALIFORNIA	

I certify under penalty of perjury under the laws and regulations of the State of California that all information on this application is true and correct and I am not violating any city or county laws. I agree to comply with the provisions of Section 671, Title 14, of the CCR. I understand it is unlawful to use or possess a permit which was obtained by fraud or deceit (Fish and Game Code Section 1052b). I understand that in the event that this information is found to be untrue or incorrect, the permit will be considered invalid and must be surrendered where purchased and I will be subject to criminal prosecution. I further understand that failure to comply with the terms and conditions of a permit may result in revocation of current permit and/or denial of future permits. Violation of this section is a misdemeanor, punishable by fine of not more than \$1,000.00, imprisonment in the county jail for not more than six months, or both the fine and the imprisonment. In addition, I may be subject to civil penalties as stated in Fish and Game Code Section 2125.

APPLICANT'S SIGNATURE (Must be in ink) *Kathleen* DATE 8/9/2023

FOR DEPARTMENT OF FISH AND WILDLIFE USE ONLY

REVIEWED BY/DATE <i>W 9/7/23</i>	TRANSACTION#	ISSUED BY/DATE
----------------------------------	--------------	----------------

Pdbycc



INSTRUCTIONS FOR COMPLETING THE RESTRICTED SPECIES PERMIT AMENDMENT REQUEST

Use this form to: 1) add species you are not currently authorized to possess; 2) increase the number of animals where there are condition limitations; or 3) add/change facility locations.

Please allow 45 business days for processing your request. Amendments for transgenic species must go before the Fish and Game Commission, so you must allow an additional 30 business days. Incomplete requests will be returned and could delay the issuance of your amendment. Contact the Department of Fish and Wildlife (Department), License and Revenue Branch at (916) 928-5846 or SPU@wildlife.ca.gov if you need additional information regarding Restricted Species Permits.

To complete this application, you must:

1. It is mandatory to complete all items unless exempted.
2. Sign and date the amendment request in ink (an **original** signature is required).
3. Provide a list of animals to be acquired.
4. Provide a statement of purpose describing in detail the planned use for each animal. Applicants shall include relevant materials, as appropriate, including any lists of prospective clients with their contact information or contracts with clients or websites, scripts, brochures or flyers promoting or describing the planned use of the animals. If the animals will be used in an educational program, the applicant shall provide an explanation why live restricted species are necessary and samples of the educational material and message that will be distributed (not required for animal care, AZA, breeding, research and single event breeding permittees).
5. Provide a resume that provides dates and details documenting you or your full-time employee's qualifying experience caring for restricted animals at a facility engaged in a similar or directly related activity to the permit requested and for the animal(s) to be acquired. This experience shall have been acquired within the previous five years and include a total of at least one year full-time, hands-on experience caring for a species in the same family or closely related taxonomic family as the species requested (required for breeding, exhibiting, nuisance bird abatement, shelter and single event breeding permittees only).
6. Provide a letter of recommendation, written within the previous five years on **letterhead stationery, with an original signature**, from the facility where you or your full-time employee gained the experience. Document the quality and extent of the knowledge and experience, as related to the species and permit requested (required for breeding, exhibiting, nuisance bird abatement, shelter and single event breeding permittees only).
7. Provide an updated copy of your Emergency Action Plan that includes the new species.
8. Provide an updated Breeding Plan that includes the new species (required for breeding and single event breeding permittees only).
9. Provide photograph(s) of the enclosure(s) for animal(s) to be acquired that includes all required elements of the minimum standards as specified in Section 671.3.
10. Provide any other supporting documentation required by regulations.
11. Mail the completed application and supporting documentation with a cashier's check, money order, personal or business check*, or credit card** authorization form with the appropriate fee to the Department of Fish and Wildlife, License and Revenue Branch, PO Box 944209, Sacramento, CA 94244-2090 or apply in person. **DO NOT SEND CASH.**

IMPORTANT INFORMATION FROM THE DEPARTMENT OF PUBLIC HEALTH

The Department of Public Health (CDPH) has regulatory authority over the importation of specified carnivores (including skunks and raccoons), nonhuman primates and bats, due to potential health hazards.

Section 2606.8, Title 17, of the CCR, prohibits the importation of skunks because the hazard to the public from exposure to rabies is extremely high. The CDPH is concerned that certain wild animals could carry rabies and introduce new strains of rabies into the state of California. Therefore, the Department routinely denies requests for the importation and possession of skunks and raccoons. Exceptions may rarely be made for zoological or research institutions demonstrating an extraordinary need. The importation of other specified carnivores, bats or nonhuman primates may be allowed under a CDPH permit in certain circumstances. **For more information on CDPH permits, please contact them at (916) 552-9740.**

NOTICE

Disclosure Statement—Under Section 671.1, Title 14, of the CCR, the Department of Fish and Wildlife is authorized to collect information from applicants to maintain a record of licensure. All information requested on this application is mandatory unless otherwise indicated. All information except the street address and telephone number of the applicant may be provided to the public, if requested. All information related to a business may be released, including the residence address if it is the same as the business address. Other personal information submitted on this application may be released for law enforcement purposes, pursuant to court order, or for official natural resources management purposes.

A licensee may obtain a copy of his/her license records maintained by the Department by submitting a written request to the Custodian of Records, at the Department of Fish and Wildlife, License and Revenue Branch, PO Box 944209, Sacramento, CA 94244-2090. All requests must include the requester's name, address, and telephone number.

PAYMENT POLICY

***Personal or business checks** will be accepted by the Department if name and address are imprinted on the check. Checks returned to the Department due to insufficient funds will render your permit invalid. The Department may also deny the issuance or renewal of any permit if a person has failed to reimburse the Department for the amount due. Any activity performed without a valid permit is a violation of the Fish and Game Code and therefore subject to enforcement action.

****Credit Cards**—Licenses, permits, tags, stamps, or registrations may be purchased with a Visa or MasterCard.

Caltech

Karen Lencioni, D.V.M.
Director, Office of Laboratory Animal Resources
1200 E. California Blvd.
MC 114-96
Pasadena, CA 91125
(626) 395-8664

RECEIVED
8/20/23
BY LAB

August 8, 2023

Ms. Lucy Lopez
California Department of Fish and Wildlife
License and Revenue Branch
1740 N. Market Boulevard
Sacramento, CA 95834

Dear Ms. Lopez:

Please find the 2023 Restricted Species Permit Amendment Request along with payment enclosed. Caltech is a non-profit Higher Education and Research institution and has an Animal Welfare Assurance on file with the Office of Laboratory Animal Welfare/National Institutes of Health. The Assurance number is [REDACTED]. In addition, Caltech is fully accredited with the AAALAC International.

An emergency preparedness plan for the species covered by this permit is attached. Pictures of the animal enclosures are attached as well.

Please do not hesitate to contact me should you have any questions or concerns with this renewal application.

Sincerely,

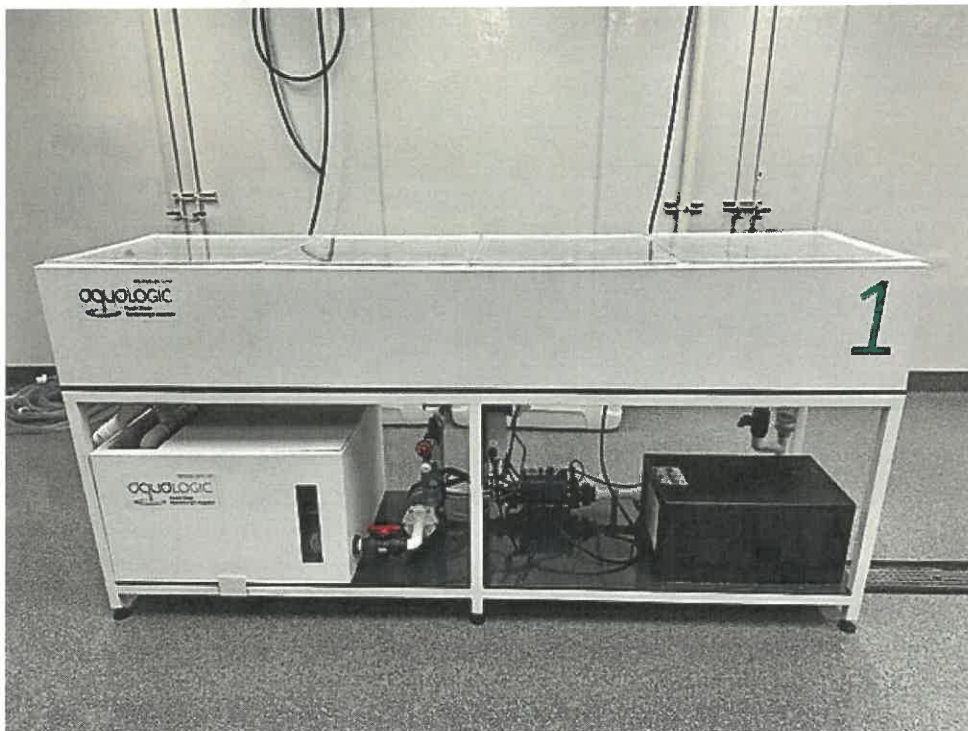


Karen Lencioni, D.V.M.
Attending Veterinarian
Director, Office of Laboratory Animal Resources

RECEIVED
AUG 18 2023
BY LRB

Proposed representative housing for Transgenic Squids.

Eggs will be collected from broodstock tanks, injected with CRISPR Cas9 and guide RNA, then incubated in Petri dishes in a temperature controlled table top incubator until hatching. Water exchanges will occur daily. After hatching, individual transgenic squid will be held in 20ml glass scintillation vials for colonization with *V. fischeri*, and will be transferred to another prepared scintillation vial for euthanasia after imaging and/or experimentation.



RECEIVED
AUG 18 2023
BY LRB





RECEIVED
AUG 18 2023
BY LRB

SCOPE OF WORK (TRANSGENIC SQUIDS):

This species is being amended to our permit for the following scope of work:

This work is part of an IACUC approved research project to further understanding of host-microbe interactions. Our approach relies on the use of a powerful model, the binary symbiosis between the Gram-negative bacterium *Vibrio fischeri* and its host, the Hawaiian bobtail squid, *Euprymna scolopes*. This binary system, with its unparalleled resolution, has been studied for over 30 years, providing insights into evolutionary conserved mechanisms by which hosts, including humans, initiate and maintain, throughout their lifetimes, interactions with bacteria. Eggs will be collected from broodstock tanks, injected with CRISPR Cas9 and guide RNA, then incubated in Petri dishes in a temperature controlled table top incubator until hatching. Water exchanges will occur daily. After hatching, individual transgenic squid will be held in 20ml glass scintillation vials for colonization with *V. fischeri* and will be transferred to another prepared scintillation vial for euthanasia after imaging and/or experimentation to evaluate colonization parameters.

California Institute of Technology

Restricted Species Permit # [REDACTED] - Emergency Action Plan

August 2023

1. Background Information:

- a. The list of restricted species maintained at the California Institute of Technology is limited to the following species: Octodon degus, Xenopus frogs, lamprey, tiger salamander (aquatic larval stage), tree shrews, African spiny mice, Lesser Egyptian jerboa, Axolotl, genetically altered zebra fish and genetically altered squid.
- b. The restricted species maintained do not pose a hazard of a physical nature to humans due to their very small size.

2. List of recapture equipment available, including but limited to darting equipment, nets, traps and chemical immobilization:

- a. All aquatic animal housing areas (for Xenopus frogs, lamprey, tiger salamanders, Axolotls, zebra fish and squid) will be equipped with nets and buckets/tanks suitable for recapture of animals should the need arise.
- b. Octodon degus, tree shrews, African spiny mice, and Lesser Egyptian jerboa will be recaptured by hand, net or humane live traps and each animal facility will maintain this equipment should the need arise.

3. Description of humane lethal dispatch methods for various animals and a list of qualified personnel who are trained to carry out the methods:

- a. With exception of the transgenic squid, aquatic species will be immersed in Tricaine or benzocaine, depending on the species, in the event that euthanasia is required. For squid, 4% ethanol is used as a euthanasia solution. Each aquatic facility will maintain adequate supply of Tricaine (tricaine methanesulfonate), benzocaine (for Xenopus laevis), and/or ethanol (for squid) in order to humanely euthanize all aquatic species in the lab should the need arise during an emergency.
- b. Octodon degus, Tree shrews, African spiny mice, and Lesser Egyptian jerboa will be euthanized by overdose of ketamine/xylazine or a pentobarbital-based euthanasia solution. African spiny mice may also be euthanized by CO2 inhalation.
- c. Research personnel listed on an Institutional Animal Care and Use Committee (IACUC) animal research protocol whose training has been reviewed by the IACUC, as well as licensed veterinary or trained animal care personnel on site, are authorized to euthanize animals in the event of an emergency.

4. List of medical supplies/first aid kits and where they are located:

- a. A first aid kit is located in close proximity to all restricted species housing areas.

5. Description of mobile transport cages and equipment on hand:

- a. Routine housing tanks and/or buckets will be used to transport aquatic species should the need arise during an emergency.
- b. Standard microisolator rodent housing cages will be used to transport tree shrews should the need arise during an emergency.

6. List of emergency telephone numbers that includes the local departmental regional office, 911 and animal control agencies:

- a. In the event of an emergency, promptly notify the California Institute of Technology Security Office (ext. 5000). This office is manned 24/7 365 days each year and has access to an extensive telephone tree which is activated in the event of an emergency situation. The responding Security Officer will notify Caltech emergency personnel in accordance with internally approved procedures (a detailed written plan of response to emergency events is maintained within the California Institute of Technology Security Office). Also, contact a member of the Caltech Veterinary Staff (phone contact information for the Veterinary Staff is posted near the telephone area in all aquatic species housing areas). The Veterinary Staff will contact regulatory agencies as deemed necessary. Regulatory agencies include:

Regulatory Agency	Contact Information
CA Fish and Wildlife South Coast Region	858-467-4201
PHS/NIH Office of Laboratory Animal Welfare	301-496-7163
Pasadena Humane Society Animal Control	626-792-7151

7. Written plan of action for emergencies:

- a. See attached page.

Restricted Species Emergency Response Plan

1. GENERAL INFORMATION

- A. Emergencies, by their very nature, are unplanned events that require an immediate response. This emergency response plan contains a general guideline for response to emergencies that may affect the restricted species maintained at Caltech.
- B. All employees are responsible for becoming familiar with the procedures for emergency response listed in the Caltech Emergency Response Guide.
- C. On a continuous basis, a minimum of a 72-hour supply of food and water for the animal population will be maintained. In the event that minimum food and water requirements and established environmental controls and husbandry standards cannot be maintained, and the health or welfare of the animals is threatened, animals may be humanely euthanized under the direction of the veterinary staff. Euthanized animals will be bagged and placed in sealed plastic containers if freezers are not functional.
- D. In the event that a disaster results in actual harm or the death of an animal, a report will be submitted to the appropriate regulatory agencies.

2. NATURAL DISASTER

In the event of an emergency resulting from a natural disaster, such as a fire or earthquake, animals will be sheltered in place unless otherwise determined by Caltech management. The following plan of action is to be followed by Caltech employees.

A. Personnel Safety

1) Non-Business Hours

- a. Contact your area supervisor by phone to report on your ability to report to work during regularly scheduled work hours.
- b. Do not enter buildings until building entry is deemed safe by emergency personnel.
- c. Call the information phone line for emergencies.

2) Regular Business Hours

- a. Evacuate the building as directed by emergency personnel. Report immediately to assigned assembly points.
- b. Do not reenter building until emergency personnel have deemed the building safe for reentry. When reentering the building, proceed with caution and immediately report any safety issues or unusual findings to the area supervisor.

B. Immediate Emergency Response

- 1) Assess condition of restricted species in assigned work areas. Notify the area supervisor or the veterinary staff of any immediate animal health or welfare concerns.
- 2) Monitor room temperatures hourly in assigned work areas until stabilized. Report any deviations from normal to area supervisor or veterinary staff.

3. LOSS OF ESSENTIAL SERVICES

A. LOSS OF ELECTRICAL POWER

1) Aquatic species life support systems are provided with emergency power. Ventilated caging that may house African spiny mice are also provided with emergency power. All other species on the Caltech Restricted Species permit should not be immediately impacted by a loss of electrical power. Animal housing facilities are provided with emergency lighting for safe egress.

B. LOSS OF HEATING, VENTILATION, AIR CONDITIONING SYSTEM

- 1) Immediately notify area supervisor of problem.
- 2) Contact Service Center to report problem.
- 3) If necessary, use heaters to raise room temperatures.
- 4) If area temperatures are altered (high/low) such that physical harm to the animals may result, move the animals to an alternate location where the temperature can be controlled. Consult with the Veterinary Staff to determine the location of the best alternate housing area.

C. LOSS OF WATER SERVICE

- 1) Aquatic systems are provided with emergency power and are largely recirculating. Turn off water discharge from system in event of loss of water service to conserve water.
- 2) Tree shrews, African spiny mice, jerboas and degus can be provided water from emergency water storage on campus.

D. FLOOD

- 1) Locate source of water and attempt to stop flow by turning off faucet or water valve.
- 2) Secure animals so that their health and welfare is not at risk.
- 3) Secure equipment so that damage is minimized.
- 4) Contact the Service Center to report problem if plumbing assistance is required.

E. LOSS OF SECURITY SYSTEM

- 1) Report security system failure to area supervisor or Security Office.

4. BREACH OF SECURITY

- A. Report any breach of security immediately to the Security Office and to the Caltech Attending Veterinarian.

Memorandum

Received May 29, 2024
Original on file.

Date: May 28, 2024

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the June 19-20, 2024, Fish and Game Commission Meeting, Re: Recreational Fishing Regulations for Federal Groundfish for 2025 and 2026, and Fillet Requirements at Sea**

The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for the 2025-2026 management cycle at its June 6-13, 2024 meeting. Based on these recommendations, federal groundfish fishery regulations for 2025-2026 are expected to publish by January 1, 2025, requiring amendment of several state regulations for consistency with and to complement the new federal regulations in state waters. The changes needed to state recreational regulations are expected to include repeal of minimum size limits for cabezon, greenlings of the genus *Hexagrammos*, and California scorpionfish. Changes may also include modifications to seasons, depth limits, and bag limits in some or all Groundfish Management Areas.

Modification of fillet requirements for select groundfish and state managed finfish as specified in Section 27.65 will provide for enhanced clarity and enforcement. Minor regulatory language amendments to multiple sections are also anticipated, including clarifying rules governing transit with groundfish aboard through closed areas.

To ensure state regulations are in place before fishing begins in 2025, the Department of Fish and Wildlife (Department) requests the Fish and Game Commission authorize publication of notice of its intent to amend recreational regulations for California for federally managed groundfish at its June 19-20, 2024 meeting. Approval of this request will allow for discussion and possible adoption of the proposed regulatory changes in the summer and late fall of 2024, in time for the amended regulations to take effect by January 1, 2025.

Title 14 sections to be amended by this action are expected to include 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, and 28.65.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this rulemaking is Senior Environmental Scientist Specialist, Melanie Parker, who can be contacted via email at Groundfish@wildlife.ca.gov.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 28, 2024
Page 2

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Craig Shuman, Regional Manager
Marine Region
Department of Fish and Wildlife

Eric Kord, Assistant Chief
Law Enforcement Division
Department of Fish and Wildlife

Nathan Goedde, Assistant Chief Counsel
Office of General Counsel
Department of Fish and Wildlife

Ona Alminas, Env. Program Manager
Regulations Unit
Regulations@wildlife.ca.gov
Department of Fish and Wildlife

David Thesell, Deputy Executive Director
Fish and Game Commission
fgc@fgc.ca.gov

Sherrie Fonbuena, Analyst
Fish and Game Commission

Staff Summary for April 17-18, 2024
For Background Purposes Only

3. Commercial California Halibut and White Seabass Set Gill Net

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations regarding set gill net service interval, gear marking and mesh depth in the California halibut and white seabass set gill net fisheries.

Summary of Previous/Future Actions

- | | |
|--------------------------------------------|---------------------------|
| • Marine Resources Committee (MRC) vetting | 2022 – 2023, various; MRC |
| • MRC discussion and recommendation | November 16, 2023; MRC |
| • Today's notice hearing | April 17-18, 2024 |
| • Discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

California's commercial set gill net fisheries are governed by state law and regulations set by the Commission; these fisheries utilize distinct net types: a larger mesh (minimum 8.5 inches) for targeting California halibut, and a smaller net (minimum 6 inches) for targeting white sea bass. Both fisheries are inherently multi-targeted, but also catch non-targeted species as bycatch. Bycatch is discarded due to size, sex, legality, and/or marketability. The regulations being proposed today focus on improving bycatch management.

The impetus for the proposed regulations stems from a bycatch evaluation specifically focused on the California halibut fishery, which is part of the Department's broader California halibut fishery management review referred to MRC by the Commission in 2020. The Department's bycatch evaluation, guided by the Marine Life Management Act (MLMA), involved collaborating with research partners, Commission staff, industry representatives, and non-governmental organizations. The multi-year process aimed to assess the "acceptability" of bycatch in the California halibut set gill net fishery based on legal considerations, sustainability threats, impacts on other fisheries, and ecosystem effects, consistent with the MLMA. The process is outlined in the *2018 Master Plan for Fisheries, A Guide for Implementation of the Marine Life Management Act*.

The proposed regulations represent the culmination of a four-step evaluation process, leading to developing management measures to address bycatch deemed unacceptable in the California set gill net fishery and to improved data collection efforts. MRC served as a public forum that facilitated robust stakeholder discussions throughout 2022 and 2023, addressing data analyses and interpretations, information gaps, and potential solutions for bycatch concerns (see exhibits 1 and 2 for more details). The MRC recommendation for this initial regulatory phase was approved by the Commission in December 2023, with the understanding that the Department continues to explore longer-term management options.

Staff Summary for April 17-18, 2024
For Background Purposes Only

Proposed Regulations

The proposed regulations, as detailed in exhibits 3-6, would add a new Section 174.1 and serve as an initial phase of management measures in the California set gill net fishery. The proposal aims to reduce bycatch and fill data gaps through improved data collection with three elements: A net service interval, gear marking, and a maximum net height.

1. Establish a net service interval for checking or raising set gill nets (also known as *soak time*). Currently there is no requirement in regulation limiting how long gill nets are left unattended, which can affect the survival rate of discarded fish, and the survival rates of sharks and other elasmobranchs. A service interval range of 24 to 48 hours is proposed, with provisions for flexibility in complying during unsafe weather, catastrophic events, or undue hardship, and for determining net abandonment. The Commission would select the final service interval before or at the adoption hearing.
2. Require set gill net permittees to mark gear by incorporating a 1-inch wide, 1-foot-long colored nylon strap weaved into the existing head rope every 20 fathoms. In the event of entanglement with marine life, this marking will clearly identify the gear as being from the California set gill net fishery. Three color options are included to provide opportunity for input from fishermen and manufacturers; the Commission would select the required color(s).
3. Establish a maximum net height (also known as *mesh depth*) for both California halibut and white seabass set gill nets. Current law establishes specific dimensions for mesh size and net length for the California halibut fishery, as well as a minimum mesh size for the white seabass fishery, but does not establish requirements for net height in either fishery. The proposed maximums of 25 meshes deep for California halibut and 50 meshes deep for white seabass are anticipated to reduce bycatch and prevent the expansion of set gill net gear height.

Today the Department will present an overview of the proposed regulations and rationale for each (Exhibit 7).

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of a notice of intent to amend regulations as recommended by the Department and MRC. Request that the Department provide a recommendation for soak time and gear marking color at the discussion hearing.

Committee: Authorize publication of a notice of intent to amend regulations with a range for the required service interval of 24 to 48 hours.

Department: Authorize publication of a notice of intent to amend regulations with a required service interval range of 24 to 48 hours and three options for gear marking colors as described in the draft initial statement of reasons (ISOR; Exhibit 4).

Staff Summary for April 17-18, 2024
For Background Purposes Only

Exhibits

1. Staff summary from November 16, 2023 MRC meeting (*for background purposes only*; exhibits for the item are available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216813&inline>)
2. Staff summary from March 19, 2024 MRC meeting (*for background purposes only*)
3. Department memo transmitting draft ISOR, received April 9, 2024
4. Draft ISOR
5. Draft proposed regulatory language
6. Draft economic and fiscal impact statement (Std. 399)
7. Department presentation

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to add Section 174.1 related to commercial California halibut and white seabass set gill nets, with a required service interval range of 24 to 48 hours and three options for gear marking color as discussed today. The Commission requests that the Department provide a recommendation for soak time and gear marking color at the discussion hearing for the rulemaking.

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

Add Section 174.1
Title 14, California Code of Regulations
Re: Set Gill Net Service Interval, Gear Marking and Mesh Depth

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: April 17-18, 2024

Location: San Jose

(b) Discussion Hearing:

Date: June 19-20, 2024

Location: Mammoth Lakes

(c) Adoption Hearing:

Date: August 14-15, 2024

Location: Fortuna

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The state of California manages the commercial set gill net fishery. The Department of Fish and Wildlife (Department) monitors the current 91 set gill net permits that are issued, of which 34 were active in the past year. The number of set gill netters has declined over time with increasing restrictions. From 1985-1990s there was a series of depth and area general gill net bans throughout northern California that limited all gill net fishing south of Point Conception. In 2000, an emergency gill net closure limited the use of all gill nets to federal waters south of Point Arguello in Santa Barbara County. In 2002, the gill net closure in northern California was made permanent. In 1994, Proposition 132 established the Marine Resource Protection Zone which banned all gill nets in nearshore waters. This banned gill nets within 3 miles of the mainland and 1 mile or 70 fathoms, whichever is less, surrounding the Channel Islands.

There are two main types of set gill nets, 8.5 minimum mesh which primarily targets California halibut (halibut), and 6-inch minimum mesh which primarily targets white seabass. Set gill nets have the potential to result in bycatch, where fish or other marine life taken in a fishery are not targeted and may be discarded because they are of an undesirable species, size, sex or quality or because they are not legal to take. "Acceptable bycatch" considers legality of take, potential threat to sustainability, impacts to other fisheries and the ecosystem (Department, 2018). Pursuant to the Marine Life Management Act (MLMA), over the past several years the Department has worked in coordination with research partners, Fish and Game Commission (Commission) staff, industry representatives, and the non-government organization (NGO) community to complete a four-step process for determining whether the amount and type of

bycatch are considered “acceptable” (Fish and Game Code (F&G Code) Section 7085). Step 4 of this bycatch evaluation is to develop management measures to address unacceptable bycatch and to improve data collection for the California set gill net fishery (Department, 2018). Subsections (a) through (c) of Section 174.1 outlined in this regulatory proposal are a direct result of this process, and an initial phase of regulations aimed to reduce bycatch in the California set gill net fishery.

CURRENT REGULATIONS

Current laws governing set gill nets are as follows:

Section 174 describes the permit required to use gill or trammel nets for commercial purposes, including qualifications, renewal, keeping records, conditions, revocations, and exemptions (implements F&G Code Section 8682). There are currently no service interval regulations for set gill nets.

Current gear marking regulations state set gill nets must be marked at both ends with buoys displaying fisherman’s identification number and specify the distance between markers shall not exceed 45 fathoms (F&G Code Section 8601.5).

Current laws specify that set gill nets with mesh size of not less than 8.5 inches may be used to take California halibut (F&G Code Section 8625(a)), and gill nets with meshes of a minimum length of 6 inches may be used to take white seabass (F&G Code Section 8623(d)).

PROPOSED REGULATIONS

Subsection 174.1(a)

Service interval is the amount of time that fishing gear remains in the water, between when it is first set and when it is retrieved. Service intervals vary among fisheries and are dependent on the target species, the specifications of the fishing gear, and the time it takes to service the gear and bring it aboard.

The Necessity of a Set Gill Net Service Interval Regulation

Currently, the California set gill net fishery does not have a maximum service interval defined in regulation, meaning gill netters can leave their nets in the water for any amount of time. Currently 72% of gill net logs report a 24 hour or less soak time, 23% report a 37–48-hour soak time and only 3% report over 56 hours (Figure 1). When asked during fleet outreach efforts, gill netters stated that they base the amount of time they soak their nets on how active fishing is. When fishing is slow, they will leave their nets out for 2 days, as their catch increases and it is a savings as fuel costs are cut in half.

Establishing a service interval duration has the potential to reduce bycatch impacts on some species, specifically discard mortality of sensitive species such as elasmobranchs. With a 24 hour or less soak time, 80% of all finfishes released are alive (except mackerel since they are an uncommon species with high discard mortality that skews the data- 53% with mackerel included), and 87% of all released elasmobranchs are alive (Figure 2). This mortality rate increases with longer service intervals, with 41% of finfish and 50% of elasmobranchs released alive with soak times over 56 hours. However, there is an increase in the number of halibut

caught in nets soaked over 24 hours (Figure 3), so allowing a longer soak time increases catch of halibut. Comparatively, the same trend is not seen in white seabass with the highest numbers being caught in 24 hour-soaked nets.

Proposed language in 174.1(a) for a service interval includes a range to be decided through the Commission public noticing process of 24 to 48 hours. The flexibility of allowing up to 48 hours between servicing nets would allow for fishers to determine the best time to pull nets depending on conditions and target species while also allowing for decreased fuel costs. During outreach efforts gill netters have voiced concern that a strict 24-hour service interval would be challenging to comply with given it takes longer to retrieve nets than to set them. Selecting a service interval between 25-35 hours could benefit fishers by providing reasonable time to pull their nets and still reduce bycatch mortality. It has been expressed that a 36-hour service interval is not reasonable to enforce as most gill netters deploy nets in the morning so retrieval would be in the middle of the night. The mortality rate does not substantially change in the 25–36-hour range for either finfishes or elasmobranchs. Additionally, the highest number of halibut per trip is reported from 25–36-hour range trips.

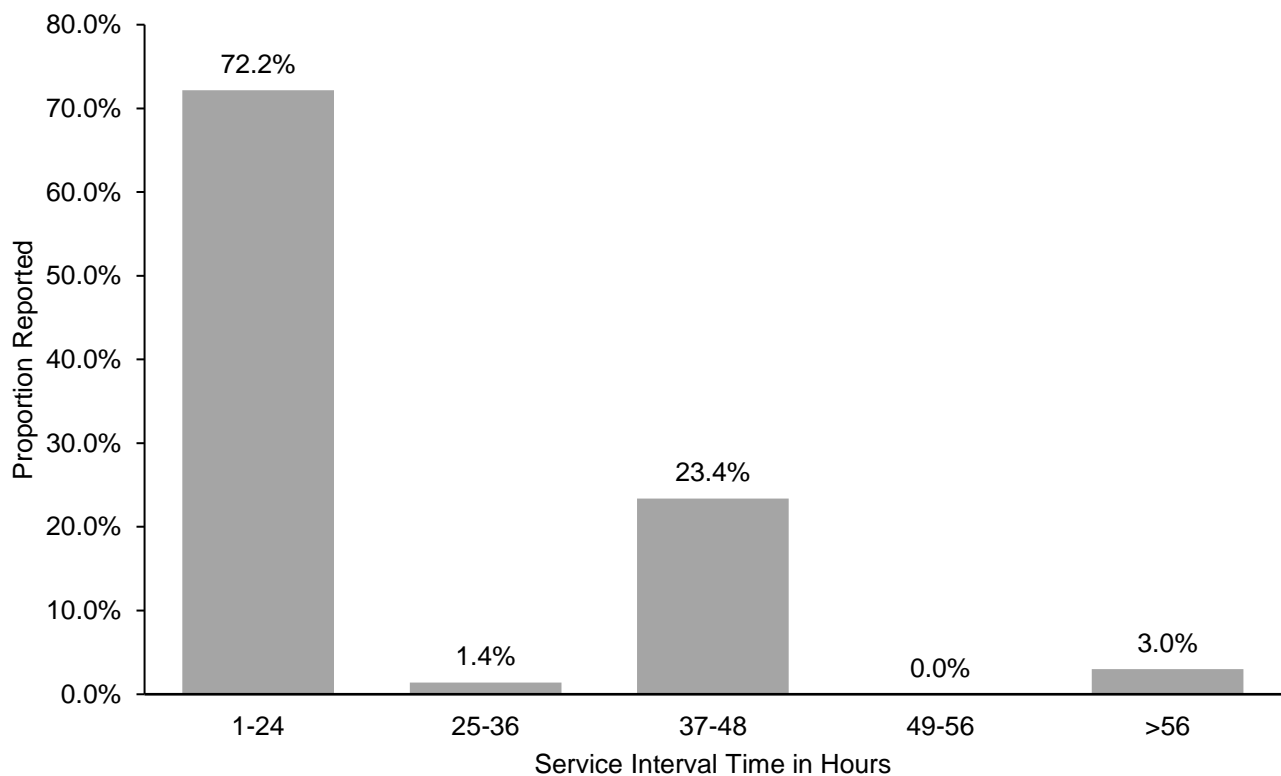


Figure 1. Range of service interval times and frequency reported in CDFW Gillnet Logs (2007-2022).

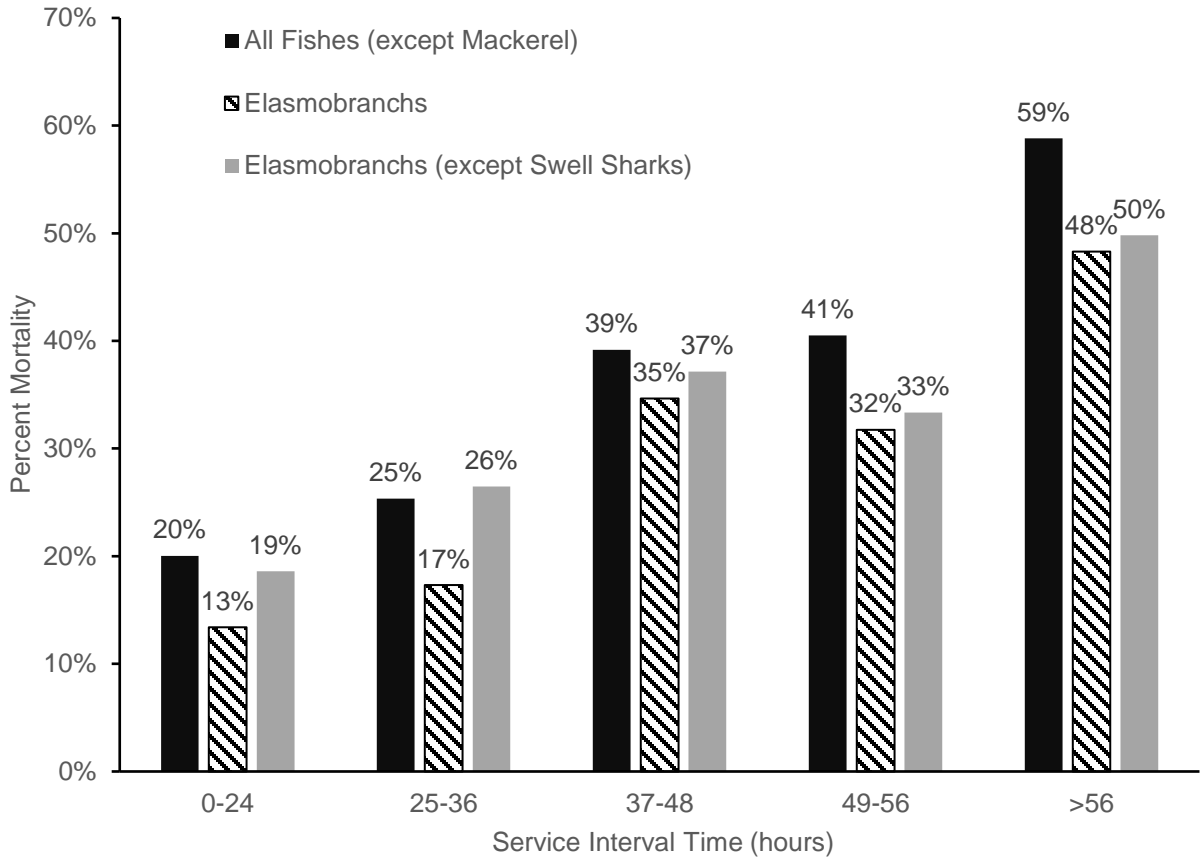


Figure 2. Percent mortality of species groups by service interval time based on federal observer data (Years- 2007, 2010, 2013, 2017). Mackerel are not commonly captured in gill nets and are excluded to prevent their high discard mortality skewing the rate. Elasmobranchs are shown with and without swell sharks as they have a high survivability rate compared to other shark species.

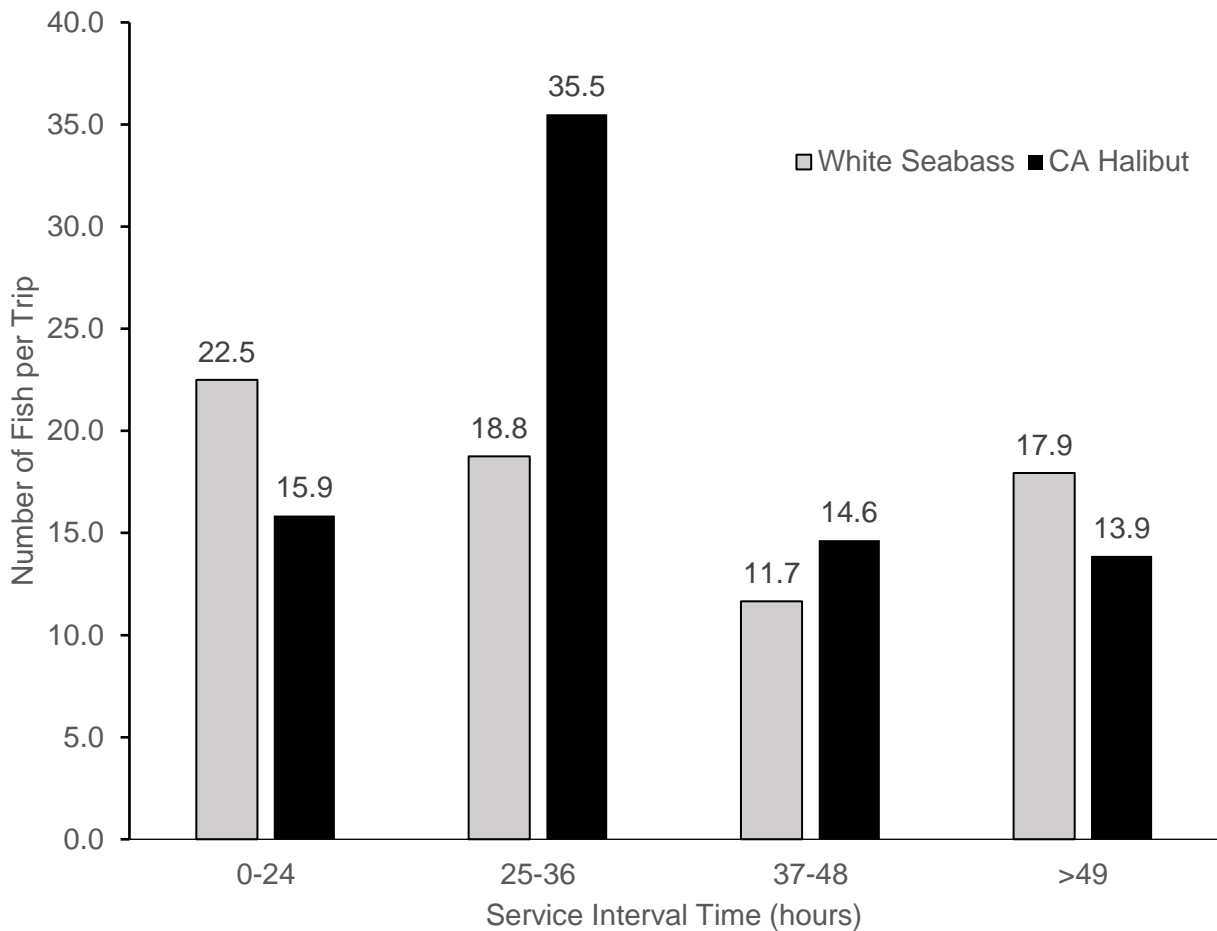


Figure 3. Number of California halibut and white seabass per soak time reported in CDFW Gillnet Logs (2007-2022).

Enforcement of the service interval regulation will be challenging without some type of electronic monitoring informing law enforcement officers of the location of gill net vessels when setting or retrieving nets. Monitoring service intervals through fishing activity logs is limited and cannot be verified unless enforcement is present or observing at all times. Electronic logbooks will only provide an honor-based system of reporting service intervals. Many of the vessels have the federal VMS system, but this system is only required for those landing or retaining groundfish and not for landing halibut or white seabass caught in gill nets. Electronic monitoring is anticipated to be pursued as part of a second phase of management improvements aimed to reduce bycatch in the California set gill net fishery but is not being included in this rulemaking.

Subsection 174.1(a)(1) and (2)

When implementing a service interval, it is important to include exemptions for the cases where a permittee might not be able to comply with the regulation due to undue hardship, or unsafe weather conditions or catastrophic events.

174.1(a)(1) - Due to the strict service interval time during outreach efforts, permittees have requested an allowance for alternative compliance where they may grant another permittee permission to remove their nets from the water if they are facing catastrophic events such as

vessel mechanical failure or debilitating illness. The process to request the Department's License and Revenue Branch to approve such an exemption and waiver allows the opportunity for a net to be serviced by another permittee. The issued waiver may provide flexibility for time constraints, landing prohibitions, or other conditions the Department may deem pertinent. This provision is necessary to provide flexibility for the permittee to still comply with the service interval for non-weather related unforeseen circumstances.

174.1(a)(2) - Law enforcement has expressed that email is the most efficient way for a permittee to notify the Department of unsafe weather conditions at sea. An email specific to set gill net unsafe weather exemption notifications has been set up (gillnetnotifications@wildlife.ca.gov) and it is required that permittees must send a message prior to the end of the service interval stating the reason for delay and the anticipated date and time of retrieval. Proposed subsection 174.1(a)(2)(B) provides that unsafe weather conditions include the issuance of a Small Craft Advisory by the National Weather Service, or issuance of another advisory that indicates winds of over 25 knots. This provision is necessary to provide flexibility for the permittee to still comply with the service interval for unforeseen or changing weather conditions.

Subsection 174.1(a)(3)

When set gill nets are not retrieved or are not marked with identification, they are considered abandoned. Proposed subsection 174.1(a)(3) includes a timeframe of 7 consecutive days for determination of abandonment without servicing, cleaning, or otherwise raising the net if there is no approved exemption pursuant to 174.1(a). Additionally, a set gill net is abandoned if the valid, required gear markings, per F&G Code Section 8601.5 and Title 14, CCR, Section 174.1(b) are not present or legible on the set gill net. The timeframe of 7 consecutive days was chosen as it provides ample time for Department staff to determine whether any permittee has been identified as the responsible party for the net. This subsection is necessary to establish a time limit for the Department's Law Enforcement Division to determine when set gill net gear is no longer in use and to provide a means for citation to any identified permittee, if abandonment is documented, consistent with F&G Code Section 8630.

Subsection 174.1(b)

Gear marking has been identified as an important tool to address concerns related to unidentified set gill net gear in marine mammal entanglements. While there are current gear marking regulations for set gill nets, mandating buoys with the fisher's identification number every 45 fathoms (F&G Code Section 8601.5), it does not clearly identify the set gill nets are from California fisheries.

The Necessity of a Gear Marking Regulation

In 2022, there were reports of 2 humpback whales and 1 gray whale entangled with unidentified gill nets off the California coast (NOAA 2022). Through outreach with the California set gill net fleet, an idea to incorporate a 1- inch wide, 1- foot long colored nylon strap weaved into the existing head rope was developed (Figure 4). Two set gill netters have trialed this marking system and have found no issues with backlash or entanglement, and have confirmed the markings can be added to existing gear while nets are being deployed preventing the economic burden of necessitating a break from fishing to install gear markings.

- Proposed language in 174.1(b) for marking of the headrope includes three options of colors to be decided through the Commission public noticing process of red, orange, or yellow, or possibly all of these. Providing three color options through this process would allow for permittee input on the final color or flexibility in all three colors, considering manufacturing availability of such nylon straps. These colors are necessary options to provide maximum visibility in ocean conditions.
- Proposed language in 174.1(b) for marking interval is proposed for 20 fathoms based on discussions with NOAA, industry representatives, stakeholders, or other organizations. Initial outreach with set gill net permittees indicates that this interval marking would be reasonable in terms of the labor it would take to add the markings to the net. Mandating this additional set gill net marking system to be displayed every 20 fathoms will allow for confirmation that a set gill net is from the California set gill net fishery if entangled.



Figure 4. Images of proposed gill net gear marking system submitted by gill netter trialing the system on their net. Individual fisher's identification number blurred out to protect identity.

During outreach with the fleet, they have requested to be given a year to update their gear with gill net markings to be in compliance with the proposed regulations. The planned compliance date would be January 1, 2026, given the overall planned regulation effective date of January 1, 2025.

Subsection 174.1(c)

There is currently no specification on the maximum net height (also known as mesh depth) for set gill nets. Fish and Game Code establishes specific dimensions for mesh size and net length for the California halibut fishery (F&G Code Section 8625(a)) and a minimum mesh size for the white seabass fishery (F&G Code Section 8623(d)). However, there are no standards for the maximum depth for either California halibut or white seabass.

The Necessity of a Mesh Depth Regulation

During bycatch evaluation outreach efforts with the set gill net fleet, it was brought up that standardizing net height for set gill nets is a management measure that has a potential to

reduce bycatch and prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep, and for white seabass, a maximum of 50 meshes deep has received support from industry representatives. According to the Federal observer program observations that included mesh depth parameters on set gill net sets observed from 2006-2017, 91% of halibut targeted gill nets fish with nets a maximum of 25 mesh panels deep, and 93% of white seabass targeted nets fish with nets a maximum of 50 mesh panels deep.

(b) Goals and Benefits of the Regulation

The MLMA is intended to ensure the conservation, sustainable use, and restoration of California's marine living resources. In 2019, the Department assessed the state's fisheries under the 2018 Master Plan for Fisheries framework (Department, 2018). A prioritization process identified halibut as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized halibut) and from a changing climate. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

The benefits of the proposed regulation change include, but are not limited to:

- Opportunity to create a positive conservation impact in southern California.
- Imposing soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes in the set gill net fishery.
- Reducing discarded bycatch in the set gill net fishery.
- Creating a gear marking system that will clearly identify where set gill nets are from if entangled on marine mammals.
- Industry supported and trialed gear marking system increases chances of success and prevents undue economic burden to the set gill net fleet.
- Preventing the expansion of set gill net fishing gear.
- Opportunity to be responsive to stake holder's feedback. The proposed regulations were created in response to constituents' comments throughout the California Halibut Scaled Management Process.

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

Authority: 7085, 8682

Reference: 1050, 1700, 7056, 8026, 8568, 8573, 8574, 8601, 8601.5, 8604, 8609, 8623, 8625, 8626, 8630, 8680, 8681

(d) Specific Technology or Equipment Required by Regulatory Change:

This regulation will require set gill netters to purchase nylon straps for gear marking.

(e) Identification of Reports or Documents Supporting Regulation Change

Evaluating Bycatch in the California Halibut Set Gill Net Fishery. CDFW 2023. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213366&inline>

California Department of Fish and Wildlife. 2018. 2018 master Plan for Fisheries: A guide for Implementation of the Marine Life Management Action. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=159222&inline>

California Department of Fish and Wildlife. 2023. California Halibut Scaled Management Process. Available from: <https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management>

NOAA Fisheries. 2022. West Coast Whale Entanglement Summary. [2022 West Coast Whale Entanglement Summary \(noaa.gov\)](https://www.noaa.gov/species/whales-and-manatee/whale-entanglement-summary)

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

- Invites were sent to the entire fleet, 104 gill net permit holders, for two fleet-only information meeting options:
 - November 9, 2023 at the Santa Barbara Harbor
 - November 15, 2023 at the San Diego field office for the Department of Fish and Wildlife
- November 16, 2023, Marine Resources Committee meeting, San Diego
- March 19, 2024, Marine Resources Committee meeting, San Clemente
- Contacted active gill netters by phone on multiple occasions to get their input on the following topics:
 - Rationale for current gill net soak times
 - Reasonable distance between proposed gear marking system
 - Definition of net abandonment

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to a regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Imposition of performance standards is not a reasonable alternative to these specifically prescribed procedures because management measures require action to be taken to address unacceptable bycatch, and a service interval would reduce bycatch. Similarly for mesh depth, specifications on mesh depth would mean improved efficiency in targeting halibut and white seabass, while reducing bycatch of other species. Alternative markings were voluntarily trialed including a colored tracer line weaved into the headrope, but during outreach efforts with the fleet it was decided the colored nylon strap was the most cost effective and efficient.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning unacceptable bycatch in the set gill net fishery would remain unaddressed. The Department would be unable to meet its objectives under the 2018 Master Plan for Fisheries or requirements of the MLMA.

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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this action will not affect the demand for goods and services related to the set gill net fisheries within the state.

(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 any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents, or worker safety. The Commission anticipates benefits to the State's environment by sustainably managing California's marine resources.

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

The Commission is aware of the cost impacts that a representative private business would necessarily incur in reasonable compliance with the proposed action. Set gill net permit holders would have some additional gear-marking time and material costs and may have to undertake some additional vessel travel time to monitor nets if they do not already adhere to the proposed maximum gill net service interval (see STD399 and Addendum).

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

The Department Law Enforcement Division (LED) staff anticipates a temporary increase in patrol boat time until the set gill net fleets adjust to the proposed regulations (see STD399 and 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 does not anticipate any impacts on the creation or elimination of jobs within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs.

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

The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for goods and services related to the set gill net fishery within the state.

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

The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the state because this action will not affect the demand for goods and services related to the set gill net fisheries within the state.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate benefits to worker safety in California.

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

The Commission anticipates benefits to the state's environment through compliance with the MLMA and the 2018 Master Plan for Fisheries framework working to ensure the conservation, sustainable use, and restoration of California's marine living resources. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery. These regulations aim to reduce discarded bycatch in the set gill net fishery, impose soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes, and creating a gear marking system that will clearly identify where set gill nets are from, if entangled on marine mammals.

(g) Other Benefits of the Regulation

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The state of California manages the commercial set gill net fishery. The Department of Fish and Wildlife (Department) monitors the existing 91 set gill net permits that are issued, of which 34 were active in the past year. There are two main types of set gill nets: 8.5 minimum mesh which primarily targets California halibut, and 6-inch minimum mesh which primarily targets white seabass. Gill nets have the potential to result in bycatch, where fish or other marine life taken in a fishery are not targeted and may be discarded as they are not legal to take.

“Acceptable bycatch” considers legality of take, potential threat to sustainability, impacts to other fisheries and the ecosystem. Pursuant to the Marine Life Management Act (MLMA), over the past several years the Department has worked in coordination with research partners, Fish and Game Commission (Commission) staff, industry representatives, and the non-government organization (NGO) community to complete a four-step process to determine whether the amount and type of bycatch are considered “acceptable” (Fish and Game Code (F&G Code) Section 7085). Step 4 of this bycatch evaluation is to develop management measures to address unacceptable bycatch and to improve data collection for the California set gill net fishery.

Proposed subsections (a) through (c) of Section 174.1 outlined in this regulatory proposal are a direct result of the bycatch evaluation process, and an initial phase of planned regulations aimed to reduce bycatch in the California set gill net fishery. The proposed regulations would establish a service interval for checking or raising set gill nets, require marking of gill net gear to address concerns related to unidentified set gill net gear in marine mammal entanglements, and define mesh depth for California halibut or white seabass to potentially reduce bycatch and prevent the expansion of set gill net gear.

Subsection 174.1(a). Proposes a service interval includes a range to be decided through the Commission public noticing process of 24 to 48 hours. The flexibility of allowing up to 48 hours between servicing nets would allow for fishers to determine the best time to pull nets depending on conditions and target species while also allowing for decreased fuel costs.

- Subsections (a)(1) and (a)(2) consider exemptions for the cases where a permittee might not be able to comply with the regulation due to unsafe weather conditions or catastrophic events. An allowance for alternative compliance may grant another permittee permission to remove their nets from the water if they are facing catastrophic events, such as vessel mechanical failure or debilitating illness.

Subsection 174.1(a)(3). Includes a timeframe of 7 consecutive days for consideration of abandonment without servicing, cleaning, or otherwise raising the net if there is no approved exemption pursuant to 174.1(a). Additionally, a set gill net is abandoned if the valid, required gear markings, per F&G Code Section 8601.5 and subsection 174.1(b) are not present or legible on the set gill net.

Subsection 174.1(b). Proposes a requirement for permittees to incorporate a 1- inch wide, 1-foot-long colored nylon strap weaved into the existing head rope. A proposed marking interval for the straps along the headrope is proposed for 20 fathoms based on discussions with

NOAA, industry representatives, stakeholders, or other organizations. Initial outreach with set gill net permittees indicates that this interval marking would be reasonable in terms of the labor it would take to add the markings to the net. Mandating this additional set gill net marking system to be displayed every 20 fathoms will allow for confirmation that a set gill net is from the California set gill net fishery if entangled.

Subsection 174.1(c). Current law establishes specific dimensions for mesh size and net length for the California halibut fishery (F&G Code Section 8625(a)) and a minimum mesh size for the white seabass fishery (F&G Code Section 8623(d)). However, there are no standards for the maximum net height (also known as mesh depth) for either California halibut or white seabass. A standard net height for set gill nets is a management measure that has a potential to reduce bycatch and would prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep is proposed and for white seabass, a maximum of 50 meshes deep is proposed.

Benefit of the Regulations:

The Marine Life Management Act (MLMA) is intended to ensure the conservation, sustainable use, and restoration of California's marine living resources. In 2019, the Department assessed the state's fisheries under the 2018 Master Plan for Fisheries framework. A prioritization process identified halibut as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized halibut) and from a changing climate. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

The benefits of the proposed regulation change include, but are not limited to:

- Opportunity to create a positive conservation impact in southern California.
- Imposing soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes in the set gill net fishery.
- Reducing discarded bycatch in the set gill net fishery.
- Creating a gear marking system that will clearly identify where set gill nets are from if entangled on marine mammals.
- Industry supported and trialed gear marking system increases chances of success and prevents undue economic burden to the set gill net fleet.
- Preventing the expansion of set gill net fishing gear.
- Opportunity to be responsive to stakeholder's feedback.

The proposed regulations were created in response to constituents' comments throughout the California Halibut Scaled Management Process.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing aspects of the commercial gill net industry (F&G Code Section 8682). No other state agency has the authority to adopt regulations governing the issuance of

gill net permits as necessary to establish an orderly gill net fishery. 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 examined the CCR for other gill net regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 174.1, Title 14 CCR, is added to read:

§174.1. Set Gill Net Service Interval, Gear Marking and Mesh Depth

(a) Set Gill Net Service Interval: Every set gill net shall be raised, cleaned, serviced, and emptied at intervals not to exceed [24-48] hours, and no net shall be abandoned in the waters of this state.

(1) Undue Hardship Exemption – A permittee may request a waiver for exemption from the set gill net service interval requirement described in subdivision (a) if the permittee cannot comply due to a major mechanical failure or undue hardship resulting from circumstances beyond the control of the permittee.

(A) Waiver Request: The permittee shall request a waiver from the Department by sending an email to LRBCOMM@wildlife.ca.gov prior to the end of the service interval. The permittee's email request must include all of the following in order to be considered by the Department: (1) the permittee's general gill net permit number, (2) circumstances explaining the undue hardship or mechanical failure that prevent the permittee from complying, (3) the retrieving individual's general gill net permit number, and (4) coordinates indicating location of the nets. The permittee shall comply with the set gill net service interval unless the Department grants the waiver request.

(B) Waiver Compliance: All permittees shall follow all terms and conditions of the waiver. The waiver may include conditions such as time restrictions, landing prohibitions, or any other conditions the Department deems necessary. The waiver shall be null and void upon violation of the waiver terms and conditions. A copy of the waiver approved by the Department shall be onboard the retrieving vessel.

(2) Unsafe Weather Condition Exemption - Unsafe Weather Conditions: Upon notification to the Department, a permittee may be exempt from the set gill net service interval requirement described in subdivision (a) due to unsafe weather conditions at sea. The permittee shall raise, clean, and service all set gill nets for which they claim an exemption within 24 hours after the end of the unsafe weather conditions.

(A) Department Notification: The permittee shall notify the Department of the unsafe weather conditions by sending an email to gillnetnotifications@wildlife.ca.gov prior to the end of the service interval. The permittee's email request shall describe (1) the unsafe weather conditions which meet the definition below and (2) the affected coastal waters zone.

(B) Unsafe Weather Conditions Defined: Weather conditions at sea are considered unsafe if the National Weather Service issues a Small Craft Advisory or other advisory predicting sustained winds greater than 25 knots. The Small

Craft Advisory or other qualifying advisory shall apply to the same coastal waters zone where a set gill net is located, or the same coastal waters zone where the vessel must transit to reach a set gill net. The Small Craft Advisory or other qualifying advisory must also have been declared on the same calendar day that the set gill net service interval ends.

(3) Abandoned Set Gill Nets - It is unlawful to abandon a set gill net. Abandoned set gill nets may be seized by any person authorized to enforce these regulations or their authorized agent. A set gill net is abandoned if:

(A) a permittee leaves the set gill net in the water for 7 consecutive days and during that time fails to raise, clean, service, and empty the set gill net without an approved exemption or

(B) the valid, required gear markings are not present or legible on the set gill net.

(b) Gear marking: In addition to the requirements in Fish and Game Code Section 8601.5, starting January 1, 2026, all set gill nets shall be marked with a colored [red, orange and/or yellow] 1-inch-wide nylon strap and shall be woven into the corkline at intervals not to exceed every 20 fathoms. Each strap must contain the fisherman's identification number and hang a minimum of 1 foot in length to uniquely identify the gear as a California set gill net.

(c) Mesh depth: Gill nets used to take white seabass with meshes of a minimum length of six inches shall be no more than 50 meshes deep. Gill nets used to take California halibut with meshes of a minimum length of 8.5 inches shall be no more than 25 meshes deep.

Authority: Sections 7085 and 8682, Fish and Game Code.

Reference: Sections 1050, 1700, 7056, 8026, 8568, 8573, 8574, 8601, 8601.5, 8604, 8609, 8623, 8625, 8626, 8630, 8680 and 8681, Fish and Game Code.

Memorandum

Date: June 5, 2024

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

From: Charlton H. Bonham
Director

Subject: Recommendations for the June 19-20, 2024, Fish and Game Commission Meeting for the Proposed Addition of Section 174.1 to Title 14, California Code of Regulations Re: Commercial California Halibut and White Seabass Set Gill Net Service Interval, Gear Marking and Mesh Depth

The California Department of Fish and Wildlife (Department) is providing recommendations specifically for the set gill net service interval and gear marking color regarding the proposed addition of Section 174.1 to Title 14, California Code of Regulations which is necessary to address potential bycatch concerns for the set gill net fishery. The proposed regulations establish a set gill net service interval, require gear marking to identify set gill nets from California, and establish mesh depth (net height) limits for take of white seabass and California halibut.

The Department recommends the following:

- 1) Service interval - The gill net service interval is the amount of time that fishing gear is in the water between when it is first set and when it is retrieved. Currently, the California set gill net fishery does not have a maximum service interval defined in regulation. The Department recommends a maximum service interval of 36 hours to reduce bycatch impacts to non-target species.
- 2) Gear marking color - In addition to the requirements already defined in Fish and Game Code Section 8601.5, gear markings are being proposed to uniquely identify set gill net gear from California. The proposed markings include a 1-inch nylon strap weaved into the headrope at intervals not to exceed 20 fathoms. Each strap must contain the fisherman's identification number and hang a minimum of 1 foot in length. After consulting with industry and assessing product availability, the Department recommends that an orange colored 1-inch nylon strap be used as the identifying color marker for set gill nets from California.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
June 5, 2024
Page 2

The Department point of contact for this regulation should identify Environmental Scientist Miranda Haggerty. She can be reached at Miranda.Haggerty@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Craig Shuman, D. Env., Region Manager
Marine Region
Department of Fish and Wildlife

Kirsten Ramey, Env. Program Manager
Marine Region
Department of Fish and Wildlife

Dianna Porzio, Senior. Env. Scientist (Supervisor)
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Miranda Haggerty, Environmental Scientist
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Ona Alminas, Env. Program Manager
Regulations Unit
Wildlife and Fisheries Division
Department of Fish and Wildlife

David Thesell, Program Manager
Fish and Game Commission

Susan Ashcraft, Marine Adviser
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

California Set Gillnet Fishery

Mary Alice Lorio [REDACTED]

Tue 04/23/2024 06:53 PM

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

Dear Director Sklar and the California Fish and Wildlife Commissioners.

I am extremely concerned about the amount of bycatch in the California Set Gillnet Fishery. Please consider this harmful bycatch as unacceptable and protect our marine life by eliminating setnets and substituting for hook and line in the halibut fishery.

Sea birds, marine mammals and especially sharks are caught and drowned in this harmful gear. The Soupfin shark (tope shark) is now considered to be Critically Endangered. Protected white sharks and others like soupfin (Tope) and blue sharks are unfortunately a common capture for the California Set Gillnets, and many of these sharks are discarded after being caught.

Seabirds can become entangled in the set gillnet fishery and often drown before being discarded overboard. With proper management, this is an avoidable consequence of this type of fishing gear.

There are more boats fishing for California halibut using less harmful and more targeted hook and line than those using setnets.

Thank you for your efforts on this matter, commissioners. Bycatch in set gillnets must be handled. Please declare this bycatch as unacceptably high as soon as possible.

Respectfully,

Mary Alice Lorio

[REDACTED]

[REDACTED]

STATE CAPITOL
P.O. BOX 942849
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(916) 319-2038
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Assemblymember.Bennett@assembly.ca.gov



COMMITTEES
CHAIR: BUDGET SUBCOMMITTEE NO. 4 ON
CLIMATE CRISIS, RESOURCES, ENERGY,
AND TRANSPORTATION
BUDGET
ELECTIONS
EMERGENCY MANAGEMENT
WATER, PARKS AND WILDLIFE

May 30, 2024

Samantha Murray, President
California Fish and Game Commission
P.O. Box 944209 Sacramento,
CA 94244-2090

Dear President Murray and Members of the Commission,

Thank you for the work the Fish and Game Commission is doing through the Marine Life Management Act to prioritize and update the management of the set gillnet fishery. As a long time resident and elected official from the Ventura coast, I care deeply for the marine environment and ecosystem of the State. To that end, I urge the Commission to take strong measures regarding the set gillnet regulatory package.

Unintentionally caught and discarded marine life during gillnet fishing is an important issue to the people of my district. Therefore, I urge the Commission to require a 24-hour servicing window (weather permitting) to ensure that the high bycatch rates in this fishery do not result in unnecessary waste and death of marine life. A 24-hour service window, or soak time, encourages "best practices" of fishing with gillnets that are already occurring in the fishery.

Whale entanglements are a continuing issue in California that can be solved, in large part, by ensuring California fishing gear is distinctly marked. Gear-marking allows us to understand the source of these entanglements, and how we can improve and decrease the occurrences of these deadly entanglements. I urge the Commission to consider robust and unique gear-marking for this fishery during this regulatory process.

Finally, I support a strong commission regulatory package overall and continue to be interested in paving the way for better data collection strategies for this, and other state fisheries. I look forward to continuing to engage with the important work at the Commission and working with you all on future legislation to complement these efforts.

Sincerely,

Steve Bennett

Steve Bennett
Assemblymember, 38th District

Gillnets & Bycatch

Cayla Salvador [REDACTED]

Wed 06/05/2024 11:37 AM

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

Dear Director Sklar and the California Fish and Wildlife Commissioners,

I am extremely concerned about the amount of bycatch in the California Set Gillnet Fishery. Please consider this harmful bycatch as unacceptable and protect our marine life by eliminating setnets and substituting for hook and line in the halibut fishery.

Sea birds, marine mammals and especially sharks are caught and drowned in this harmful gear. The Soupfin shark (tope shark) is now considered to be Critically Endangered. Protected white sharks and others like soupfin (Tope) and blue sharks are unfortunately a common capture for the California Set Gillnets, and many of these sharks are discarded after being caught.

Seabirds can become entangled in the set gillnet fishery and often drown before being discarded overboard. With proper management, this is an avoidable consequence of this type of fishing gear.

There are more boats fishing for California halibut using less harmful and more targeted hook and line than those using setnets.

Thank you for your efforts on this matter, commissioners. Bycatch in set gillnets must be handled. Please declare this bycatch as unacceptably high as soon as possible.

Only 39 estimated participants who fish with set gillnets are left, primarily targeting halibut and white sea bass. Sixty-four percent of animals caught with set gillnets are tossed overboard, translating to a conservative estimate of over 230,000 animals thrown overboard from 2007 to 2021, with over 50% dead before hitting the water.

Although commercial fish landings data indicate the number of discarded animals during this period could be as high as 2 million. Set gillnets catch 125 different species, and only 17 species are primarily kept and sold. Nearly three of every four sharks, rays, and skates caught are tossed overboard in the set gillnet fishery.

Set gillnets are the primary threat to juvenile great white sharks in their nursery grounds off California. White sharks play an important ecosystem role, and their population is still at low numbers. Like the

Sources

National Marine Fisheries Service. Accessed 2022. California Set Gillnet Observer Program, Observed Catch 2007-01-01 to 2017-12-31. Available: <https://media.fisheries.noaa.gov/2022-01/setnet-catch-summaries-2007-2010-2013-2017.pdf>

*observer data is recorded by number of animals

Oceana and The Turtle Island Restoration Network THE NET CONSEQUENCE: Impacts of Set Gillnets on California Ocean Biodiversity

https://seaturtles.org/wp-content/uploads/2023/04/CA_Bycatch_Report_FINAL_April2023.pdf

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Cayla Salvador

Artist & Educator

caylasalvador.com

6/19-20 MRC Meeting Agenda item 25

salifornia78

Wed 06/05/2024 08:29 PM

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

Dear President Murray and Members of the Commission,

My name is Sal Martinovich. I have spearfished/fished/surfed/sailed/etc in California for all my life. I care deeply about protecting marine biodiversity.

I am writing to comment on agenda item 25; the set gillnet fishery. In my opinion, this is an outdated method of fishing with unacceptable levels of bycatch, particularly California Black Seabass, sharks, and rays. Outside of banning the practice completely, mandating the shortest possible soak time, as well as marking gear with uniquely colored lines, mesh, and floats is essential. But gillnet fishing should be illegal and looked at as a lesson learned. And left in the history books.

Thank you very much for your time and consideration.

Sal Martinovich

Sent from my iPhone

Public Comment for Item 25: June 20th Fish & Game Commission Meeting

Scott Webb <swebb@rri.org>

Thu 06/06/2024 04:18 PM

To:FGC <FGC@fgc.ca.gov>;Ashcraft, Susan [REDACTED]

Hi, Susan and Commission staff,

I want to submit the attached Sign-On letter for public comment under Item 25: Commercial California halibut and white seabass set gill net.

Thank you so much!

All the best,

Scott

--

Scott Webb (he/him)
Director of Advocacy & Engagement
Resource Renewal Institute



Samantha Murray, President
 California Fish and Game Commission
 P.O. Box 944209,
 Sacramento, CA 94244-2090

June 6, 2024

Item 25: Commercial California halibut and white seabass set gill net

Dear President Murray and Members of the Commission:

We, the undersigned organizations and businesses, support the regulatory package being discussed at today's hearing to improve the management of the Southern California set gillnet fishery. Addressing the unintended catch and discarding of dead or injured marine life is a top priority for California, and we appreciate the extensive work the Commission and CDFW have put into fulfilling the state's commitment to protecting marine biodiversity. We urge the California Fish and Game Commission and the California

Department of Fish and Wildlife (CDFW) to implement the strongest versions of these measures to reduce bycatch and mortality associated with set gillnet fishing.

The only regulatory measure that has this ability to meaningfully reduce bycatch is through regulating soak time. We urge the Commission to set a strong maximum soak time that will reduce bycatch mortality in this fishery. Logbook data provided by the Department of Fish and Wildlife, as well as peer-reviewed scientific research specific to California's set gillnet fishery, indicates a 24-hour maximum soak time would substantially reduce bycatch mortality, particularly for sensitive species such as sharks and rays while aligning with current fishing trends in the fleet. Self-reported commercial gillnet logbook data also shows the majority of the fleet already reports less than 24 hours of soak time.

Establishing active gear-tending requirements ensures that fishermen monitor and manage their gear and is consistent with requirements in other fixed gear fisheries off California and elsewhere. Substantial evidence demonstrates that soak times longer than 24 hours drastically decrease the survivorship of all species, decrease the quality of the target catch, and increase entanglement and depredation impacts. We ask the Commission to adopt a 24-hour maximum soak time, with weather and extraneous circumstances exceptions.

We support the proposed improved gear marking to require unique tracer lines on set gillnet headropes as a first step that can reasonably be accomplished in the near term. However unique gear marking in the set gillnet fishery should be coordinated with a statewide gear marking approach, particularly Dungeness Crab, including uniquely colored lines, mesh, and floats. Therefore, we suggest the Commission adopt the proposed improvements with a single fleet-wide tracer line color in the near-term and continue to refine set gillnet gear marking requirements in the future.

We are grateful to the Commission and CDFW for developing a suite of regulatory measures to improve management and address wildlife impacts in gillnets off the California coast.

Sincerely,

Scott Webb
Director of Advocacy & Engagement
Resource Renewal Institute

Caitlynn Birch & Geoff Shester
Pacific Marine Scientist & California Campaign Director
Oceana

Kurt Lieber
President
Ocean Defenders Alliance

Dan Silver
Executive Director
Endangered Habitats League

Kimberly Anne Vawter Malloy
General Manager
Santa Barbara Adventure Company & Channel Islands Adventure Company

Rachel Bustamante
Ocean Program Director
Earth Law Center

Stefanie Brendl
Executive Director
Shark Allies

Natalie Ahwesh
Director of State Affairs

Laura Walsh
California policy manager

Animal Wellness Action

Surfrider Foundation

Finn Does
Co-Chair
Bay Area Youth Climate Summit

Pamela Flick
California Program Director
Defenders of Wildlife

Rachel Carbary
Donor Relations & Events Coordinator
Dolphin Project

Joy Primrose
Director, National Board of Directors
American Cetacean Society

Elizabeth Purcell
Environmental Policy Coordinator
Turtle Island Restoration Network

Francine Kershaw, PhD.
Senior Scientist
Natural Resources Defense Council

Maxwell Bracey
President
DiverSeaFy

Tomas Valadez
CA Policy Associate
Azul

Laura Deehan
State Director
Environment California

Michael Stocker
Director
Ocean Conservation Research

David McGuire & Michael Bear
Director & Community Science Director
Shark Stewards

Ashley Eagle-Gibbs
Executive Director
Environmental Action Committee of West Marin

Mark J. Palmer
Associate Director
International Marine Mammal Project
of Earth Island Institute

Elizabeth Beltramo
Co-Owner
Eco Dive Center

Emily Parker
Coastal and Marine Scientist
Heal the Bay

(No subject)

Douglas McCauley [REDACTED]

Thu 06/06/2024 05:01 PM

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

Cc:jweis [REDACTED] Pondella [REDACTED] richard.n.bray [REDACTED]

[REDACTED] clubarsky [REDACTED] larry.allen [REDACTED] Giulio

De Leo [REDACTED] jjcech [REDACTED]

Dear colleague

Please see attached letter which we would respectfully ask to be considered under Agenda Item 25: Commercial California halibut and white seabass set gill net for the June FGC meeting.

Thank you for your time and consideration.

Regards
Douglas

June 6, 2024

Ms. Samantha Murray, President
California Fish and Game Commission
P.O. Box, 944209
Sacramento, CA 94244-2090

Dear President Murray and Members of the Commission,

We the undersigned marine scientists, fishery scientists and conservation biologists see a strong need to address and minimize bycatch in state managed fisheries. The low selectivity and high mortality rates of bycatch in gillnets has been implicated in the localized and population level declines of many vulnerable species in California marine ecosystems (Takekawa et al. 1990, Forney et al. 2001, Pondella and Allen 2008, Forney et al 2021). Relative to other fisheries, set gillnets have among the highest ratios of bycatch to target species, creating disproportionate ecosystem impacts and management challenges particularly when discards and species impacts are not monitored (Berrow 1994, Alverson et al. 1994, Cook 2003, Forney et al. 2001, Shester and Micheli 2011, Micheli et al. 2014).

We urge the California Fish and Game Commission to thoughtfully consider the impacts of this fishery in the context of an ecosystem-based approach, and set strong management actions to minimize bycatch and bycatch mortality, including a 24-hour maximum soak time (with weather exemptions) and unique, distinguishable, gear-marking.

There is substantial evidence that demonstrates soak times longer than 24 hours drastically decrease the survivorship of all species, decrease the quality of the target catch, and increase entanglement and depredation impacts (i.e., Lyons et al. 2013). A 24-hour maximum soak time is largely consistent with the current patterns of fishing in the set gillnet fleet. According to CDFW the majority of the set gillnet fleet reports less than a 24-hour soak time (CDFW 2023). A 24-hour service interval would reduce the number of sets that have greater physiological impacts, mortality rates, and entanglement risks. Establishing active gear-tending requirements ensures that fishermen are monitoring and managing their gear and is consistent with requirements in other fixed gear fisheries off California and elsewhere.

Large whale entanglements are a significant problem for whales that migrate and feed along the U.S. West Coast. Gillnets have been documented in large whale entanglements for decades with little insight on the specific fishery involved in the absence of robust gear-marking in many California fixed-gear fisheries. We encourage the discussion of unique and distinguishable line marking that the Commission is confident will ensure gillnets involved in future entanglements will be able to be positively or negatively attributed to this fishery.

Sincerely,

Dr. Douglas McCauley, Professor, UC Santa Barbara

Dr. Daniel Pondella, Professor/Director, Occidental College

Dr. Larry G. Allen, Professor Emeritus of Biology, California State University Northridge

Dr. Richard Bray, Professor Emeritus, California State University San Marcos

Katie Lubarsky, Staff Researcher, UC San Diego

Dr. Giulio De Leo, Professor, Stanford University, Hopkins Marine Station

Dr. Joe Cech, Professor Emeritus of Fish Biology, UC Davis

Dr. Judith S Weis, Professor Emerita, Rutgers University

References:

Takekawa J.E., Carter, H.R., Harvey, T.E. 1990. Decline of the Common Murre in Central California 1980-1986. *Studies in Avian Biology* 14:149-163.

Forney KA, Benson SR, Cameron GA. 2001. Central California gillnet effort and bycatch of sensitive species, 1990-1998. *Proceedings of Seabird Bycatch: Trends, Roadblocks, and Solutions*. University of Alaska Sea Grant. AK-SG-01-01. <https://swfsc-publications.fisheries.noaa.gov/publications/CR/2001/2001For.pdf>.

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<https://onlinelibrary.wiley.com/doi/10.1111/mms.12764>

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CDFW. 2023. Potential Management Measures for the California Gill Net Fishery. Marine Resource Committee Presentation 16 November 2023.

Staff Summary for April 17-18, 2024
(*For background purposes only*)

4. Fisheries Logbook Forms and Fishing Block Charts

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations regarding fisheries logbook forms and fishing block charts.

Summary of Previous/Future Actions

- | | |
|--------------------------|--------------------------|
| • Today's notice hearing | April 17-18, 2024 |
| • Discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

The Department produces charts defining areas of commercial fishing activity, commonly referred to as "fishing blocks" and has relied on these fishing blocks since at least 1934 to document fishing locations for reported catch. While the charts have been consistently used, inaccuracies have accumulated over time. To ensure fishing records provide the most precise data possible, the Department is proposing updates to the fishing block system, that will allow the Department to better distinguish where fish are caught. The improvements aim to provide more accurate information to support effective fishery management decisions.

Proposed revisions to the charts aim to address two issues with the current version of the charts:

- Blocks that overlap with other blocks of a different scale, leading to inconsistent reporting and ultimately poor resolution of location, and
- blocks with poor alignment with the U.S./Mexico border where, in some cases, U.S. catch cannot be distinguished from Mexico catch.

In addition, various logbook and fishing activity forms reference the fishing block chart version to be used when block codes must be reported, but are inconsistent regarding the particular chart version to be used. The proposed revisions would ensure that all forms, where a fishing block is reported, use the same and most current chart maintained by the Department.

Proposed changes will support collecting fishing location information at the spatial resolution (level of detail) initially intended and will be more effective at informing fishery management decisions. Additionally, the proposed changes will improve spatial resolution to a level that will allow for correct distinction between catch originating in United States waters versus foreign waters and between inshore and offshore waters of California.

Proposed Regulations

Note: Section 197 is *not proposed for amendment in this rulemaking* and was erroneously listed on the agenda for today's meeting.

Staff Summary for April 17-18, 2024
(For background purposes only)

The proposed regulation changes include:

- In subsection 705.1(d), remove references to three charts: Northern California Fisheries, Central California Fisheries, and Southern California Fisheries. The charts will, instead, be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.
- In Section 190, add a new subsection (f) to specify the California Fisheries Chart Series to be referenced when a Department form requires that the origin block number be specified.
- Amend Section 165 to refer to Subsection 190(f) instead of Section 705.1.
- Make minor updates to Form DFW 120.7, Commercial Dive Fishing Log, and Form DFW 122, Daily Lobster Log.
- Amend sections 120.7 and 122 to reference the updated DFW Form 120.7 and Form 122, respectively.

Further details on the proposed changes are available in the initial statement of reasons (ISOR), proposed regulatory language, and proposed DFW forms 120.7 and 122 (exhibits 2 through 4).

Today, the Department will present an overview of the proposed changes (Exhibit 6).

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of notice of intent to amend sections 120.7, 122, 165, 190 and 705.1 related to marine logbooks and coastal charts, as recommended by the Department.

Department: Authorize publication of notice of intent to amend sections 120.7, 122, 165, 190 and 705.1.

Exhibits

1. Department memo transmitting the draft ISOR, received March 26, 2024
2. Draft ISOR
3. Proposed regulatory language
4. Proposed DFW forms 120.7 and 122
5. Economic and fiscal impact statement (STD. 399) and addendum
6. Department presentation

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 120.7, 122, 165, 190 and 705.1, as discussed today.

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

Amend Sections 120.7, 122, 165, 190, 705.1
Title 14, California Code of Regulations
Re: Marine Logbooks and Coastal Charts

I. Date of Initial Statement of Reasons: February 5, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 17, 2024

Location: San Jose, CA

(b) Discussion Hearing

Date: June 19, 2024

Location: Mammoth Lakes, CA

(c) Adoption Hearing

Date: August 14, 2024

Location: Fortuna, CA

III. Description of Regulatory Action

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

All section references are within the California Code of Regulations, Title 14, unless otherwise noted.

The Department of Fish and Wildlife (Department) produces charts defining areas of fishing activity, commonly referred to as “fishing blocks.” The earliest record of these charts is published in the Division of Fish and Game of California Bureau of Commercial Fisheries, Fish Bulletin No. 44, which describes use in logbooks distributed to the trawler fleet in 1934. These charts, with some modifications made over time, have been in consistent use for reporting fishing activity locations for all marine commercial fisheries.

Some ambiguity has existed for decades, and correction is needed to collect accurate information as initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Improved data collection will better distinguish between catch originating in U.S. versus foreign waters (i.e., U.S. – Mexico border), and between inshore and offshore waters of California.

Recent evaluation of these charts revealed areas where improvements can be made to reduce ambiguity. The proposed revision of the charts aims to improve on the following issues that are present in the current version of the charts:

- Blocks that overlap with other blocks of a different scale, leading to inconsistent reporting and ultimately poor resolution of location.
- Blocks with poor alignment with the U.S. Mexico border where in some cases U.S. catch cannot be distinguished from Mexican catch.

Within Title 14, the regulatory reference to these charts is made only in Section 705.1 relating to kelp. While the “fishing block” information is required on many fishery reporting forms, the charts are included only two times among those many forms. In order to reduce ambiguity in location reporting and to improve the resolution of the information collected, the proposed action would update the block chart references in each of these logbook forms listed below with a revision in the master set of block code charts. The result is reduction in total number of block codes that can be selected from, accurate alignment with U.S. – Mexico border, and removal of overlapping block areas which have been misinterpreted and incorrectly referenced during reporting. These revisions also condense the charts into a single series for both commercial logbooks and commercial landings. The Department believes that a more universal reference to the charts will add clarity and benefit all fisheries.

Proposed Amendments to Regulations

Section 705.1. Commercial Kelp Harvester’s Monthly Report

Delete subsection “(d) Maps of department origin blocks also known as fishing blocks” which incorporates by reference the three charts: Northern California Fisheries (September 2015); Central California Fisheries (September 2015); and Southern California Fisheries (April 2016).

The charts will instead be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.

Section 190. Fishing Activity Records.

Add a new subsection “(f) Fishing Block Charts” which will specify that when a Department form requires that the origin block number be specified, this location number shall be referenced on the California Fisheries Chart Series, as prescribed by the Department at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>.

Providing this provision within Section 190 adds clarity and consistency to record reporting requirements for all commercial fisheries.

Section 165. Commercial Harvesting of Kelp and Other Aquatic Plants.

Amend subsection (a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing it with “(specified in Section 190(f))”

The charts will be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.

Section 122. Spiny Lobster Permits and Restricted Areas.

Amend subsection (e), Records. States that pursuant to Section 190, any person who owns and/or operates any vessel used to take lobsters for commercial purposes shall complete and submit an accurate record of his/her lobster fishing activities on a form Daily Lobster Log (DFW 122 (REV. 03/04/16)). The form is incorporated by reference in Section 122. In this version of form 122, the Southern California Fisheries Chart (June 2001) are attached as a part of the instructions and are therefore a permanent part of the form. The amendment will strike out this outdated version of the block chart, amend text for clarity. and specify a revised form, not including the charts, which will then be subject to the universal provisions of Section 190, Fishing Activity Records.

Section 120.7. Taking of Sea Urchins for Commercial Purposes.

Amend subsection (m) Logbooks. States that pursuant to Section 190, each permittee shall complete and submit an accurate record of all sea urchin fishing activities on a form “Commercial Dive Fishing Log (DFW 120.7 (REV. 12/08/17))”. The form is incorporated by reference in Section 120.7. In this version of form 120.7, the Northern and Southern California Fisheries Charts (September 2015) are attached as a part of the instructions and are therefore a permanent part of the form. The amendment will amend text for clarity, delete a sentence which is redundant relative to provisions covered in Section 190, and specify a revised form, not including the charts, which will then be subject to the universal provisions of Section 190, Fishing Activity Records.

Proposed Revisions to Forms Incorporated by Reference.

Multiple Department forms used in mandated reporting of fishing activity include a field for reporting where fishing took place, referred to as “origin block,” “fishing block,” “F & W block number,” “F & G block number,” or “block number.” This is required on forms: 113A, 120, 120.7, 149b, 174, 176, 180A, 180B, 195A, 195B, 625m, 626 and 2025. In addition, required commercial fishing landing reporting requirements for electronic fish tickets and paper receipts outlined in Section 197 include a required field for “Department origin block number where the fish were caught.” Most of these forms do not specify a version of the fishing chart to be used. The fisheries charts are provided within only two forms (DFW 120.7 and DFW 122), and these forms will need revision so that one universal version of block chart as proposed in Section 190 is used in all forms.

Commercial Dive Fishing Log (DFW 120.7 (REV. 12/08/17)).

In the current version of form 120.7, the California Fisheries Charts (September 2015) are attached as a part of the instructions for finding and entering the origin block. Since the form is incorporated by reference in Section 120.7, the charts are therefore a permanent part of the form. The revision will remove the charts from the instructions on the form, clarifying that the log will then be subject to the universal provisions of Section 190, Fishing Activity Records with the newly proposed subsection 190(f). The revised form will also update office addresses, nomenclature for field names, and include fields for “Species” and “Fish Ticket Number.” A new revision date Rev. 03/2024 on the form

indicates the change. These changes are necessary to update the dive log for users to access the most recent procedures and block charts proposed for standardization.

Daily Lobster Log (DFW 122 (REV. 03/04/16)).

In the current version of form 122 the California Fisheries Charts (June 2001) are attached as a part of the instructions for finding and entering the origin block. The form is incorporated by reference in Section 122, and the charts are therefore a permanent part of the form. The revision will remove the charts from these instructions on the form, clarifying that the log will then be subject to the universal provisions of Section 190, Fishing Activity Records (third page, under “Definitions”).

The revised form will also update an office address and nomenclature for some field names. “Landing receipt” is changed to “Fish Ticket” to reflect potential submissions via the electronic fish ticket (E-tix) or landing receipts associated with the catch. The “F & W Vessel Number” is proposed for update to “CDFW Boat Registration Number” to more accurately reflect terminology used in lobster fishing. A new revision date Rev. 03/2024 on the form indicates the change. These changes are necessary to update the lobster log for users to access the most recent procedures and block charts proposed for standardization.

(b) Goals and Benefits of the Regulation

Improvement in fisheries charts will improve the quality of the data used by the Department in its ocean fisheries management recommendations resulting in net benefits to stakeholders.

The current reference for block codes creates ambiguity in the information collected. Corrections are needed in order to collect the information at the resolution initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Additionally, the proposed changes will improve spatial resolution to a level that will allow for correct distinction between catch originating in U.S. versus foreign waters and between inshore and offshore waters of California.

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

§ 120.7 Authority cited: Sections 713, 1050, 9054 and 9055, Fish and Game Code.

Reference: Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, Fish and Game Code.

§ 122 Authority cited: Sections 1050, 7075, 7078, 8254 and 8259, Fish and Game Code.

Reference: Sections 1050, 2365, 7050, 7055, 7056, 7071, 7852.2, 8026, 8043, 8046, 8250, 8250.5, 8254, 9002, 9005, 9006 and 9010, Fish and Game Code.

§ 165 Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference:

Sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

§ 190 Authority cited: Sections 7920, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code.

§ 197 Authority cited: Sections 1050(b), 8046, 8046.1 and 8047, Fish and Game Code. Reference: Sections 8031, 8032, 8033, 8033.1, 8034, 8035, 8040, 8043, 8045 and 8047, Fish and Game Code; and Title 50, Sections 660.113, 660.213 and 660.313, Code of Federal Regulations.

§ 705.1 Authority cited: Sections 1050, 6651, 6653 and 6653.5, Fish and Game Code. Reference: Sections 713, 1050, 6650, 6651, 6652, 6653 and 6653.5, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change. None

(e) Identification of Reports or Documents Supporting Regulation Change

Landings and logbook database records going back to the origin for each of these datasets show that some block codes have never been used. This is because they do not accurately represent correct areas of effort. In addition, the current chart shows where block areas do not align with the U.S./ Mexico border.

Due to data confidentiality specified in FGC § 8022, access to raw database records in the Department's Marine Landings Data System and Marine Logs System is available internally only and is not a publicly accessible record. Public summary of the landings data is available in the Marine Fisheries Data Explorer: <https://wildlife.ca.gov/MFDE>.

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

March 19, 2024, Marine Resources Committee meeting, San Clemente, CA

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to this regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Changes to the Fisheries Charts and the necessary fishing block information cannot be accomplished by different means.

(b) No Change Alternative

Without a change, the collection of location data will continue with ambiguity and lower resolution.

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

There is no alternative that would lessen the burden on Small Business. The proposed regulations have no impact on small businesses such as charter boats, fishing vessel owners, commercial fishing license holders, and fish receivers. The requirement for reporting fishing block information has pre-existed for decades and is already being

provided to the Department by these businesses. The proposal entails a requirement only that they use a new lookup reference with marginal change in the updated version as compared to the existing version. Use of the new look up reference will not require any additional effort, time, or equipment.

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 that the proposed action will have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes provide clarification of existing regulations that aid in the continued preservation of marine resources, while continuing to maintain commercial and sport fishing opportunities and thus, the prevention of adverse economic impacts.

(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 adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide clarification of existing regulations that are not anticipated to change the level of fishing activity and thus the demand for goods and services related to marine resource harvest that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the State's environment indirectly through improved accuracy in information collected for the betterment of fisheries management, which improves fish stocks and the marine coastal ecosystem.

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

The Commission 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.

No changes to costs or savings to state agencies or in federal funding are anticipated by the proposed clarification of existing regulations. The Department program implementation and enforcement are projected to remain the same with a stable volume of marine resource harvest activity.

(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 does not anticipate that the proposed regulation will prompt the creation or the elimination of jobs within the state. Modifications to fishing block charts for clarity and consistency will not affect current reporting procedures for affected parties and would not precipitate the creation of jobs or the elimination of jobs.

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

The Commission anticipates that the proposed regulation will not prompt the creation of new businesses or the elimination of existing businesses within the state. Modifications to fishing block charts for clarity and consistency will not affect current reporting procedures for affected parties and would not precipitate the need for new businesses or cause the elimination of existing businesses.

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

The Commission does not anticipate that the proposed clarification of fishing block charts would induce impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve individuals who engage in marine resource harvest.

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

The Commission does not anticipate benefits to the health and welfare of California residents because the proposed regulatory change has no relation to health or welfare.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because there is no nexus with working conditions.

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

The Commission anticipates benefits to the environment because the data collected will improve the quality of the information used by the Department in its ocean fisheries management decisions resulting in net benefits to management of these resources and their related ecosystem. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of waters under the authority and influence of the state for the benefit of all the citizens of the state.

(g) Other Benefits of the Regulation

Provides the Department consistency and a more clear and efficient common reference for information collected across all states required commercial fishery reporting.

Informative Digest/Policy Statement Overview

The Department of Fish and Wildlife (Department) produces charts defining areas of fishing activity in California waters, commonly referred to as “fishing blocks.” The earliest record of these charts is published in the Division of Fish and Game of California Bureau of Commercial Fisheries, Fish Bulletin No. 44 which describes use in logbooks distributed to the trawler fleet in 1934. These charts, with some modifications made over time, have been in consistent use for reporting fishing activity locations for all marine commercial fisheries.

Some ambiguity has existed for decades regarding accuracy of the block charts, and correction is needed to collect accurate information as initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Improved data collection will better distinguish between catch originating in U.S. versus foreign waters and between inshore and offshore waters of California.

Proposed Amendments

In order to implement the proposed improvement in the block charts and to reconcile and clarify which version of block charts should be referenced universally across all forms when reporting block origin in California commercial marine fisheries, the Department proposes amendment to the following sections:

- Delete subsection (d) of Section 705.1 removing references to the California Fisheries Charts
- Add subsection (f) to Section 190 providing for universal use of the California Fisheries Chart Series that all commercial fishing activity records requiring fishing origin block data will use. Charts can be accessed here: <https://wildlife.ca.gov/Fishing/Commercial/MFSU>
- Amend subsection 165(a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing it with “(specified in Section 190(f))”.
- Amend sections 120.7 and § 122 to reflect revised versions of forms DFW 120.7 and DFW 122 where the existing block chart is removed as a figure in the instruction.
- Amend forms DFW 120.7 and DFW 122, Rev. March 2024, in accordance with the changes to the regulatory sections.

Benefits of the regulations

The benefits of the proposed regulations are clarity and consistency for the commercial fishery when required to use the charts in reporting their fishing activity. Universal use of the charts is beneficial for the improvement of fishery management decisions based on this information.

Evaluation of incompatibility with existing regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated

to the Commission the power to adopt regulations governing aspects of the commercial marine fishing logs (California Fish and Game Code sections 8026, 8254, and 9054). No other state agency has the authority to adopt regulations governing marine logs. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other marine fishing regulations and marine protected area regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 120.7, Title 14, California Code of Regulations, is amended as follows:

§ 120.7. Taking of Sea Urchins for Commercial Purposes.

. . . *[No changes to subsections (a) through (l)]*

(m) Logbooks. Pursuant to Section 190 ~~of these regulations~~, each permittee shall ~~complete and submit an~~ keep and submit a complete and accurate record of all sea urchin fishing activities on a form Commercial Dive Fishing Log (DFW 120.7 ~~(REV. 12/08/17)~~ (REV. 03/2024)), incorporated herein by reference, provided by the department. ~~The completed daily records shall be sent to the department address specified on the logbook on or before the tenth day of each month following the month to which the records pertain.~~

. . . *[No changes to subsections (n) through (q)]*

NOTE: Authority cited: Sections 713, 1050, 9054 and 9055, Fish and Game Code.
Reference: Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, Fish and Game Code.

Proposed Regulatory Language

Section 122, Title 14, California Code of Regulations, is amended as follows:

§ 122. Spiny Lobster Permits and Restricted Areas.

. . . [No changes to subsections (a) through (d)]

(e) Records. Pursuant to Section 190 ~~of these regulations~~, any person who owns and/or operates any vessel used to take lobsters for commercial purposes shall ~~complete and submit an~~ keep and submit a complete and accurate record of his/her all lobster fishing activities on a form (Daily Lobster Log, DFW 122 (REV. 03/04/16) (REV. 03/2024), incorporated herein by reference) provided by the department.

. . . [No changes to subsections (f) through (h)]

NOTE: Authority cited: Sections 1050, 7075, 7078, 8254 and 8259, Fish and Game Code.

Reference: Sections 1050, 2365, 7050, 7055, 7056, 7071, 7852.2, 8026, 8043, 8046, 8250, 8250.5, 8254, 9002, 9005, 9006 and 9010, Fish and Game Code.

Proposed Regulatory Language

Section 165, Title 14, California Code of Regulations is amended as follows:

§ 165. Commercial Harvesting of Kelp and Other Aquatic Plants.

. . . *[No changes to subsections (a) through (a)(1)(B)]*

(C) License applications, informational maps depicting administrative kelp beds (defined in Section 165.5) and maps of fishing blocks (~~incorporated by reference in Section 705.1~~) (specified in subsection 190(f)) for edible seaweed and agar-bearing marine algae, and Monthly Harvest Reports are available on request by contacting the department's Seal Beach office by phone at (562) 342-7100.

. . . *[No changes to subsections (a)(2) through (g)]*

NOTE: Authority cited: Sections 6653 and 6653.5, Fish and Game Code.

Reference: Sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

Proposed Regulatory Language

Section 190, Title 14, California Code of Regulations, is amended as follows:

§ 190. Fishing Activity Records.

. . . *[No changes to subsections (a) through (e)]*

(f) Fishing Block Chart. When a department form requires the origin block number, this block number shall be referenced using the California Fisheries Chart Series prescribed by the department and available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>.

NOTE: Authority cited: Sections 7920, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code.

Proposed Regulatory Language

Section 705.1, Title 14, California Code of Regulations, is amended as follows:

§ 705.1. Commercial Kelp Harvesting and Drying Application, Monthly Harvest Reports.

(a) Application

- (1) 2023 Kelp Harvesting License and Drying Application DFW 658 (REV. 01/01/23), incorporated by reference herein.
- (2) Permit Fees. \$174.75 (does not include the fees specified in subsection 700.4(e)).

(b) Monthly Harvest Reports

- (1) Commercial Kelp Harvester's Monthly Report DFW 113 (REV. 01/01/23), incorporated by reference herein.
- (2) Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report DFW 113A (REV. 01/01/23), incorporated by reference herein.

(c) Release of Property

- (1) Release of Property DFW 1108 (NEW 07/01/22), incorporated by reference herein.

~~(d) Maps of department origin blocks also known as fishing blocks~~

- ~~(1) Northern California Fisheries Chart (September 2015), incorporated by reference herein.~~
- ~~(2) Central California Fisheries Chart (September 2015), incorporated by reference herein.~~
- ~~(3) Southern California Fisheries Chart (April 2016), incorporated by reference herein.~~

NOTE: Authority cited: Sections 1050, 6651, 6653 and 6653.5, Fish and Game Code.
Reference: Sections 713, 1050, 6650, 6651, 6652, 6653 and 6653.5, Fish and Game Code.

COMMERCIAL DIVE FISHING LOG



**CALIFORNIA NATURAL
RESOURCES AGENCY**

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

INSTRUCTIONS

➤ **Each sea urchin or sea cucumber permittee is required to prepare a daily log. Use one log for each month of fishing activity (use additional pages if necessary). Do not submit a log for the months not fished.**

➤ Place flyleaf under duplicate copy. No carbon paper is required. Do not allow book to get wet.

➤ Use a ball-point pen. Enter all information at top of the log.

Field descriptions for each location fished:

- “Day” is the calendar day fished
- “Block Number” is ~~the Fish and Wildlife block number from the charts provided in this logbook~~ is the origin block number from the California Fisheries Chart Series available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>
- “Lat/Lon” is the latitude and longitude, to the 0.01 minute, of the catch location
- “Species” is the species of the catch
- “Landmark” is the most generally recognizable feature near the area fished
- “Depth Range” is the minimum and maximum depths fished (in feet)
- “Diver Hours” is the total time underwater, to the nearest ½ hour, at each dive site
- “Pounds Harvested” is the combined weight of all harvested catch species
- “Port and Dealer” is the port of landing and the name of the dealer buying the catch
- “Fish Ticket Number” is the serial number of the electronic fish ticket (E-tix) or landing receipt associated with the harvested catch.
- “Remarks” incidental species taken or comments on the catch or other noteworthy conditions

➤ One line should be completed for each location fished, if more than one location is fished on a single day.

➤ Please mail to the Department of Fish and Wildlife the top Department’s copy of the logs on a monthly basis in compliance with Section 190 of ~~the Fish and Game Commission regulations.~~ Title 14, California Code of Regulations

➤ By the 10th day of the following month, completed logs should be returned to:

(All sea cucumber logs)

Calif. Dept. of Fish and Wildlife
 1933 Cliff Drive, Suite #9
 Santa Barbara, CA 93109

(Southern California sea urchin logs)

Calif. Dept. of Fish and Wildlife
 4665 Lampson Ave, Suite C
 Los Alamitos, CA 90720

3030 Old Ranch Parkway, Suite 400
 Seal Beach, CA 90740

(Northern California sea urchin logs)

Calif. Dept. of Fish and Wildlife
 32330 N Harbor Drive
 Fort Bragg, CA 95437

3637 Westwind Blvd.
 Santa Rosa, CA 95403

NOTICE

1. Information requested by:

**California Natural Resources Agency
 Department of Fish and Wildlife
 Marine Resources Region**
2. Responsible Agency Official:

**Regional Manager, Marine Region
 California Dept. of Fish and Wildlife
3030 Old Ranch Parkway, Suite 400 ~~4665 Lampson Avenue, Suite C~~
Seal Beach, CA 90740 ~~Los Alamitos, CA 90720~~**
3. Authority:

**California Code of Regulation
 Title 14, Sections 190 and 120.7(m)
 California Fish and Game Code
 Sections 8026 and 8405.1**
4. Each sea urchin or sea cucumber permittee is required to prepare a daily log. Failure to keep and submit complete and accurate logs may result in revocation or suspension of your diving permit by the Department.
5. Fishing activity records shall be kept on forms provided by the Department.
6. All fishing activity records shall be deemed confidential upon receipt by the Department. Information provided on the logs is summarized and used to develop a profile of the fishery, including catch area and depth, relative changes in population, catch-per-unit-of effort, etc. This data will aid in developing management measures to insure a long-term viable fishery. Summaries, without reference to individuals, will be available to the public.
7. Information provided on logs may be made available to the National Marine Fisheries Service, Pacific Fisheries Management Council, and the Pacific States Marine Fisheries Commission.
8. Every individual has the right of access to his or her own information: California Civil Code

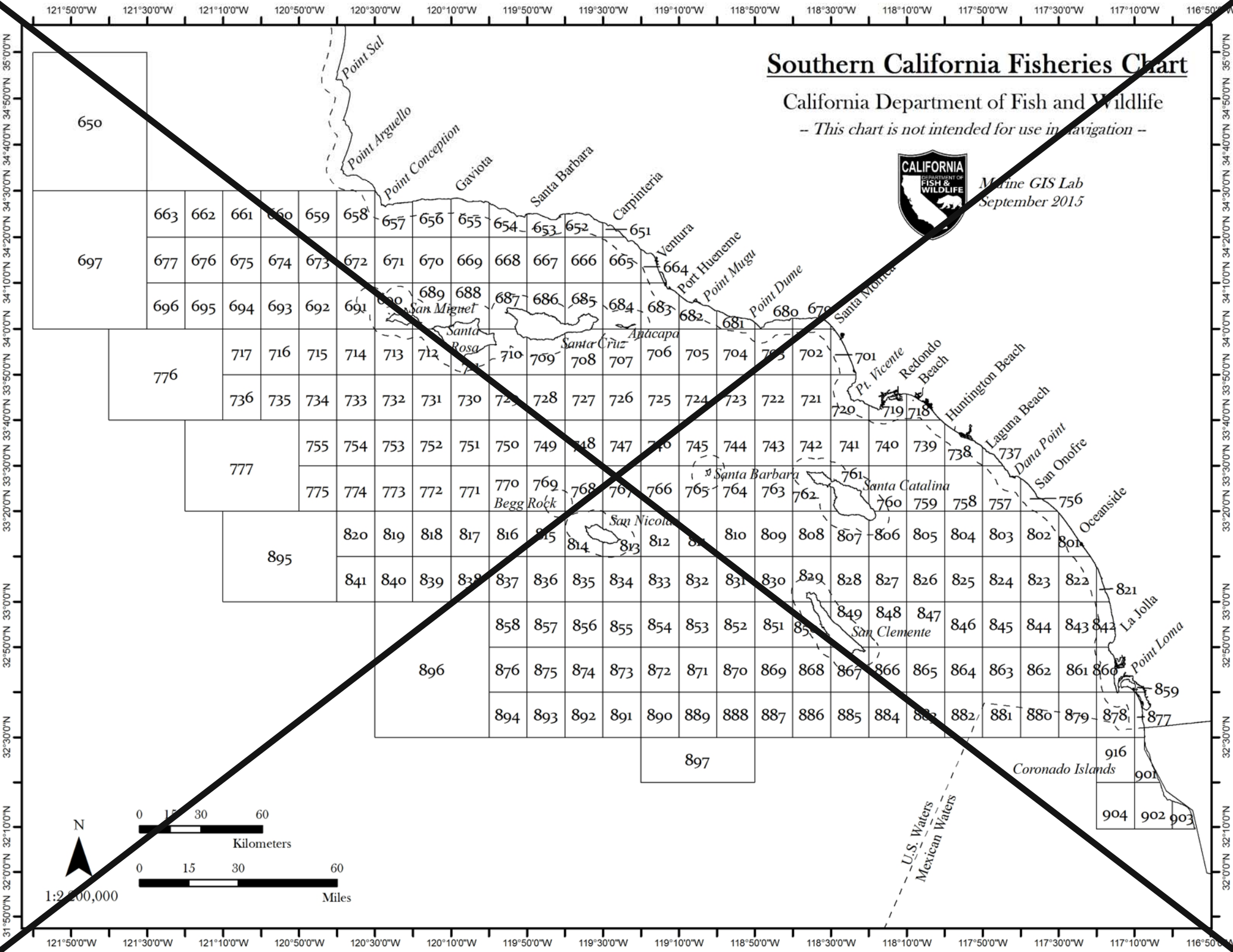
Southern California Fisheries Chart

California Department of Fish and Wildlife

- This chart is not intended for use in navigation -



Marine GIS Lab
September 2015



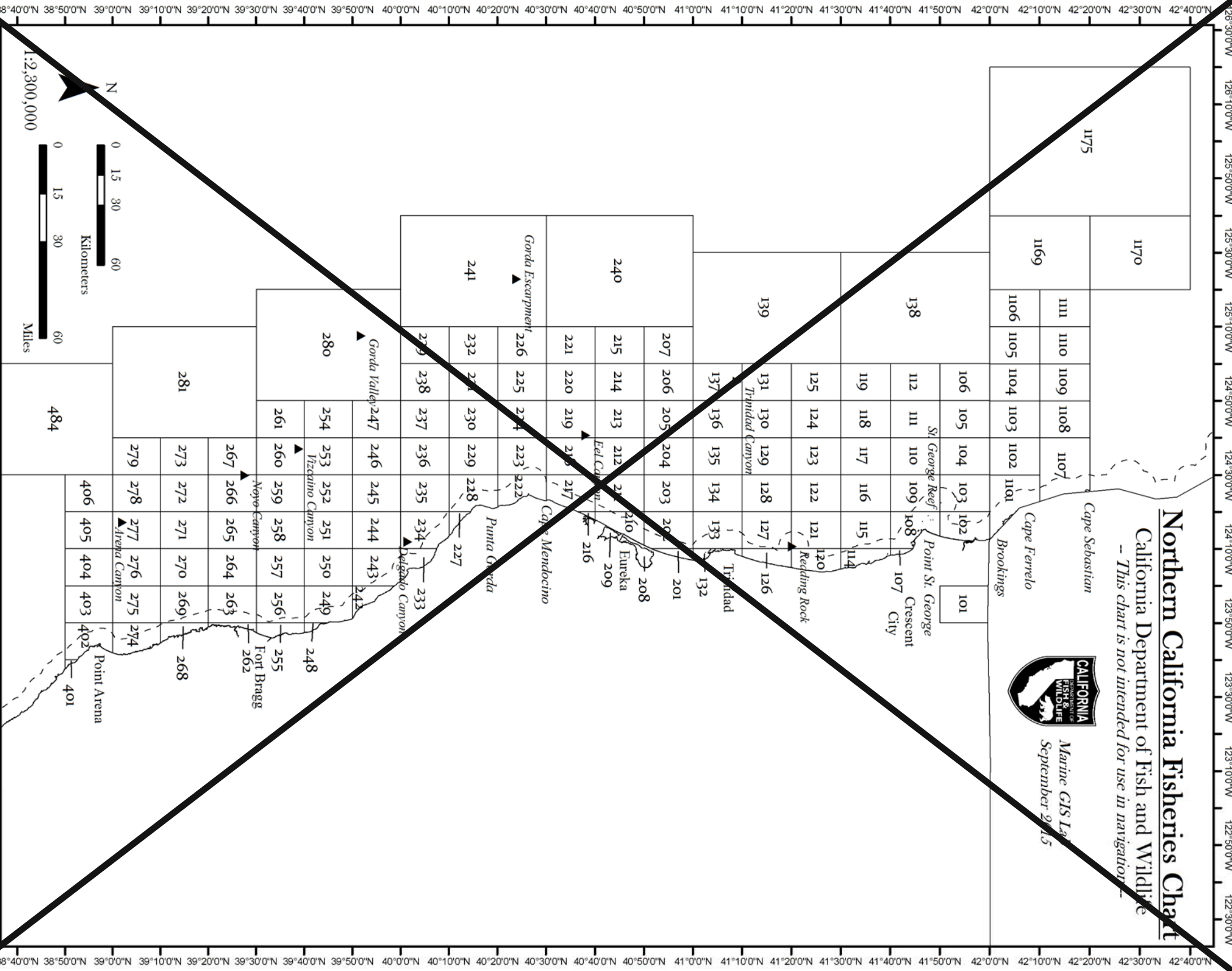
Northern California Fisheries Chart

California Department of Fish and Wildlife

- This chart is not intended for use in navigation -



Marine GIS Lab
September 9, 2015



38°40'0"N 38°50'0"N 39°0'0"N 39°10'0"N 39°20'0"N 39°30'0"N 39°40'0"N 39°50'0"N 40°0'0"N 40°10'0"N 40°20'0"N 40°30'0"N 40°40'0"N 40°50'0"N 41°0'0"N 41°10'0"N 41°20'0"N 41°30'0"N 41°40'0"N 41°50'0"N 42°0'0"N 42°10'0"N 42°20'0"N 42°30'0"N 42°40'0"N

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STATE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

DAILY LOBSTER LOG

NOTICE TO PERMITTEES

- This information is being requested by THE STATE OF CALIFORNIA, Department of Fish and Wildlife, Marine Region, for the principal purposes of fisheries research and management. The official responsible for maintaining this information is:

Regional Manager, Marine Region

~~4665 Lampson Avenue, Suite G~~ 3030 Old Ranch Parkway, Suite 400

~~Los Alamitos, CA 90720~~ Seal Beach, CA 90740

- Any person who owns and/or operates any vessel used to take lobsters must keep and submit a complete and accurate record of all lobster fishing activities on forms provided by the Department. This information is required pursuant to Fish and Game Code Sections 7923 and 8026, and California Code of Regulations, Title 14, Sections 122 and 190.
- Fish and Game Code Sections 8026 and 12002 impose permit/license suspension or revocation, and other penalties, for failing to provide this information.
- Pursuant to Fish and Game Code Section 8022, this Form and the information contained therein is confidential and shall not be public records. The information shall be compiled or published as summaries, so as not to disclose the individual records or business of any person. The Department may release this information to any federal fishery management agency for the purposes of enforcing fishery management provisions, provided the information otherwise remains confidential. The Department may also release this information for law enforcement purposes, or pursuant to a court order.
- An individual may access records maintained by the Department that contain their personal information by contacting the official at the above address.



NAME:

ADDRESS:

FISHERMEN ID:

IS THIS A CHANGE OF ADDRESS? YES NO

MORE ENVELOPES NEEDED? YES NO

Send this form in with monthly logs or call (562) 342-7130

FOR DEPARTMENT USE ONLY

LOGBOOK NUMBER:

ISSUE DATE:

ISSUED BY:

OFFICE LOCATION:



IMPORTANT INSTRUCTIONS

General

1. Complete a separate fishing activity section for each day traps are pulled, this includes multi-day trips. If more than 5 locations were fished in one day, continue recording fishing information in the next section and enter the **same date** in the data box. For multi-day trips or received catch, record the ~~landing receipt fish ticket~~ number(s) for the entire load on the last day traps were pulled.
2. If multiple permittees are aboard the vessel, only one logbook entry should be submitted for that day's fishing. If the fisherman or vessel ID number changes before the 2 fishing activity sections are completed, proceed to the following page and record new information.
3. Return the completed top copies to the Department on or before the 10th day of the following month (MFSU, ~~4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720~~ 3030 Old Ranch Parkway, Suite 400, Seal Beach, CA 90740). Voided logs must also be submitted. Notification is not needed for months not fished. Do not fold or staple these forms.
4. The duplicate copy is the property of the permittee and it remains in the book as your permanent fishing record.
5. All logbook and/or envelope requests will be processed through the ~~Los Alamitos Seal Beach~~ office. Please use thereorder form printed on the front flap of this logbook and submit with monthly logs.

Specific

1. Please print all characters in ink (no pencil) using CAPITAL letters only. Print each character entirely within the boxes that are provided.
2. The current log format **cannot** accommodate ranges in depth, block numbers, nights in water, etc. Please record information as described in the DEFINITIONS section below.
3. For those cases where mechanical failure, major storm events, etc. precludes trap tending in compliance with Fish and Wildlife regulations, record exact nights soaked with explanation in the note pad area.

DEFINITIONS

Fishing Activity Section: The area of the log where specific trapping information (Trap Location, Depth, etc.) is recorded for EACH day of trapping. One log page can accommodate two (2) separate days of fishing.

Trap Locations: Report the **Latitude and Longitude** for a specific set of traps. Use decimal minutes to the hundredths place. Example 34° 05.15N, 120° 04.85W.

F&W Block Number: ~~The block number where most of the fishing occurred.~~ The origin block number from the California Fisheries Chart Series available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>

Depth (in feet): Depth at which **most** of the traps within the set are placed.

No. Traps Pulled: Number of traps tended within the set.

No. Shorts Released: Number of sub-legal lobsters immediately returned to the water.

No. Legals Retained: Number of legal lobsters kept for commercial/personal use.

Date Traps Pulled: Date the specified traps were tended.

Note Pad: For permittee's use. Shall be used for additional landing receipts and Crew ID numbers as well as vessel failure/storm notification..

Multi-day trip/Received: To be marked if the day's fishing activity is associated with a multi-day trip or if lobsters are received for future sale.

No. Traps Currently Deployed: Total number of traps currently deployed in the water.

Landing Receipt -Fish Ticket Number(s): ~~Landing receipt associated with the lobsters retained for that day's fishing. Please remember to enter the Alpha character for the receipt in first box (Ex- **Q** 215435 or **P** 532076).~~ Serial number of the electronic fish ticket (E-tix) or landing receipt associated with the harvested catch.

121°30'0"W

120°45'0"W

120°0'0"W

119°15'0"W

118°30'0"W

117°45'0"W

117°0'0"W

35°15'0"N

34°30'0"N

33°45'0"N

33°0'0"N

32°15'0"N

35°15'0"N

34°30'0"N

33°45'0"N

33°0'0"N

32°15'0"N

Southern California Fisheries Chart

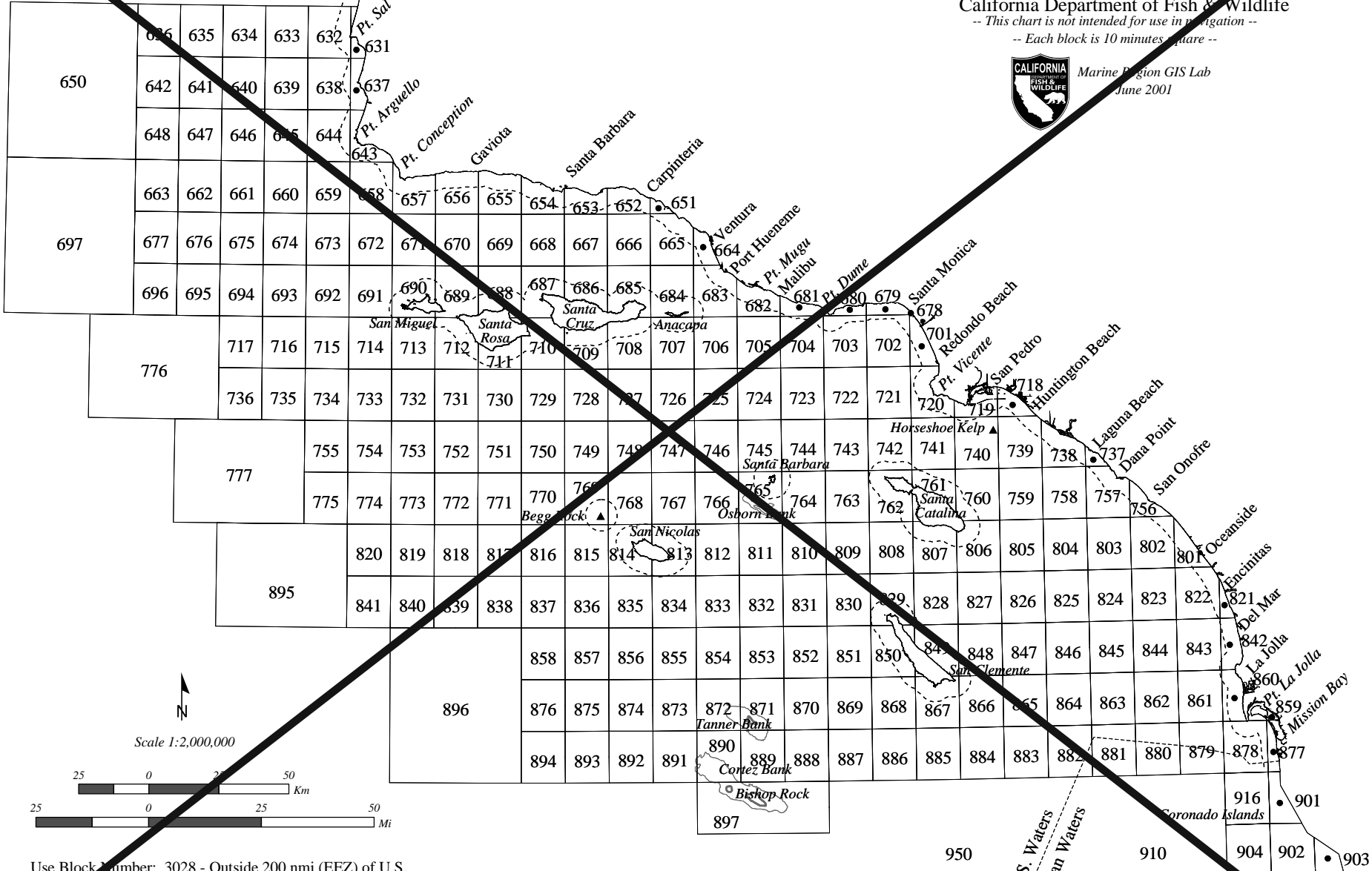
California Department of Fish & Wildlife

-- This chart is not intended for use in navigation --

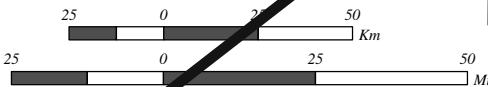
-- Each block is 10 minutes square --



Marine Region GIS Lab
June 2001



Scale 1:2,000,000



Use Block Number: 3028 - Outside 200 nmi (EEZ) of U.S.
 3900 - Outside 200 nmi of Mexico
 Note: Between 1964-2000, fishing blocks 857, 858, 875, 876,
 893, 894 were incorporated into a larger block denoted as 857.

121°30'0"W

120°45'0"W

120°0'0"W

119°15'0"W

118°30'0"W

117°45'0"W

117°0'0"W

U.S. Waters
Mexican Waters



State of California – Department of Fish and Wildlife

DAILY LOBSTER LOG

DFW 122 (REV. 03/04/16 03/2024) Previously DFG 122

SL

CDFW Boat Registration Number

FISHERMAN LAST NAME	F. I.	FISHERMAN ID NUMBER	VESSEL NAME	F & W VESSEL NUMBER
		L		

TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									
FISH TICKET NUMBERS (S)										# OF TRAPS CURRENTLY DEPLOYED <input type="text"/> <input type="text"/> <input type="text"/>		

NOTE PAD:

MULTI-DAY TRIP

OF TRAPS CURRENTLY DEPLOYED

LANDING RECEIPT NUMBER (S)										CREW ID NUMBERS		
1) <input type="text"/>	2) <input type="text"/>	3) <input type="text"/>	4) <input type="text"/>	L _____			L _____					

TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									
FISH TICKET NUMBERS (S)										# OF TRAPS CURRENTLY DEPLOYED <input type="text"/> <input type="text"/> <input type="text"/>		

NOTE PAD:

MULTI-DAY TRIP

OF TRAPS CURRENTLY DEPLOYED

LANDING RECEIPT NUMBER (S)										CREW ID NUMBERS		
1) <input type="text"/>	2) <input type="text"/>	3) <input type="text"/>	4) <input type="text"/>	L _____			L _____					



State of California – Department of Fish and Wildlife

DAILY LOBSTER LOG

DFW 122 (REV. 03/04/16 03/2024) Previously DFG 122

SL

CDFW Boat Registration Number

FISHERMAN LAST NAME	F. I.	FISHERMAN ID NUMBER L	VESSEL NAME	F & W VESSEL NUMBER
---------------------	-------	---------------------------------	-------------	---------------------

TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									

OF TRAPS CURRENTLY DEPLOYED

LANDING RECEIPT NUMBER (S)				CREW ID NUMBERS			
1) <input type="text"/>	2) <input type="text"/>	3) <input type="text"/>	4) <input type="text"/>	L _____	L _____		

TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									

OF TRAPS CURRENTLY DEPLOYED

LANDING RECEIPT NUMBER (S)				CREW ID NUMBERS			
1) <input type="text"/>	2) <input type="text"/>	3) <input type="text"/>	4) <input type="text"/>	L _____	L _____		

**PROJECT TITLE: SUBSEA BUOY RETRIEVAL SYSTEMS TESTING IN NORTHERN BOX CRAB
EXPERIMENTAL FISHERY (DISTRICT 10)**

A. CONTACT INFORMATION

Provide contact information for key participants, including the applicant and, if applicable, the entity administrator and any authorized agent(s). If any key participant does not have a Get Outdoors ID (GO ID) or commercial fishing license (CFL) number, they must provide information for CDFW to create a new customer profile pursuant to subsection 91(c)(2)(A)(1), Title 14, CCR.

1. Applicant

Name	Brand Little
Title and Affiliation	Owner, Fishing Vessel Pale Horse
Mailing Address	[REDACTED]
Email Address	[REDACTED]
Telephone Number	[REDACTED]
GOID or CFL Number	[REDACTED]

2. Entity Administrator

Name	Bart Chadwick
Title and Affiliation	Owner, Sub Sea Sonics
Mailing Address	[REDACTED]
Email Address	[REDACTED]
Telephone Number	[REDACTED]
GOID or CFL Number	[REDACTED]

3. Authorized Agents

Name	Brand Little
Title and Affiliation	Owner, F/V Pale Horse
Mailing Address	[REDACTED]
Email Address	[REDACTED]
Telephone Number	[REDACTED]
GOID or CFL Number	[REDACTED]
Vessel Name	F/V Pale Horse
Boat Reg/Doc Number	[REDACTED]

Name	Mike Phillips
Title and Affiliation	Owner, F/V Miss Alison
Mailing Address	████████████████████████████████████████
Email Address	████████████████████
Telephone Number	████████████████
GOID or CFL Number	████████
Vessel Name	F/V Miss Alison
Boat Reg/Doc Number	████████

Name	Stephen Melz
Title and Affiliation	Owner, F/V Jacqueline L
Mailing Address	████████████████████████████████████████
Email Address	████████████████████
Telephone Number	████████████████
GOID or CFL Number	████████
Vessel Name	F/V Jacqueline L
Boat Reg/Doc Number	████████

Name	Rick Hauschel
Title and Affiliation	Owner, F/V Polaris
Mailing Address	████████████████████████████████████████
Email Address	████████████████████
Telephone Number	████████████████
GOID or CFL Number	████████
Vessel Name	F/V Polaris
Boat Reg/Doc Number	████████

Name	Scott Edson
Title and Affiliation	Owner, F/V Genesis
Mailing Address	████████████████████████████████████████
Email Address	████████████████████
Telephone Number	████████████████
GOID or CFL Number	████████
Vessel Name	F/V Genesis
Boat Reg/Doc Number	████████

The applicant requests that up to five Authorized Agents be permitted to participate in this EFP, if approved. Enrollment into the program would focus on fishers with extensive experience in trap/pot fishing and/or those in good standing with the Department. It is understood that the Department would conduct background checks on candidates and that recruitment would incur additional amendment fees at the time of an amendment request.

B. STATEMENT OF PURPOSE

1. Describe the purpose and goals of the proposed project, including how the project meets or is consistent with the policies of Fish and Game Code (FGC) Section 7050.

The purpose of this project is to build upon an existing Experimental Fishing Permit (EFP) program to fill critical data gaps in essential fishery information for brown box crab and California King Crab (we are unsure if there is a biomass this far north) and evaluate the potential for a commercial fishery for brown box crab and its design elements. An exploratory fishing program for box crab was originally approved by the California Fish and Game Commission in December 2018 and expired on April 1, 2023, after concluding that vertical line fisheries shouldn't be expanded due to whale entanglement issues in current vertical line fisheries. The initial exploratory box crab fishery was a collaborative research program involving the California Department of Fish and Wildlife (CDFW), California Sea Grant, and commercial fishers, among other partners and sponsors. Research included exploratory fishing, a tag-recapture study, and laboratory studies of life history. Based upon the information gained from the previous EFP, brown box crab seems to represent a viable new fishing opportunity in northern California's District 10. There is currently a large and growing demand for box crab and king crab. Brand Little works with various live buyers that are requesting access to these crab, especially in the wake of the limited access of California Dungeness crab. In addition to the growing demand, there is fleet interest from the fishing community with increasing curiosity around pop-up gear and lack of viable opportunity, and information gained through this research can be used to establish a small fishery with conservative management measures. However, sufficient information is not yet available to enable the California Department of Fish and Wildlife (CDFW) to make a final recommendation on whether a sustainable commercial fishery could be established, nor what management measures are needed and the supporting regulations to implement them. We propose an EFP for a small-scale box crab fishery to continue gathering critical information that will allow CDFW to complete its assessment of management strategies for this emerging fishery. This purpose is aligned with the guidance of the Marine Resources Committee of the California Fish and Game Commission given during the March 24, 2022, meeting to pursue the development of a new experimental fishing permit program for brown box crab.

Importantly, this project would also allow for continued and more broad scale testing for the feasibility of using subsea buoy retrieval systems in deep water. The results of the testing will ultimately serve to enable decision-making regarding the authorization of alternative gear for use in northern California's box crab fishery. Similar EFPs have been approved in northern California for testing with the Dungeness crab fishery, but this project will expand our understanding of the utility of these alternative gear types across a range of habitats, depths, sea conditions, and fishing practices.

Consistent with Fish and Game Code (FGC) Section 7050, this project aims to ensure the conservation of ESA-listed marine species and allow for limited testing of a brown box crab fishery through effective collaborations and a science-based approach. Efforts included within this EFP promote scientific research to better inform fishery management decisions that recognize the importance of commercial fisheries while conserving the health and diversity of marine ecosystems.

The goals of this EFP include specific aspects related to Fishery/Biological Research as well as Alternative Gear Testing:

Fishery/Biological Research:

- Gather essential fishery information for brown box crab and California king crab to fill critical knowledge gaps related to habitat, abundance, growth, movement, and bycatch in northern California's District 10.
- Implement a limited test fishery for brown box crab using information generated during the previous, exploratory fishing EFP that includes testing wildlife engagement risk mitigation measures.
- Work with CDFW to support its continued evaluation of the feasibility of a commercial fishery for brown box crab and its design elements.

Alternative Gear Testing:

- Provide necessary information to further establish the efficacy of use of subsea buoy retrieval system devices with respect to entanglement risk reduction, fisher safety, cost, and fishing performance in the context of the box crab fishery.
- Work with CDFW Law Enforcement Division (LED) staff to develop and refine alternative gear enforcement protocols including the subsea buoy retrieval systems, the rmwHub interoperable virtual gear marking system and enforcement dashboard configurations and refine the gear and methods accordingly.
- Work with future CDFW-approved participants to certify competency in available subsea buoy retrieval system technologies.

2. Provide a list of proposed project activities that are prohibited under current state fishing laws or regulations (cite the specific section number(s), if known), and the reasons to justify authorization (exemption) of those activities under the EFP.

a) Applicant is requesting authorization to target Brown box crab and California King Crab (we are unsure if there is a biomass this far north) and land these species in excess of the 25 lb. limit per day (CCR Title 14 § 126 (b)(1)).

b) Every trawl of traps will be marked with a buoy per FGC Section 9005, but applicant is requesting that subsea buoy retrieval system devices be allowed on all trawls (see section E.1), which would mean that the buoy would be submerged and therefore not visible at the surface until it is released.

c) Applicant is also requesting that spot prawn, coonstriped shrimp, black cod and other groundfish fishing also be allowed during experimental fishing trips in which subsea buoy retrieval system devices are used on box crab traps.

C. STATEMENT OF QUALIFICATIONS

1. Lead and provide supervisory oversight for all activities of the permit under the authorizations, standard terms, and special conditions.

Brand Little will lead the project and provide oversight of training and field testing aspects related to Sub Sea Sonic acoustic buoy retrieval systems and Guardian line handling systems. Brand Little is a 20 year veteran in California's commercial fisheries out of San Francisco and has amassed one of the highest numbers of subsea deployment and retrievals of Sub Sea Sonics acoustic gear in the fleet. Brand spent the summer of the 2023 statutory crab season operating under Bart Chadwick's EFP for longlining acoustic pop-up Dungeness crab gear and completed the season with 100% recovery for all devices deployed. He has gained extensive knowledge of setting up and working with the gear, as well as developing strategic recovery

protocols in grappling in the event of failures due to operator error and line management systems preventing the buoys from surfacing. In addition to his expertise in subsea acoustic pop-up knowledge, he has an extensive background in longlining trap gear in a trawl formation as he operates in California's OA Black Cod trap fishery and coonstriped shrimp fisheries which both use the trawl format of multiple traps on a groundline. Brand has also been in close communication with fishers from the Southern Box Crab EFP, and fishers that participated in the northern sector of the EFP previously and will use these contacts and information to guide the execution and management of the EFP.

All authorized agents recruited by the applicant will be experienced commercial fishers who are in good standing with CDFW (for additional information, see Section C2 below) and who are capable of following protocols to test alternative gear configurations. All applicants will be required to complete an initial dock side training program as well as field testing of a least one trip aboard his fishing vessel Pale Horse as they run through the deployment and recovery of submerged pop-up gear in the District 10 Box Crab Fishery.

CDFW Marine Region staff will provide all forms, logbooks, and instructions for the collection and submission of all biological and fishery-related data required by CDFW. Bart Chadwick of Sub Sea Sonics (Administrator on this EFP) will work with CDFW to coordinate the collection of biological samples and facilitate at-sea or dockside sampling by staff or professional observers as requested by CDFW. These data will be analyzed by CDFW. Sub Sea Sonics will be responsible for preparing and submitting the annual and final reports to CDFW.

2. Experience in identification, methods, and protocols specific to the requested species listed under section E.2. of this document

The applicant will seek to recruit fishers who have in-depth knowledge of how to fish for the Brown Box Crab (or other crab) and have demonstrated themselves to be collaborative participants in this or other experimental fisheries. In addition to experience specifically related to fishing for box crab, the applicant and future Authorized Agents will perform competency training to assure that all the participating experienced trap fishers are also capable of following protocols to test alternative gear configurations. The applicant trains fishers in an initial dockside program and then each applicant will be required to spend a day in the box crab fishery aboard the fishing vessel Pale Horse before they are given authorization to participate in the EFP for themselves.

3. Obtain all appropriate authorizations and oversee quality control measures to assure conformance to the specified standards or requirements (e.g., take appropriate measures to ensure, promote, and facilitate compliance).

All future authorized agents will be trained in data collection and alternative gear operation protocols. The permit holder will be responsible for ensuring that anyone conducting or assisting with fishing operations is able to perform these responsibilities as needed.

CDFW Marine Region staff will provide initial training on biological and fishery data collection protocols to the primary permit holder. Additional participants recruited into the program will also receive training from CDFW staff.

The applicant will be responsible for the initial training of all future Authorized Agents operating subsea buoy retrieval system gear under the permit. Subsequently, once fishers have demonstrated proficiency with the

gear, they will also be certified through the permit holder and Sub Sea Sonics to assist in training additional participants.

5. Coordinate field activities and communicate field findings with CDFW marine region.

Bart Chadwick (Entity Administrator on this EFP) of Sub Sea Sonics will be responsible for coordinating field activities and communicating field findings to CDFW Marine Region. He has worked with CDFW over the past year in the development and testing of the gears and the needs of CDFW. The permit-holder will submit annual and final reports as required by the EFP program. Each future authorized agent will be responsible for coordinating their own fishing operations. In addition to providing information about the fishery and alternative gear types by following data collection and gear-testing protocols, authorized agents will share any observations made during this EFP via informal conversations with Department staff, and in meetings or workshops.

6. Collect, analyze, and transmit subsea buoy retrieval system and biological data gathered under the EFP to CDFW marine region.

Bart Chadwick of Sub Sea Sonics (Entity Administrator) will be responsible for the collection, analysis, and transmission of data gathered by the participants under the EFP to CDFW Marine Region. Chadwick has extensive experience with the collection, analysis and communication of data related to scientific and subsea buoy retrieval system fishing gear including testing programs in the Dungeness Crab EFP fishery. Chadwick, will assimilate information regarding subsea buoy retrieval system gear, transmit data summaries, and share his findings with CDFW. CDFW Marine Region and LED staff will also have access to data collected via gear marking and electronic monitoring systems to enable required enforcement activities. The applicant and any Authorized Agents will submit all required data related to fishing and biology, such as electronic monitoring records, logbooks, and other data collection forms, to CDFW Marine Region in a timely manner after each fishing trip. Biological data to be collected include essential fishery information for these species including:

- **Logbooks:** Logs will be completed for each day of box crab fishing to document fishing effort, gear configurations, depths, and catch.
- **Sample Trap forms:** Detailed information about the composition, quantities, sexes, reproductive status, and sizes/weights of target species and bycatch will be collected as requested by CDFW, following protocols already developed in the current experimental fishery or adapting as needed.
- **Tag-recapture study:** A tag-recapture study to measure the growth, movement, and abundance of box crab. Detailed information about tagged crab will be recorded when recaptured, including size, sex, shell condition, and reproductive status. Department staff are encouraged to join fishing trips to continue tagging crab.
- **Electronic monitoring:** Electronic monitoring systems will be used as requested by CDFW to provide information on fishing behavior and crab habitat.
- **Biological sampling:** Samples of Brown Box Crab will be provided to CDFW or researchers as requested to further understanding of the biology and ecology of these species. Samples will be kept alive in fish holds and delivered at the dock.

Fishery- and biology-related data will be provided to CDFW in a timely manner after each fishing trip. CDFW Marine Region staff will be responsible for processing, storing, and analyzing these data. We will use a phased approach to testing subsea buoy retrieval system gear, detailed below.

D. PERMIT APPLICATION TYPE

1. Select desired permit tier.

- Tier 1 (For purposes other than exploratory fishing)
- Tier 2 (For purposes other than exploratory fishing with assistance from CDFW)
- Tier 3 (For the purpose of exploratory fishing)
- Tier 4 (For the purpose of exploratory fishing with assistance from CDFW)

2. Request permit fee reduction option consideration.

- Yes No

A permit fee reduction is requested due to the Department's strong interest in the development and testing of alternative gear types designed to reduce the risk of wildlife entanglement in fixed-gear fisheries. In addition, the applicants are willing to mark surface buoys and lines as needed by the Department to help inform a future line-marking program in California.

3. Has pre-application consultation with CDFW taken place with respect to this proposal? (Required for a Tier 2 EFP, Tier 4 EFP, or permit fee reduction option)

- No Yes

If yes, attach a copy of the pre-application consultation summary letter or provide the name and contact information of CDFW staff with whom the applicant consulted:

We did not receive a summary letter of the pre-application, but Brand Little and Bart Chadwick met with Lindsay Orsini, Demitri Esquivel, Tom Mason, and James Steffey on 12/15/2023.

E. PROJECT DESCRIPTION

Describe the proposal and any other relevant details, including:

1. A description of the experimental design and research plan, including specific procedures for data collection, storage, processing, and analysis; and a timeline for implementing the project, including, if applicable, when compensation fishing is expected to occur.

Through fishing for Brown Box crab in District 10, we aim to collect and share information about this species and fishery and test alternative gear types in a limited-testing approach.

Fishery/Biology:

We seek to fish for Brown Box Crab and gather essential fishery information for these species. The experimental design would involve using subsea pop-up gear with traps on a trawl to fish for Brown Box Crab to sell while collecting data and samples and supporting the continuation of an existing tag-recapture study. We would begin fishing and providing the following information/samples to CDFW as soon as possible after a permit is granted:

- **Logbooks:** Logs will be completed for each day of box crab fishing to document fishing effort, gear configurations, depths, and catch.
- **Sample Trap forms:** Detailed information about the composition, quantities, sexes, reproductive status, and sizes/weights of target species and bycatch will be collected as requested by CDFW, following protocols already developed in the current experimental fishery or adapting as needed.
- **Tag-recapture study:** A tag-recapture study to measure the growth, movement, and abundance of box crab. Detailed information about tagged crab will be recorded when recaptured, including size, sex, shell condition, and reproductive status. Department staff are encouraged to join fishing trips to continue tagging crab.
- **Electronic monitoring:** Electronic monitoring systems will be used as requested by CDFW to provide information on fishing behavior and crab habitat.
- **Biological sampling:** Samples of Brown Box Crab will be provided to CDFW or researchers as requested to further understanding of the biology and ecology of these species. Samples will be kept alive in fish holds and delivered at the dock.

Fishery- and biology-related data will be provided to CDFW in a timely manner after each fishing trip. CDFW Marine Region staff will be responsible for processing, storing, and analyzing these data. We will use a phased approach to testing subsea buoy retrieval system gear, detailed below.

Phase 1 – Dockside/Inshore configuration trials and testing

During Phase 1, Brand Little will conduct a series of trial fishing trips to perfect the gear configurations for the Brown Box Crab fishery. Given Mr. Little's experience with Sub Sea Sonics acoustic pop-up gear, this phase is going to be very short. The depths will be deeper than what Brand used in the Dungeness Crab EFP and will be introducing a sled (line handling device) that is new to him, but in use in various fisheries down south and on the east coast. These trial configurations will be based on feedback solicited directly from past participants in the prior Box Crab EFP as well as experienced pot fishers in California, and fishermen using the sleds on the east coast. We are requesting authorization to attach 1 set of back up surface buoys to each trawl for a total of 5 consecutive successful releases of the acoustic pop up. We are requesting this authorization only as a safety back as we will be operating in deeper water. When we are running tests with the safety line and buoy, we will be on location during the test and the safety line will never be left unattended. Once we feel comfortable with the depth, we will remove the safety buoy and vertical line. At this point, the gear will be left to fish unattended with no vertical line present.

Once configurations are tested and reach 100% reliability for both release and line management, a 1-day operational training workshop will be held for recruited potential future Authorized Agents, crew, and Department-selected CDFW Law Enforcement personnel. After this workshop, fishers and enforcement staff will have the ability to demonstrate core competency with all equipment taught during the workshop. Further, they will be able to provide a general overview and understanding of all devices being trialed by other Authorized Agents. They will be trained in the protocols involved in the EFP, as well as data collection requirements. The workshop incorporates both dockside training, as well as inshore on-vessel training in the shallow depths on the San Francisco Bay with unbaited traps that are immediately recovered after deployment. Authorized Agents must demonstrate the ability to deploy, retrieve, and reset the gear and conduct these activities independently before moving to Phase 2.

Phase 2 – At sea workshop aboard the Pale Horse in a real-world environment

Brand Little will work with recruited and approved Authorized Agents to optimize the Sub Sea Sonics acoustic strategies for the Authorized Agent’s individual fishing strategy. Once these configurations have shown a 100% gear retrieval rate (combined scoring of SSS deployment, retrieval, and Guardian line handling) consecutively (n>10), these configurations will be shared with CDFW and Law Enforcement staff and Agents will proceed to Phase 3.

Phase 3 –Fishing

The applicant and any additional Authorized Agents will begin fishing with Sub Sea Sonic acoustic releases, Guardian line management systems, and in a trawl configuration which will be deployed on 100% of pot gear, in accordance with their fishing strategies. Electronic Monitoring will be used in addition to Gear Marking applications that accompany SBRS gear manufacturer’s devices to record the location and times of trap deployments and retrievals. During fishing activities, data will be collected on environmental conditions, location, and virtual marking performance as described above. The applicant and future Authorized Agents will conduct at least 50 successful consecutive trials of the Sub Sea Sonics/Guardian configuration. If at any time the minimum success rate of the devices is significantly below the standard for these devices (95+%), testing will be halted, configurations will be adjusted and/or abandoned in favor of new configurations. Relevant data related to subsea buoy retrieval system gear testing will be processed, stored, and analyzed by Bart Chadwick of Sub Sea Sonics.

2. A list of target species expected to be harvested as samples or for compensation under the EFP, including anticipated amounts (weight or number) per vessel and proposed use (e.g., bait, sell, personal use, or other (e.g., research or tag and release)).

Species Name	Weight	Proposed Use
Brown Box Crab (minimum 5 ¾” Carapace)	50,000 lbs.	Retain and sell; tag and release; research
California Spiny King Crab (minimum 5” Carapace)	10,000 lbs.	Retain and sell; tag and release; research
Scarlet King Crab (minimum 4” Carapace)	10,000 lbs.	Retain and sell; tag and release; research



Figure 1. Target species including (left) Brown Box Crab (*Lopholithodes foraminatus*), (center) California Spiny King Crab (*Paralithodes* spp.), and (right) Scarlet King Crab (*Lithodes couesi*).

3. A list of species expected to be taken incidental to fishing conducted under the EFP, including anticipated amounts (weight or number), proposed use (e.g., bait, sell, personal use, discard, or other (e.g., research or tag and release)), and a description of any measures that will be used to reduce incidental catch mortality. Add rows to the table below as needed.

Species Name	Number of Individuals	Proposed Use
Brown Box Crab	Up to 5,000	Release females and shorts/tag
California Spiny King Crab	Up to 5,000	Release females and shorts/tag
Scarlet King Crab	Up to 5,000	Release females and shorts/tag
Dungeness Crab	Up to 5,000	Release all

Some sublegal-sized box and king crab may be tagged and released as listed above; all other incidental catch will be immediately returned to the water. Based on the available data from the previous box crab EFP, most of the catch will be comprised of box crab with some Dungeness. Bycatch of other invertebrates and finfish has been relatively low relative to target catch. Information about the amount and composition of non-target species caught in box crab traps can be found in the DFW Report: Update on the Box Crab Experimental Fishing Permit Program prepared for the March 24, 2022 MRC meeting (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=199373&inline>). These primarily include urchin, rock crab, other non-cancer crabs, and lingcod. However, the species identities and catch rates vary by region and method of sampling. Given that we are proposing to use the same types of traps, it is anticipated there will be similar amounts of bycatch.

During the previous box crab EFP, fishers found that fishing over sand or at a rock-sand interface resulted in a higher ratio of catch of crab and lower catch of fish compared to reef habitat. Therefore, these soft-bottom habitats will be targeted. In addition, it was determined that cutting a hole of least 4 inches wide in traps allowed more sublegal-sized crab to escape, which both reduces bycatch and increases fishing efficiency; these openings will be made in traps under this EFP. While no incidentally caught species will be retained or sold, samples may be provided to CDFW as requested, including sub-legal sized box and king crab, for research purposes.

4. A description of the mechanisms that will be utilized to ensure that any proposed harvest limit for target and incidentally caught species are not exceeded and are accurately tracked or monitored (e.g., at sea fisheries observers, electronic monitoring, or other reporting method); and, if applicable, a description of the vessel’s capacity to accommodate an onboard observer.

CDFW Marine Region staff will monitor landings by permit-holders(s) and alert them when quotas for target catch are approached. Past participants in the box crab EFP had professional observers as well as video-based electronic monitoring document relatively minimal incidental catch in this experimental fishery, relative to target catch. Applicant and future Authorized Agents will provide vessels equipped to accommodate an onboard observer (i.e., current Coast Guard certifications and sufficient deck space) and to host observers on additional fishing trips, if requested by CDFW, particularly if new areas or habitats are explored where such data are not yet available.

5. A description of any potential impacts on existing fisheries, habitats, or possible incidental interactions with threatened, endangered, or protected species (e.g., sea turtles, marine mammals, and birds) that could occur because of the project.

This fixed-gear fishing activity does pose a risk for whale entanglement, including ESA-listed species that frequent northern California. However, we are proposing measures to reduce the risk of entanglement in gear from this experimental fishery. Using subsea surface buoy gear on all trawls will significantly limit the number of lines, as well as the amount of time those lines are extended in the water column; acoustic-release systems will allow hauling of gear as soon as buoys surface. All lines will be marked as requested by the Department to help inform a future line-marking program in California and help identify this fishery in the event of entanglement. As approaches to line marking evolve, this applicant is willing to test various line and surface gear marking techniques as requested by the Department. Traps can pose a risk to benthic habitat, but the applicant has experience fishing pot gear in soft sediments adjacent to reefs; this has been determined by past box crab EFP participants as the best habitat in which to catch box and king crab. Furthermore, this type of bottom helps reduce bycatch and situations which may create excessive gear loss. Anticipated effects from the traps contacting hard bottom areas are expected to be minimal. We will also use a series of techniques and devices for retrieval of any lost or malfunctioning gear. To date, these methods have resulted in a very high ratio of devices returned to the surface for inspection and determination of failure points. Box and king crab habitats are relatively deep compared to most other trap fisheries in northern California at typical depths of 400 – 800 feet. The potential for conflicts with other fisheries is low at these depths; other crabs are targeted at shallower depths, while black cod is fished deeper and outside of the proposed range we are requesting.

6. The type and amount of gear to be used, including gear specifications and design, and, if applicable, a description of any measures and/or devices that will be used to reduce bycatch. If the project involves gear modifications or other gear innovations, the description must include how CDFW staff can locate, retrieve, and inspect the proposed gear.

Trawls: Traps that meet the specifications of Dungeness crab traps will be used to target box and king crab in trawls of multiple pots and with subsea acoustic pop-up devices.

Line and Buoys: All trawls will utilize a two subsea buoy retrieval system (described below) with a unit at each end of the trawl so the line and buoys will be submerged until they are released and can be released by either end of the trawl.

Line and Buoy Marking: All lines and buoys will be marked according to CDFW request, indicating the fishery and fisher by their license number.

Subsea Buoy Retrieval Systems: Subsea Buoy Retrieval Systems are innovative gear types which store buoys and their retrieval devices at depth, existing in the water column only when fishers are present. These systems allow the vertical line (rope) and buoy, to be stored at the ocean floor alongside the trap. To retrieve this gear, the fisher sends an acoustic signal to the device to release the rope and the buoy to the surface when the fisher is ready to service the gear. Storing all fishing gear on the ocean floor greatly reduces the time that a line is in the water column and thus the risk of interaction by vessels or animals. Management strategies utilizing these technologies require utilizing a system accessible by enforcement agencies to replace the function of traditional marker buoys at the sea surface. This requirement led to the creation of a virtual multi- manufacturer (interoperable) gear marking portal, the Ropeless Manufacturer's Work Group

HUB (rmwHUB) which supports cooperative data-sharing efforts between companies so regional regulatory and enforcement bodies can determine their specific needs and preferences for data access and reporting. The rmwHub enables this to happen without creating duplicative and costly programming changes between manufacturer's applications and allows fishers to locate equipment quickly and avoid activities that may cause unintended gear loss.

For managing and training all users approved to participate in this EFP, the applicant is proposing that the EFP be limited to the subsea systems that he has become an expert in. This application will be limited to the Sub Sea Sonics AR4RT and DAR4RT (acoustic release with a 99.6% reliability factor), Guardian Trawl Groundline Sled (line management system), Trap Timer gear marking app, and Sub Sea Sonics Regulatory Portal and Gear Vault online dashboards. For Electronic Monitoring, either Pelagic Systems solar loggers or Archipelago LIME systems will be installed on all participating vessels.

The dashboard platforms that LED and CDFW Marine Region will be able to access integrates information collected in Sub Sea Sonics Trap Timer gear-marking application which is then submitted to the rmwHub interoperable virtual gear marking system and will allow only authorized CDFW staff to see where SBRS gear is deployed.

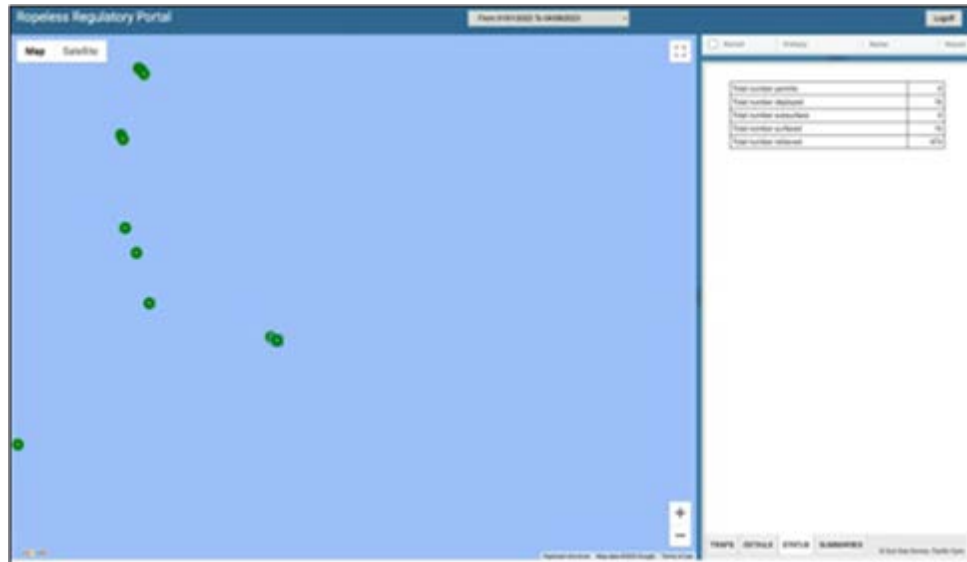


Figure 2. Subsea Sonics Regulator Dashboard.

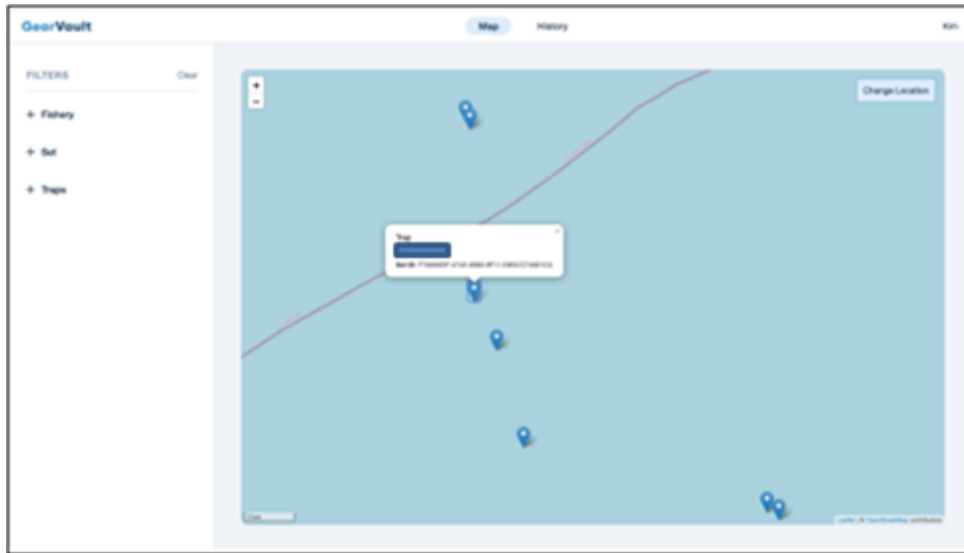


Figure 3. Sustainable Seas Technology, Gear Vault Dashboard.

7. The location and timing of the project. The description must include trip specifications, such as fishing depth, anticipated number of trips, expected trip duration, and estimated number of hauls and average soak time (for fixed gear) or estimated number of tows/sets to be made per day, and estimated duration and speed per tow (for mobile gear). For project vessels listed in Section F of this document, the description must also identify any fishing activity that is expected to occur on the same trip as the project for purposes other than those provided by the EFP (e.g., fishing before and/or after the EFP activities).

The areas proposed for this EFP are any state and federal waters north of Pigeon Point (37°n 11) and south of the Sonoma/Mendocino County line (38°n 46.125) from 50 to 125 fathoms in depth, except for any Marine Protected Areas and Essential Fish Habitat closures for bottom contact gear. The duration of fishing trips will be one to three days. Fishing will take place on July 1st following the statutory Dungeness crab season end date of 06/30 and end on 12/31 except for an earlier end date if/when a Dungeness crab season is announced prior to January 1st. There will not be authorized take of box crab on this EFP during any open season (statutory or experimental) where Dungeness Crab is authorized for commercial take by any method.

Amount of Gear:

In the interest of consistency with other EFP's that have been approved in District 10, we are requesting the identical number of traps and trawl configurations that are being granted to the Sub Sea Sonics EFP. This will allow the same gear to be used over multiple EFP's and create an environment that participants are comfortable with as the TBD agents of this EFP are likely to be enrolled in the SSS EFP as well. A maximum of 15 trawls will be allowed per user and trawls will not exceed a maximum of 10 traps. Up to 15 hauls per fishing trip will occur based on the amount of gear requested for authorization under this EFP. Traps will soak for a maximum of 96 hours unless weather or other safety reasons cause a delay. To minimize time and fuel costs and emissions, we request authorization to fish other permits held by the applicant(s) including coonstriped shrimp, spot prawn, and groundfish during fishing trips for box crab. Because there is a chance of catching Dungeness and/or Rock crab as bycatch, we are requesting that this EFP is allowed to operate

only outside of the Dungeness Crab season and be excluded from operating concurrently with the Rock Crab harvest on the same trip.

F. PROJECT VESSELS (IF APPLICABLE)

Provide vessel information. Using the table below, complete a separate entry for each project vessel to be authorized by the EFP. For any vessel that will be used in commercial fishing activity related to the permit, the commercial boat registration number issued pursuant to FGC Section 7881 is required. For any vessel that will not be used in commercial fishing activity related to the permit, the commercial boat registration number issued pursuant to FGC Section 7881 or a copy of the United States Coast Guard (USCG) Certificate of Documentation is required. If there is no Certificate of Documentation for the vessel, a copy of the vessel's state registration is required.

Vessel Name	Fishing Vessel Pale Horse
Boat Registration Number or Documentation	[REDACTED]
Owner Name	Brand Little
Owner Address	[REDACTED]
Owner Telephone Number	[REDACTED]
Operator Name	Brand Little
Operator Address	[REDACTED]
Operator Telephone Number	[REDACTED]

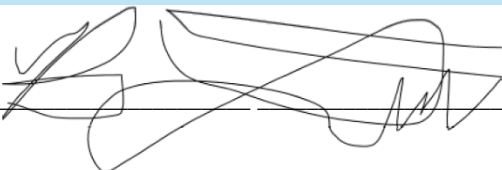
Vessel Name	F/V Miss Alison
Boat Registration Number or Documentation	[REDACTED]
Owner Name	Mike Phillips
Owner Address	[REDACTED]
Owner Telephone Number	[REDACTED]
Operator Name	Mike Phillips
Operator Address	[REDACTED]
Operator Telephone Number	[REDACTED]

Vessel Name	F/V Jacqueline L
Boat Registration Number or Documentation	[REDACTED]
Owner Name	Stephen Melz
Owner Address	[REDACTED]
Owner Telephone Number	[REDACTED]
Operator Name	Stephen Melz
Operator Address	[REDACTED]
Operator Telephone Number	[REDACTED]

Vessel Name	F/V Polaris
Boat Registration Number or Documentation	██████████
Owner Name	Rick Hauschel
Owner Address	████████████████████████████████████████
Owner Telephone Number	██████████
Operator Name	Rick Hauschel
Operator Address	████████████████████████████████████████
Operator Telephone Number	██████████

Vessel Name	F/V Genesis
Boat Registration Number or Documentation	██████████
Owner Name	Scott Edson
Owner Address	████████████████████████████████████████
Owner Telephone Number	██████████
Operator Name	Scott Edson
Operator Address	████████████████████████████████████████
Operator Telephone Number	██████████

G. SIGNATURE

Signature of Applicant:  _____ Date: __1/21/24__

H. APPLICATION FEE PAYMENT

Please see CDFW's EFP Program page for further information.

Memorandum

Date: March 26, 2024

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

From: Charlton H. Bonham
Director

Subject: **Transmittal of California Department of Fish and Wildlife Recommendation on Experimental Fishing Permit Application for Testing On-Demand Fishing Systems in a Proposed Experimental Fishery for Box and King Crab in Northern California (District 10)**

On February 8, 2024, the California Department of Fish and Wildlife (Department) accepted an experimental fishing permit (EFP) application (tracking ID: #2024-01) for technical review pursuant to subsection 91(d)(1)(B), Title 14, California Code of Regulations (CCR). Subsection 91(d)(2), Title 14, CCR requires the Department to develop and transmit a recommendation to the California Fish and Game Commission (Commission), including any permit special conditions, within 60 days from the date of application acceptance unless a time extension is needed pursuant to subsection 91(d)(3), Title 14, CCR.

Proposed EFP Project

The EFP application requests a Tier 4 (Department facilitated) exploratory fishing EFP with a permit fee reduction for testing on-demand buoy retrieval systems (also known as “pop-up” fishing systems). The purpose of the proposed project is to provide data from the area between Pigeon Point, San Mateo County to the Sonoma/Mendocino County line to evaluate the potential for a commercial fishery for brown box crab, and to evaluate the feasibility of using on-demand buoy retrieval systems in deep water (50-125 fathoms).

Under the proposed project, the applicant and up to four authorized agents, would conduct testing of two Sub Sea Sonics acoustic-release pop-up fishing systems (AR4RT and DAR4RT) and the Guardian Trawl Groundline Sled line management system following a phased approach. The applicant would appropriately configure and test the systems with deep water trawls (i.e., multiple pots connected by a ground line) and lead training workshops for prospective participants and Department law enforcement staff (Phase 1), then work with approved authorized agents to optimize the gear for individual fishing strategies (Phase 2) before exploratory fishing using this gear can begin (Phase 3).

For Phase 3, exploratory fishing, the application proposes an annual quota for each species on up to five authorized vessels. Each fisher would use no more than 10 trawls with up to 15 traps per trawl. Fishing is proposed to occur in the area between Pigeon Point, San Mateo County to the Sonoma/Mendocino County line at depths between 50 to 125 fathoms, excluding any marine protected areas and essential fish habitat closures for bottom contact gear. Fishing is proposed to take place July 1 (following the statutory end of the Dungeness crab fishing season) through December 31 or the opening of the commercial Dungeness crab season in that area, whichever occurs first. Participation in other permitted fisheries is requested during experimental fishing trips. Electronic monitoring of vessel locations is proposed to be used in addition to electronic reporting of the locations and times of trap deployments and retrievals. The applicant would provide project oversight and training while the EFP entity administrator would oversee data collection, analysis, and reporting related to pop-up gear fishing systems testing. Under the proposed project, EFP participants would collect biological and fishery-related data and request support from the Department to provide data sheets, coordinate data collection, and conduct all data entry and analyses. More details on the proposed project are available in the enclosed application.

Department Review and Recommendation

The Department reviewed and considered the information provided in the EFP application. The proposed project proposes to build upon previously approved EFPs for brown box crab and California king crab in Southern California (2019-2023; Sustainable Seas Technology (SST), EFP issued in February 2024) by collecting essential fishery information for brown box crab and king crab in central California to inform future authorization of a commercial fishery.

While the proposed research activities are of interest to the Department, the recommendation is to deny the EFP at this time to allow existing EFPs focused on similar gear and species to be completed and evaluated.

The proposed project currently overlaps with previously approved EFPs. Several EFPs were issued in northern California for the commercial Dungeness crab fishery that are currently testing the same gear as proposed in this application¹. The exploratory fishing EFP issued to SST to collect data on box crab and king crab in Southern California to inform future authorization of a commercial fishery is also testing the same types of pop-up fishing technologies at similar depths as those proposed in this application². Given the similarities, the Department recommends waiting for the results of the testing before expanding into other areas.

The Department's workload managing EFPs is greater than originally anticipated when the program was implemented, requiring significant staff time and resources. Currently,

¹ 2022-03 (Sub Sea Sonics Pop-up Fishing Gear), 2022-04 (Puget Buoy Pop-up Fishing Gear), 2023-02 (National Marine Sanctuary EFP)

² 2023-01 (Sustainable Seas Technology)

four EFPs involving up to 40 participants have been issued to test on-demand and timed-release pop-up fishing systems in California. Enforcement and scientific staff are tasked with monitoring the operations and ensuring compliance, communicating with the participants, receiving and evaluating incoming data, and processing requests for permit amendments, which can include time-consuming eligibility checks for new participants and technical review of proposed changes to permit terms and conditions. Thus far, seven minor and three major amendments have been completed or are currently in review.

Exploratory fishing EFPs require extensive data collection to gather essential fishery information (e.g., biological information, bycatch, fishing behavior and location, catch-per-unit-effort, gear performance) to inform authorization of a new fishery. Those projects also require close coordination, active management of the EFP, and timely data analyses to inform any necessary adjustments to data needs. Tier 4 permits require the Department to assume the workload for these complex tasks.

Next Steps

Pursuant to subsection 91(f), Title 14, CCR, the Department requests the Commission provide public notice of receipt of the recommendation and schedule the application for consideration no sooner than 30 days after public notice is given.

If you have any questions on this item, please contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246 or by email at R7RegionalMgr@wildlife.ca.gov.

Attachments: EFP application (confidential information omitted)
Public notice of Department recommendation

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env. Regional Manager
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Joanna Grebel, Environmental Program Manager
Marine Region

Tom Mason, Senior Environmental Scientist Supervisor
Marine Region

Garrett Wheeler, Attorney
Office of General Counsel

Lindsay Orsini, Environmental Scientist
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
March 26, 2024
Page 4

Owen Mulvey-McFerron, EFP Coordinator
Marine Region

James Steffey, EFP Program Analyst
Marine Region

Ms. Melissa Miller-Henson
Executive Director
California Fish and Game Commission
715 "P" St. 16th Floor
Sacramento, Ca 95814

February 1, 2024

Dear Ms. Miller-Henson:

Enclosed, please find two proposals:

- 1) Petition for Regulatory Change
- 2) Experimental Fishery Program

These proposals are intended to complement one another. We chose to do it this way out of respect for the California Fish and Game Commission (Commission) and the fact these instruments have been developed to support fishing.

Ours is an aging community. When abalone was closed in 1997, there were 101 commercial abalone divers. We recently were able to identify approximately 50> who are still active and interested. Of these individuals, we do not know how many might actually go fishing. But, with those who do, should the fishery reopen, we will soon know how many can still successfully participate.

Diving is difficult. We have divers with 10,000 to 40,000 hours underwater. There is one diver still diving sea urchins at the age of 80. Most of these divers are now age 60-70.

There are some advantages for the Department of Fish and Wildlife (Department) and Commission. First, these proposals could provide biological data which is currently not available. Second, there is a reported problem of \$25, million in organized crime poaching. The commercial divers,

in the field, watching out, will aid law enforcement. Third, a traditional fishery is restored. A win-win for all.

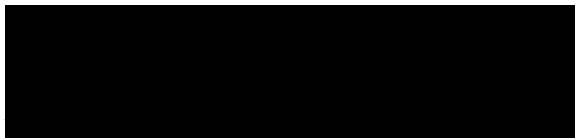
Thank you for your consideration of these proposals. We are also sending a copy of the Experimental Fishery Program proposal the Department in Monterey as directed.

If there are any questions, please contact me at your convenience.

Respectfully,



Steven L. Rebeck



Attachments

Cc: California Department of Fish and Wildlife
Monterey



Tracking Number: (2024-02)

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: [Steven L. Rebeck (agent)]
 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:** [Section 29.15, Abalone 14CCR, S. 45, 100, 200, 203, 205, 206, 209, 210, 211, 215, 218, 219, 220, 265, 3990]
- 3. **Overview (Required) - Summarize the proposed changes to regulations:** [Restore commercial and recreational red abalone diving to San Miguel Island, Santa Barbara County, California south of San Francisco to pre-1998 status.]
- 4. **Rationale (Required) - Describe the problem and the reason for the proposed change:** [See attachment Rationale text]

SECTION II: Optional Information

- 5. **Date of Petition:** [February 1, 2024]
- 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 29.15. Abalone]*
 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** *[2019-027]*
 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: *[July, August, September 2020]*
- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: *[See Rationale, Citations, and Supportive Literature]*
- 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: *[Creates funding for DFW , jobs for citizens and coastal communities]*
- 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: *[02/14/2024]* *[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

Rationale and Overview by Steven L. Rebuck (Agent)

Senate Bill, 463 (Thompson) was passed by the California Legislature in 1997 and provided future management decision on abalone to the California Fish and Game Commission (FGC). FGC Section 5522 includes the following:

"(e) if the Commission determines that commercial fishing is an appropriate management measure, priority for participation in the fishery shall be given to those persons who held a commercial abalone permit during the 1996-97 permit year."

This Petition for Regulatory Change proposal is intended to:

- 1) Reopen the red abalone fishery at San Miguel Island, Santa Barbara County only.
- 2) Allow all former commercial abalone permit holders to participate. Qualifier: In 1997, the California Abalone Association (CAA) had a list of 101 permitted commercial abalone divers. Some DFG documents identified 105 divers. We are currently seeking out those former divers who are still living and have interest in resuming this fishery. As of January 31, 2024, we have identified 50+ former abalone divers who qualify under the terms identified above.
- 3) We propose that the identified Total Allowable Catch (TAC) for San Miguel Island (SMI) as identified in the Abalone Recovery and Management Plan (ARMP) Appendix H (AH) of 15,000 red abalone will be allocated equally between these divers. Each former diver would be permitted to harvest a personally identified share of the TAC between August 1, 2024 to December 31, 2024. Once this season is completed, depending on success, the resource may be reevaluated and the TAC raised or lowered as need should a

2025 fishery be considered. Revision of Fish and Game Code/ Regulations may be considered, early 2025.

- 4) Divers will be obligated to photograph using cell phone cameras, all individual abalone harvested. These data will be collected and transmitted promptly (Cell reception permitting) to DFW biological and law enforcement agents per this agreement.

RATIONALE/HISTORY/JUSTIFICATION/BIOLOGICAL FISHERY/TERRITORIAL USE RIGHTS/INDIVIDUAL TRANSFERABLE QUOTA

" A biomass estimate of 3 million emergent abalone indicate a harvestable population of 75,000 to 150,000 red abalone at SMI. An initial total allowable catch (TAC) of 15,000 red abalone is proposed at SMI. Harvesting 10-20% of those abalone falls within the slot size should have a negligible effect on the population as a whole." Abalone Recovery and Management Plan, Appendix H, Page H-9

RATIONALE

- 1) The range of red abalone, *Haliotis rufescens* is Sunset Bay, Oregon to Bahia Tortugas, Baja, Mexico. _1/.
- 2) Red abalone, *Haliotis rufescens*, are not a State or Federal recognized threatened and/or endangered species.
- 3) Although this proposal is not an "Experimental Fishery" as defined by the California Fisheries Innovation Act of 2018 and Marine Fisheries Experimental Fishing Permits (2018), we propose to reestablish former abalone fishing regulations used prior to 1998, pursuant to the FGC citation above.
- 4) We propose using Abalone Advisory Group (AAG) Fishery Management Option A: Red Abalone Demonstration Fishery. _2/.
- 5) The former commercial abalone divers of California support the use of the Abalone Recovery and Management Plan (ARMP) Appendix H (A-H)_3/ as a management vehicle to reopen San Miguel Island, Santa Barbara County, for commercial and recreational red abalone diving using a Total Allowable Catch (TAC) limit of 15,000 for commercial red abalone fishing.

- 6) Multiple studies have been produced demonstrating the possibility of reestablishing commercial and recreational fisheries at San Miguel Island:(SUPPORT DOCUMENTS: 4/5/6/7/8)

HISTORY

Drafting of what became A-H began in August 19, 2005 with the submission of a plan titled: "Components of an Experimental Commercial Red Abalone Fishery", Steven L. Rebuck, to the California Fish and Game Commission (Commission). Commission President Michael Flores requested staff (John Ugoretz) include this submission into the ARMP discussion. By September 2005, the California Abalone Association (CAA) had created a subcommittee to explore and draft a plan for San Miguel Island. A DRAFT of this plan was submitted to the Commission September 30, 2005. At this meeting, the Commission directed staff to work with CAA on this project. Originally, this effort was title Alternative 8. Within a couple years, a Technical Panel (TP) was formed and began drafting language for what became A-H. *_6/ followed by a Review Panel_7/. This effort coincided with the appointment of the Abalone Advisory Group (AAG).*

JUSTIFICATION

A-H, as crafted, and included with the ARMP, offers a Fishery Management Plan (FMP) for SMI. A-H contains the following:

- * Suggests use of ARMP required Index Sites, in coordination with California Department of Fish and Wildlife (DFW), Director's Abalone Advisory Committee (DAAC), National Park Service (NPS)/Kelp Forest Monitoring Program (KMP), and California Abalone Association (CAA).
- * Identifies Collaborative Abalone Research Program (CARP) and Adams Cove, Castle Rock, and Crooks Point as Index Sites. CAA had previously installed on monitoring site at Tyler Bight, monitored by NPS/KMP.
- *Identifies a Total Allowable Catch (TAC) for both commercial and recreational abalone fishing for red abalone only.
- * Fisheries Management: Integrates Marine Protected Areas (MPAs) at SMI: Judith Rock, near Pt. Bennett, which includes Adams Cove.
- * Use of Position Indicating Transponders (PIT).

* Identifies Landing Taxes and Resource Rents.

*Creates Fishery Dependent and Fishery Independent Data which DFW does not currently have.

* Creates a financial stream for DFW, management and law enforcement, which they currently does not have.

We propose a domestic use fishery only. No export out of the USA.

BIOLOGICAL FISHERY

As proposed by the California Department of Fish and Wildlife (DFW) this group of former commercial abalone divers support this concept.

- 1) All abalone harvested will be reported to DFW at the time of harvest. Photographs of ones fishing trip, location, time of day, dates, etc. will be reported, including Log Books.
- 2) Once a fishing trip is completed, the boat crew will contact DFW and report the estimated time of return to port.
- 3) Crew will meet with DFW biological team and/or law enforcement and allow them to examine all abalone harvested.
- 4) Once DFW biological team has examined and/or taken tissue samples, abalone may be marketed.
- 5) Catch reporting: Title 14, S 197, E-Tix, <http://etix.psmfc.org>

TERRITORIAL USE RIGHTS for FISHING (TURF)

"TURFs allocate exclusive harvest for one or more marine species in a specific area. TURFs are ideal for species like abalone that will not move beyond TURF boundaries, but they can be designed for more mobile species as well. TURFs may occur independently, or they may be part of a broader system of TURFs. Well designed networks of TURFs can be used to manage more complex fisheries, including those with mobile species or multiple groups of fishermen."

What are TURF Reserves?

"TURF Reserves are TURFs paired with no-take reserves, which are areas where no fishing is permitted. Theory and practice show that

fishermen have greater incentive to implement and enforce TURF Reserves because they directly benefit from the fish that spill over from no-take reserves to their TURF. The fishery management combination is growing in interest, allowing local government to reap the rewards of being responsible stewards of their fisheries."

(Source: Environmental Defense)

Individual Transferable Quota/Annual Catch Entitlement

Individual Transferable Quotas (ITQ) or Individual Fishery Quota (IFQ) are used in the United States and Internationally to manage fisheries. Commercial abalone divers are supportive of these concepts and propose transferability of permits be considered if there is support for an abalone fishery post 2024. Another concept being used successfully in New Zealand are Annual Catch Entitlement (ACE) which allows individual quota owners to lend or rent their existing quota allotments to other qualifying commercial fishermen.

SUPPORTING LITERATURE

1. Cox, Keith, 1962, California Abalones, Family Haliotidae, Fish Bulletin 118, California Department of Fish and Game.
2. Abalone Advisory Group Report, January 29, 2010, Management Options for Establishing a Potential Red Abalone Fishery at San Miguel Island, Presentation to the Marine Resources committee of the California fish and Game Commission, February 16, 2010.
3. Appendix H. Proposed Amendments to Alternative 1 in ARMP as Submitted by Commercial Constituents to the Fish and Game Commission, an amendment to the Abalone Recovery and Management Plan, Alternative 1.
4. Taniguchi, Ian, D. Stein, K. Lampson, The San Miguel Island Red Abalone Resource: Results of Survey Conducted from July-October 2007, Marine Invertebrate Management Project, DFG.
5. Jloa, Yan, L. Rogers-Bennett, P. Crone, J. Butler, April 10, 2009, Appendix H.
6. Appendix B: DFG San Miguel Island Red Abalone Surveys (2006, 2007, 2008).

7. Prince, Jerome, California Abalone Marketing Association, February 6, 2012/Revised May 30, 2012, Proposal for Red abalone Research Fishery at San Miguel Island (SMI).
8. Bren School, 2010, Economic Viability and Sustainable Management of a California Red Abalone Fishing Cooperative.
9. Schiel, David R., S. Gerrity, S Orchard, 2023, Allocations, quota and abalone fishery management: the Tragety of the commons revisited, New Zealand Journal of Marine and Freshwater Research.
10. Rebuck, Steven L., 2003, Towards an orderly fishery: Establishing Annual Catch Entitlements (ACE) and Individual Transferable Quota (ITQ) for harvest of red abalone, Submission to the California Fish and Game Commission. 2003.

Experimental Fishery Program (EFP)

Project Title: Subsistence Abalone Fishery at San Miguel Island, California, 2024

(Subsistence is defined as: the action or fact of maintaining or supporting oneself at a minimum level "the minimum income needed for subsistence." (Source: Google)

1) Applicant

*Name: Steven L. Rebuck

* Title and Affiliation: Agent for former commercial abalone divers with permits 1996-97.

*Mailing Address: PO Box 571, San Luis Obispo, CA 93406

* Email Address: ABSFORMAN@sbcglobal.net

Telephone Number: 895/540-1966

*GOID or CFL Number:NA

2) Entity Administrator: Same Repeat 1 list

3) Authorized Agents: See attached mailing list

* Name

* Title and Affiliation

* Mailing Address

*Email Address

*Telephone Number

GOID or CFL Number

Repeat all Agents: Same

B. Statement of Purpose: Resume commercial abalone fishing at San Miguel Island, Santa Barbara County, California

1-Describe the purpose and goals of the proposed project, including how the project meets or is consistent with the policies of Fish and Game Code (FGC) Section 7050:

*Experiment:

Commercial abalone divers will document their fishery using underwater Go-Pro cameras. Once catch is onboard the fishing vessel, fishermen will photograph their catch and forward data to Department of Fish and Wildlife biological and law enforcement. I-Pads may also be used to document catch as well as log books.

*Fishery Biological Research:

Documenting the catch will provide DFW with data which is currently unavailable to them: Sex, maturity, size, size frequency, health and other factors will be documented. Also, oral history of how the commercial abalone fishery operates can be capture. Some of these divers have up to 40,000 hours underwater over many decades of diving. Much of this experience remains unknown to scientific data collectors. This is educational information.

*Gather essential fishery information:

Go Pro cameras, Remote Operated Vehicles (ROVs), and cameral phones can revolutionize data collection. We propose to use these devices to collect biological data for research biologists, historians, sportsmen and others.

* Implement a limited test fishery:

We propose to use the former commercial divers who had abalone permits in the 1996/97 season to fish and collect data. We also propose a season beginning August 1, 2024 and ending December 31, 2024.

*_Work with future approved participants to certify competency:

No divers are more competent to do this job than the former commercial abalone divers. We have identified

approximately 50% of these former divers who may still have the ability and equipment to fish abalone. These divers will help identify how many will be able to continue fishing in the future. Should the allocation of the ARMP/AH of 15,000 red abalone not be met, the balance of the TAC will remain in the water. Or, an in season adjustment in TAC may be advised.

* Alternative Gear Testing:

The commercial abalone fishery has evolved over an approximate 175 year history. Tech-Diving, NITROX, mixed-gas, and other innovations may be used in future diving operations, along with ROVs, GoPros, and camera phones.

* Provide necessary information:

Fishing operations will be limited to those who had active abalone permits in the 1996/97 abalone season. Regulations from this era are proposed for a 2024 season.

* Work with CDFW Law Enforcement Division (LED):

Divers agree to work with DFW Law Enforcement. This includes reporting potential poaching operations cited by DFW, 2014: "...organized criminal gangs poaching \$25,000,000. of abalone annually in California."

* Work with future CDFW approved participants:

Divers agree to work with DFW staff as required by DFW/FGC.

Secondary Goals

* Provide experience:

Former commercial divers have been recognized historically as "keen observers" of the abalone resource and fishery. (Bonnot, CDFG, 1948, et al).

* Expand outreach opportunities with other fisheries: Individual Transferable Quota (ITQ) and Individual Fishery Quota (IFQ) are used in the United States and Internationally to manage and regulate commercial fisheries. The crab fishery in Alaska is a good domestic example.

2. Provide a list of proposed projects activities that are prohibited under current state fishing laws or regulations (cite the specific section number(s), if known, and the reasons to justify authorization (exemption) of those activities under the EFP:

A) California Fish and Game Commission, Section 5522 (e): "If the commission determines that commercial fishing is an appropriate management measure, priority for participation in the fishery shall be given to those persons who held a commercial abalone permit during the 1996-97 permit year."

B) FGC Sec.4. Section 1022 is added to the Fish and Game Code to read:

1022. (a) the commission may authorize, for research, education, limited testing, data collection, compensation, fishing, conservation engineering, or exploratory fishing, or any combination of these purposes, an EFP to be issued by the department that authorizes commercial or recreational marine fishing activity otherwise prohibited by this code or any regulation adopted pursuant to this code, subject, at a minimum, to all of the following:

(1) Activities conducted under EFP shall be consistent with policies set forth in Section 7050 and any applicable fishery management plan.

We cite: Abalone Recovery and Management Plan, Appendix H as our example of a Fishery Management Plan (FMP) for red abalone at San Miguel Island.

a) Applicant is requesting authorization to target:
Resume red abalone commercial fishing at San Miguel Island only, August 1, 2024-December 31, 2024.

b) Mark devises:

Since 2005, the former abalone diver members of the California Abalone Association (CAA) have proposed to the California Fish and Game Commission (FGC) the use of a fixed tag to be used on all commercially caught abalone. These tags will include the divers name, permit number and any other relevant information. A fee of \$10. Per tag will be paid to DFW for the use of these tags. 15,000 tags at \$10. totals \$150,000. to DFW for monitoring a fishery.

c) Applicant is requesting:

To support the economic requirements of commercial fishing, we request that the abalone permit holders be allowed to produce "mixed loads" meaning they may fish sea urchin, crab or lobster--in season—along with their abalone catch.

C. Statement of Qualifications:

1. Lead and provide supervisory oversight for all activities of the permit under the authorization, standard terms, and special conditions. These divers are recognized, by statute, as being qualified for this job.

1. Experience to identification, methods, and protocols specific to the requested species:

Each of these divers have several decades of successful production of various species of abalone.

2. Obtain all appropriate authorizations and oversee quality control measures to assure conformance to the specified standards or requirements (e.g., take

appropriate measures to ensure, promote, and facilitate compliance):
DFW Law Enforcement is a formidable deterrent.

4. Train all persons operating under the permit:
Mentorship will be important to any future entrants to the fishery. This could also be used to educate recreational fishermen, reducing bar-cut problems for example.
3. Coordinate field activities and communicate findings with CDFW marine region:
Agree.
4. Collect, analyze, and transmit biological data gathering under the EFP to CDFW marine region:
Modern electronic devices: ROVs, Go-Pros, camera phones can enhance transmission of biological information.

D. Permit Application Type:

1. Tier 1

2. Request permit fee reduction option consideration:
Yes.

1. Has pre-application consultation with CDFW taken place with respect to this proposal? (Required for Tier 2 EFP, Tier 4 EFP, or permit fee reduction option):
No

E. Project Description:

Resume commercial red abalone fishing at San Miguel Island using only former commercial abalone divers.

1. A description of the experimental design and research plan, including specific procedures for data collection, storage, processing, and analysis; and a timeline for implementing the project, including, if applicable, when compensation fishing is expected to occur:
Commercial fishing to resume at San Miguel Island. Divers will document the fishery using underwater Go-Pro cameras to document their dives and camera phones and/or I-Pads to relay biological and law enforcement data to DFW personnel.

* Fishery/Biology:

Biological data will be provided by divers to DFW. Data which currently is nonexistent.

* Logbooks:

The use of Log Books is standard practice and may be replaced by electronic devices and tools like I-Pads.

* Samples detailed information about composition, quantities, sexes, reproductive status, size, weights of target species:

Divers will have access to an equal proportion of the Total Allowable Catch (TAC), as identified in ARMP Appendix H of 15,000 red abalone. A size limit of 7 $\frac{3}{4}$ inches is proposed. Season shall be August 1, 2024-December 31, 2024.

* Tag Recapture Study:

Tag have not been used on commercial abalone yet. Suggested tags would be placed on abalone through holes in their shells and stay attached through ultimate sales of these shells.

* Electronic Monitoring:

Go-Pro, I-Pad, camera phones as previously described.

***Biological Sampling:**

Phase 1—Dockside/Inshore configuration

Phase 2-Finalizing Individual Gear Configuration

Phase 3-Fishing

List of target Species:

1 Red abalone only.

1. A list of incidental catch:
Misc. barnacles, boring sponges, etc.
2. A description of mechanisms that will be utilized to ensure any proposed harvest limits for target and incidentally caught species are not exceeded:
NA
3. A description of any potential impacts on existing fisheries, habitats, or possible incidental interactions with threatened, endangered, or protected species (e.g. sea turtles, marine mammals, and birds) that could occur as a result of this project:
NA
4. The type and amount of gear to be used, including gear specifications and design, and, if applicable, a description of any measures and/or devices that will be used to reduce bycatch:
NA
5. The location and timing of the project. The description must include trip specifications, such as fishing depth, anticipated number of trips, expected trip duration, and estimated number ...per day.
* San Miguel Island only.
* Trip limits as required by DFW.

- * Multi-day trips are standard practice.
- * Bag limits may be imposed by DFW.

F. Project Vessels. Provide vessel information:

Available EFP examples suggest 10 agents (fishermen) and 5 boats. We find nowhere in the California Fisheries Innovation Act of 2018 any existing limitation on how many participants (agents) nor any limitation on boats. Active participants and boats to be determined.

- * Vessel Name
- * Boat Registration Number or Documentation
- * Owner Name
- * Owner telephone number
- * Owner Address
- * Operator Name
- * Operator Address
- * Operator phone number

Repeat, owners and operators:
To be determined

G. Signatures:
To be determined

H. Application Fee Payment:
To be determined


List of former commercial abalone divers who had permits in 1996/97 season. This list created in January 2024 by phone calls, emails and personal communications.

(Prepared by: S. Rebeck, J. Baldwin, L. Marcus, J. Becker)

Name	Address	phone/email
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Apodaca, Austin		
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Askew, Robert		
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Baldwin, Jeffery		
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Becker, John		
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Becker, Mark		
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Bertelli, Robert		
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Betts, Jerome		
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Brooker, Craig		
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Brubaker, Mark		
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Canterbury, Steve

Charest, Pierre

Colgate, John

Conklin, Gary

Duncan, Robert

Gill, David

Grover, Doug

Harrington, Michael

Hastie, Bob

Hay, Bob

Herrin, Mark

Hooten, Bill

Kitahara, Mike

Kuphal, Steve

Liquornik, Harry

Marcus, Leonard

Marshall, James

McKinley, Bobby

Morgan, Ernie

Mulcahy, Tim

O'Brien, Jeremiah

Parkinson, Gaylord

Petterson, Cappy

Petterson, Curt

Ed Pierce

Price, Brian

Radon, Mike

Schmidt, Kenny

Shea, Bob

Shupe, Andy

Shupe, Bob

Shrout, Sam

Spur, David

Thompson, Don

Urquhart, Jim

S

Verhagen, Gary

Vogal, Harry

Voss, Chris

Woodcock, John

Zertuche, Raul

Zertuche, Ruben

Weakland, Paul

Attention David Thesell: This is the video shot in 2020. We have been attempting to up date but the weather has yet to cooperate. We will keep trying. Video shot by Jeffery Baldwin.

Thank you, Steve Rebuck

----- Forwarded Message -----

From: Steve Rebuck <[REDACTED]>
Cc: Steve Rebuck <[REDACTED]>; Leonard Marcus <[REDACTED]>; John Becker <[REDACTED]>; Mike and Susy Kitahara <[REDACTED]>
Sent: Friday, March 29, 2024, 10:07:56 AM PDT
Subject: San Miguel Island, Abalone YouTube - Jeff Baldwin

[San Miguel Island Abalone November 2020](#)



San Miguel Island Abalone November 2020



Tracking Number: (2023-10)

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.

1. Person or organization requesting the change

Name of primary contact person: Todd Bluechel

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority

Sections 200, 205, 265, 713, 5510, 7121, 7701 and 7708, Fish and Game Code

3. Overview - Summarize the proposed changes to regulations:

On 8/25/23 I received a call from Jason Kraus (Captain, Marine Enforcement District – California Department of Fish and Wildlife). Jason informed me that it was suggested by several “above him”, within his department, that I petition to change/amend CCR T14 231(b). Jason shared with me section CCR T14 231(b) currently states: “*Any legally taken species of sport-caught fish may be possessed for filleting, smoking, or canning if the same fish is returned to the angler or if the fish is exchanged pound for pound ...*”

Please accept the following information in support of my official petition to change/amend section CCR T14 231(b) to allow sport fishermen to donate his/her sport-caught fish to a nonprofit(s). I am proposing verbiage within section CCR T14 231(b) be amended to, or analogous to, the following: “*Any legally taken species of sport-caught fish may be possessed for filleting, smoking, or canning if the same fish is returned to the angler, or if the fish is exchanged pound for pound or if the fish is donated by the angler to a nonprofit(s) instead of being returned to the angler.*”

4. Rationale - Describe the problem and the reason for the proposed change:

Currently, the “problem” is that section CCR T14 231(b) does not allow sport fishermen to donate the fish they legally catch to a nonprofit. Amending CCR T14 231(b) to allow sport fishermen to donate their catch to nonprofits has zero disadvantages and boundless benefits.



I don't know if those reading and ruling on this petition have ever been homeless, if they were ever a military veteran in need, if they ever lost everything for any one of numerous reasons and were just in need of a hot meal, but I can tell you the type of food most nonprofits can afford to serve is not what most would consider delicious or nutritious. While I am by no means suggesting nonprofits that feed those in need are serving food that is subpar, I don't think anyone would disagree that a fresh piece of tuna (Yellowfin / Yellowtail / Bluefin) would be a most welcome delicious and nutritious treat!

The times I've personally served F3G fish at nonprofits was incredibly fulfilling and it reminded me why I put "Feel Good" in the name of the charity. Sport fishermen "Fish," the nonprofits cook the fish and turn it into delicious and nutritious "Food," and all those involved get to "Feel Good" knowing we've helped our fellow Americans in need.

Amending section CCR T14 231(b) to allow sport fishermen to donate fish to nonprofits is the right thing to do. Allowing nonprofits to receive and serve the type of protein they have never been able to afford is what many have deemed a godsend.

Please amend section CCR T14 231(b) to allow sportfishermen to donate fish to nonprofits so you too can "Feel Good."

If you have any questions, or if I was not clear about anything, please call my cell or email me the questions you'd like clarified.

SECTION II: Optional Information

Date of Petition: 8/28/23

5. **Category of Proposed Change**

Sport Fishing

6. **The proposal is to:**

Amend - CCR T14 231(b)

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

Not applicable.

8. **Effective date:**

9/1/23 or ASAP

9. **Supporting documentation:**

In 2010, I created and have governed since the 501c3 nonprofit: "Fish. Food. Feel Good." (F3G). I am very proud to say F3G has collected tens of thousands of pounds of sport caught pelagic fish from sport fishermen. F3G has donated these fish to numerous San Diego (SD) charities for over 13 years!



Summary of the F3G process: F3G collects sport caught pelagic fish for FREE, F3G distributes these fish to nonprofits for FREE, there is absolutely ZERO exchange of any money between the sport fishermen, F3G, and the nonprofits, there is no "purchasing" of fish from F3G.

Numerous politicians have shown, and continue to voice, their support for F3G including the previous Mayor Kevin Faulkner, the current Mayor Todd Gloria, numerous SD City Council Members and Congressmen. See attached pictures. Even famous people whom are notoriously silent as it pertains to "not" voicing their personal views have shown support including Robert Redford.

I feel it's important to briefly mention, Mayor Todd Gloria is particularly supportive of practices that promote Sustainability. About a year ago, the mayor hired Shelby Rust Buso as the new Chief Sustainability Officer. One area she is particularly interested in is local food-system programs. I will soon be introducing F3G to Ms. Buso and it is my hope I'll be able to share with her how F3G is feeding local, sustainably caught fish, to children in SD schools.

F3G enjoys a long and distinguished history. Part of that history includes excellent personal relationships with the leaders of some of California's largest and most influential nonprofits located in SD, all of whom have received fish from F3G including: Father Joes Village, SD Food Bank, SD Rescue Mission, Jewish Family Service of SD, Imperial Valley Food Bank, Project 1:1, Samoa Independent Church, PATH SD, Dreams for Change, Kitchens for Good, Urban Angels, Ronald McDonald House Charities of SD.

As evident from the press links below, F3G has never tried to hide what it does. In fact, F3G has received an unprecedented amount of vocal support from the hundreds of sport fishermen that call F3G every year. As America's only sustainable fishing charity, F3G has grown to be one of the most unique and well-loved sport fishing nonprofits in America partly because of all the grassroots support by fishing executives within the sport fishing industry as a whole.

F3G was given booths for free by the following event holders in support of F3G so that we could disseminate information, and spread the word: the SD Day at the Dock, International Yellowtail Derby, Fred Hall fishing show and ICAST. F3G's booth was often near Fish and Game booths. Numerous "officials" often stopped by and voiced support for what F3G is and for what we're doing.

Several radio talk shows, including: Rod and Reel Radio, Let's Talk Hook Up, KOGO, KPBS, ROCK 105.3, all interviewed me (Todd Bluechel) several times. A Facebook page and website were created in 2011.

Never once, after all the coverage within magazines, newspapers, TV, press, radio, conferences and internet exposure, about what F3G is, what F3G does and how F3G benefits thousands in need, has any official ever once voiced any concern about the lawfulness of F3G. F3G has received fish donations from NOAA and the CA Fish and Game Department. F3G's 501c3 status is in good standing with the CA State and Federal departments.

FOX News

- <https://rb.gy/yc2x3>

Imperial Valley Press

- <https://bit.ly/3syll7z>



KPBS

- <https://bit.ly/3NePGSb>

SD Government – press release – Mayor Kevin Faulkner

- <https://bit.ly/3SJw21H>

SD Downtown News

- <https://bit.ly/3zlhCOc>
- <https://bit.ly/3U7Uafz>

BD Outdoors:

- <https://bit.ly/3Dg3N4V>
- <https://bit.ly/3Nf0krY>

SD Union Tribune

- <https://bit.ly/3mla76K>

Rancho Santa Fe Review

- <https://bit.ly/3DfrVES>

Ranch and Coast magazine

- <https://bit.ly/3NcWX4C>

Del Mar News

- <https://bit.ly/3DBFP5B>

Pace-TV interview

- <https://bit.ly/3fd3TSR>

Sport Fishing Magazine - NOAA

- <https://bit.ly/3sDCUD0>
- <https://bit.ly/3fgCGPm>

Indian Voice

- <https://bit.ly/3DEdbAE>

10. Economic or Fiscal Impacts:

To the best of my knowledge, there would be no negative economic or fiscal impact(s) on the CA Department of Fish and Wildlife. But, allowing section CCR T14 231(b) to allow sport fishermen to donate their fish to nonprofits has numerous positive financial impact(s) for the nonprofits. It's no secret nonprofits are traditionally always underfunded and unable to do as much "good" as they would like in support of their individual mission statements. Approving my petition would allow nonprofits to continue the program they've been benefiting from for over 13 years, that allows them to receive and serve a healthy and nutritious source of protein to Americans in need. Approving my petition would allow nonprofits to do more with less. Approving my petition will allow thousands of fishermen to "Feel Good!" Approving my petition could eventually allow the entire CA Department of Fish and Wildlife to "Feel Good" if one day they themselves donate seized pelagics to F3G, ergo nonprofits!

11. Forms: If applicable, list any forms to be created, amended or repealed:

Not applicable



SECTION 3: FGC Staff Only

Date received: 09/05/2023. |

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 _____ |
- Granted for consideration of regulation change

Tracking Number

Memorandum

Date: May 15, 2024

Received 5/20/2024;
Signed copy on file

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

From: Charlton H. Bonham
Director

Subject: **Petition to allow for donation for sport-caught catch (Tracking Number: 2023-10)**

At their December 14, 2023 meeting, the California Fish and Game Commission (Commission) referred a petition for regulation change (2023-10) to the Department of Fish and Wildlife (Department) for review and recommendation. The petition submitted by Mr. Todd Bluechel (Applicant), requests to amend Section 231(b), Title 14, California Code of Regulations (CCR) to authorize exchanging of sport-caught fish. The proposed change would allow sport fishing license holders who exchange fish for processing to have those fish returned as a donation to a nonprofit group rather than directly to the angler as presently allowed.

Current law, in Section 7121, Fish and Game Code (FGC) prohibits selling or purchasing sport-caught fish and Section 75, FGC defines that "Sell" includes barter, exchange or trade. Section 7121 does not prohibit the donation of sport-caught fish to a nonprofit or other organization or individual.

Section 231(b), Title 14, CCR, allows for exchanging of sport-caught fish with a valid Sport-Caught Fish Exchange permit for the purpose of filleting, smoking or canning if the same fish is returned to the angler. Subsection (c)(4), however, requires the donation of yellowtail not returned to the angler to "...a non-profit charitable institution for food purposes only and may be fresh or processed."

Historically, the provisions in Section 231(b) were primarily used to exchange fresh-caught tuna species for cans. This allowed recreational anglers to retain fish for later consumption, even if they did not have adequate freezer storage. The Applicant has demonstrated a desire and ability to provide fresh-caught fish to local nonprofit groups for consumption by individuals in need. Section 231(b) does not include a provision to allow nonprofit groups to pick up fish directly from a processing facility. Rather, the existing regulations require the individual who caught the fish to receive the processed fish. The proposed change would allow the individual who caught the fish to release it for processing and a nonprofit group to then receive the processed fish.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 15, 2024
Page 2

Section 231(c) includes a provision allowing processors to sell sport caught fish to commercial canneries in exchange for commercially harvested canned tuna. The provision historically provided an immediate ability to exchange sport-caught tuna for canned tuna, effectively placing the sport-caught tuna into the commercial market through the exchanges. This allowance is no longer in practice by the industry and processors instead fillet, smoke, and/or can the actual fish the angler exchanges, returning the cans to the angler after processing.

The Department recommends the Applicant's petition be granted and that a rulemaking be considered to allow the fish that have been released to an individual with a Sport-Caught Fish Exchange permit to be delivered directly to a nonprofit group. In addition, the Department recommends that outdated provisions within Section 231 (c), Title 14 CCR, be modified to eliminate the potential for sport-caught fish to be commercialized.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Marine Regional Manager at (805) 568-1246 or by email at r7regionalmgr@wildlife.ca.gov.

ec: California Department of Fish and Wildlife

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Regional Manager
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

John Ugoretz, Environmental Program Manager
Marine Region

Cooper Wilce, Attorney
Office of General Counsel

From: Sandra Kearney [REDACTED]
Sent: Monday, June 3, 2024 8:50 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Petition 2023-30MPA

Ms Miller-Henson,

I am writing in support of the SMCA revision requested in Petition 2023-30MPA (exhibitB18), submitted by biologist Robert Jamgocian.

Living near and recreating in and on Big River on a daily basis for the past 40 years, I have witnessed the increase in crab take along the river and believe the restrictions laid out in the noted petition will help in the sustainability of this very important component of the ecology of the river.

Thank you for your care and consideration,

Sandra Kearney
[REDACTED]

From: Sean Michael Oshiro [REDACTED]
Sent: Saturday, April 20, 2024 7:05 PM
To: FGC <FGC@fgc.ca.gov>
Subject: propose MPA's

My name is Sean-Micael Oshiro, and I'm from southern California. I'm here to express my concerns about Petition 2023-2033, particularly regarding the proposed new state marine reserves in San Diego.

The ocean holds a special place in my heart. Growing up near its shores, I witnessed its beauty and experienced its healing power firsthand. Whether I found solace in the rhythmic crashing of waves or marveled at the diverse marine life beneath the surface, the ocean has always been a source of inspiration and tranquility for me.

However, I fear that the proposed marine reserves may disrupt the delicate balance of aquatic ecosystems in our area. While conservation efforts are vital, we must ensure they are implemented by thoughtful and considerate local communities who not only appreciate the ocean's beauty but also rely on it for their livelihoods.

Spearfishing has been more than just a hobby for me; it's been a gateway to some of the most meaningful connections in my life. Amidst the ocean's tranquil depths, I found the thrill of the hunt and unexpected companionship. One day, while exploring a reef, I encountered another spearfisher, sharing stories of our underwater adventures. As our friendship blossomed over shared passions and mutual respect for the ocean, it became evident that we had found more than just a diving buddy; we had discovered kindred spirits. I found my best friend through spearfishing, forging a bond as deep and enduring as the ocean.

Please consider the impact of Petition 2023-2033 on our coastal communities and the precious marine ecosystems they depend on. Let's work together to find sustainable solutions that protect our environment and way of life.

Thank you for your attention to this matter.

**California Fish and Game Commission
Non-Regulatory Requests for Action – Updated June 4, 2024**

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife
WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Date Received	Name of Requestor	Subject of Request	Short Description	Category	FGC Receipt Scheduled	FGC Initial Action Scheduled	Initial Staff Recommendation
3/11/2024	Alicia Bonnette, formerly California Abalone Association (CAA)	Red abalone statewide recovery plan	Requests CFGC and CDFW incorporate the full history of efforts, information collected, and plans done statewide over the past 20 years when forming the "working group", including CAA work and The Nature Conservancy fishery management plan work; provides background document.	Marine	4/17-18/24	6/19-20/24	The background documentation of the red abalone working group's and CAA's efforts has been shared with CFGC and CDFW staffs to consider within the red abalone recovery plan. No further action recommended.
4/1/2024	Don Striepeke	Gooseneck barnacles	Requests that CFGC and CDFW discuss the potential of authorizing recreational take of gooseneck barnacles, which are already killed incidentally during mussel harvest.	Marine	4/17-18/24	6/19-20/24	The Commission has previously denied regulation change petitions to authorize recreational gooseneck barnacle take for two reasons: (1) Existing fisheries have been prioritized for management focus under the Marine Life Management Act master plan framework; and (2) Opening a new fishery for the petitioned species would require collecting sufficient data to determine sustainability and redirecting staff away from prioritized management needs. Therefore, staff recommends no further action at this time.

From: Generic Bonnette [REDACTED]

Sent: Monday, March 11, 2024 06:24 PM

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

Subject: Letter and Attachment to Commission Executive Director Miller-Henson

Please accept the attached letter and attachment for Ms. Miller-Henson and provide copies to Commission and DFW staff listed.

Thank you. Alicia Bonnette

March 10, 2024

Melissa A. Miller-Henson, Executive Director
Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Ms. Miller-Henson,

I was the recording secretary for the California Abalone Association (CAA), under then President Chris Voss, from July 2004 until August 2012. During that time there were thousands of hours (see attached CAA Fishery Development History) dedicated to development of adaptative management and fishery plans related to California's red abalone. After many years of being absent in the world of abalone I see that the Commission and Marine Staff are once again engaging in conversations regarding this resource.

First is a petition (Tracking Number 2024-02) requesting regulation change to "reopen the red abalone fishery at San Miguel Island, Santa Barbara County only". This to be received by the Commission at its April 17-18, 2024 meeting. With subsequent action (to deny or grant for further consideration in a future rulemaking) scheduled for the Commission's June 19-20, 2024 meeting.

Second was a posting in the Marine Management News Blog on March 7, 2024 where the California Department of Fish and Wildlife is seeking individuals to join the Red Abalone Recovery Community Working Group to help develop California's Red Abalone Recovery Plan.

In assembling this "Working Group" I would like the Commission and Marine Management staff to recognize and take into consideration ALL of the efforts, information collected, and plans developed by dozens of individuals, groups, and organizations over the last twenty (20) years. Including, but not limited to, the most recent efforts by The Nature Conservancy in their draft of a Recreational Red Abalone Fishery Management Plan.

I believe these past efforts create a solid structural basis for a comprehensive abalone fishery management plan that embraces components of the Abalone Recovery Management Plan (ARMP) while incorporating principals of the Marine Life Management Act (MLMA).

Thank you for your consideration.



Alicia Bonnette

Attachment: CAA Fishery Development History

Copies To:

Susan Ashcraft, Commission Marine Advisor
Dr. Craig Shuman, DFW Marine Region 7 Manager
Joanna Grebel, DFW Invertebrate Program Manager
Samantha Murray, Fish & Game Commission President
Erika Zavaleta, Fish & Game Commission Vice President
Jacque Hostler-Carmesin, Fish & Game Commission Member
Eric Sklar, Fish & Game Commission Member
Darius W. Anderson, Fish & Game Commission Member
Don Thompson, California Abalone Association President

**CALIFORNIA ABALONE ASSOCIATION (CAA)
FISHERY DEVELOPMENT HISTORY
“PARALYSIS OF ANALYSIS”**

CAA MISSION STATEMENT

“To restore and steward a market abalone fishery in California that utilizes modern management concepts, protects and enhances the resource, and guarantees a sustainable resource for the future.”

The California Abalone Association (CAA) is dedicating the efforts of its membership to reopen a market abalone fishery in California. Below is a brief history of the activities that are bringing this dream to fruition. However, it should be noted that the CAA membership has never lost sight of their mission. Over the last nine (9) years, prior to July 2005, several members of the Association have consistently dedicated their efforts to keep the possibility of a fishery in the forefront of the public process.

Between August 26, 2004 and August 10, 2012 CAA members have participated in and/or attended the following meetings:

35	Commission
16	Marine Resource Committee
11	Limited Fishery Task Teams
14	AAG
<u>4</u>	Research Proposal Steering Group
80	TOTAL

May 22, 1997 (ARMP – Appendix A: Section A.1.3) 120 day closure of all abalone in southern and central California. **Sept 19, 1997** Extended emergency closure & closure of fishery for all abalone south of San Francisco. **2000** Only red abalone north of San Francisco Bay may be taken. (Unable to locate Commission documents regarding their findings or CDFG’s recommendation for emergency closure)

October 1997

Governor Pete Wilson signed SB463 into law. This bill imposed a “moratorium on the taking, possessing, or landing of abalone for commercial or recreational purposes in ocean waters of the state south of a line drawn due west magnetic from the center of the mouth of the San Francisco Bay, including all islands offshore the mainland of California”. Under this bill the California Department of Fish & Game was required to submit to the Commission “a comprehensive abalone recovery and management plan” before January 1, 2003 (the ARMP was not approved until December 2005). Under the bill “once a plan is submitted, the Department may apply to the Commission to reopen sport or commercial fishing in all of any portion of the waters closed by the moratorium”.

Moratorium: A delay or suspension of an activity or an authorized period of delay or waiting.

August 26, 2004

Commission Meeting (Morro Bay)

Public Forum: Don Thompson “stated that in discussions with Sen. Thompson, the original legislation was to include mitigation for those displaced divers, but to date there has been no aid. He indicated that the problems with the ARMP include inconsistencies in defining density; biomass estimates are not used in determining the health of the resource; and the goals of the plan are not feasible or reasonable given the current population data”.

Steve Rebeck (CAA Representative at that time) commented that “red abalone is not threatened or endangered and should not be included in the moratorium. He noted that the CDFG promised an ARMP by 1999 and that the fishery would be opened in as little as 18 months, and seven years later there has been no progress. He indicated that he did not think that the CDFG is data poor and that sea otters are not affecting red abalone.”

July 19, 2005

Special Commission Meeting to Receive Public Comments on the draft Abalone Recovery and Management Plan (Oakland)

CAA members heard Commission Executive Director Robert Treanor indicate that the possibility for an “experimental fishery” existed and they were encouraged to develop their ideas within the boundaries of the Abalone Recovery Management Plan (ARMP).

August 19, 2005

Commission Meeting (San Luis Obispo)

Item 24: Receipt of Public Testimony and Discussion of Timeline for Possible Adoption of the ARMP

The Commission received CDFG’s presentation and public testimony. CDFG indicated it would provide an update on its recent data collections at the Commission’s September meeting.

During Public Testimony Rebeck presented the first draft of a Limited Fishery Plan and received encouragement from the Commission to flush out the details of a progressive Plan.

September 30, 2005

Commission Meeting (Susanville)

Item 16.E: Update on Department Recent Surveys, Amendments to the ARMP, and Timeline for Possible Adoption

The Commission received a CDFG report and public testimony from Steve Rebeck, Chris Voss, Paul Weakland and Gary Verhagen regarding an experimental commercial abalone fishery in southern California and/or the Farallon Islands. The Commission discussed a time line for adoption of the ARMP and will receive additional information on the limited commercial fishery at its November meeting in Santa Barbara.

October 20, 2005

Marine Subcommittee (Santa Barbara)

Item 3.b: Proposal by Former Commercial Abalone Divers for a Limited Commercial Fishery at San Miguel Island.

Voss gave a brief presentation on the CAA's Limited Fishery Plan. The presentation was well received and Commissioner Rogers stated that he was willing to adopt a plan that is well managed, protects the resource, provides a wealth of data, and is self-sustaining. At that meeting CDFG was directed to develop another general option (Alternative 8) to the ARMP that included the elements of the Limited Fishery Plan. CAA members were excited to hear Rogers agree that the Limited Fishery Plan could be used as a model for a whole host of fisheries in the State of California. It was noted that details of such a plan could be resolved in legislative review and CEQA processes.

Following the 10/20/05 Marine Subcommittee meeting four (4) CAA members and Steve Rebeck met with CDFG Regional Marine Coordinator Gary Stacey, CDFG Deputy Director Sonke Mastrup, and Assistant Enforcement Chief Tony Warrington. This group discussed development of Alternative 8 and keeping the

components flexible. CAA members heard Warrington's concerns regarding enforcement issues. The group also discussed: a) data collection, b) inclusion of the sport section, c) developing a truly collaborative process, d) CAAC Enhancement Fund monies, and e) the CEQA process.

November 3, 2005

Commission Meeting (Santa Barbara)

Item 4: Presentation by the California Abalone Association Regarding a Proposed Limited Commercial Abalone Fishery at San Miguel Island.

The Commission received a presentation and heard public testimony. CDFG indicated that Alternative 8 (this eventually became Alternative 1/Section 7.3.1 of the ARMP) had been added to the draft ARMP which would allow for this request, if adopted by the Commission. The Commission will consider adoption of the ARMP at its December meeting.

Voss gave a detailed presentation of the "Experimental Fishery Plan" (components of this first plan are included in Appendix H/Section H.1.3.1 of the ARMP). The Plan was enthusiastically embraced by several of the Commissioners and endorsed by Tom Raftican of the United Anglers of Southern California. As a result of this presentation CDFG was officially directed to work with the CAA in developing an alternative that could be added to the ARMP. Alternative 8 was expected to incorporate the fishery concepts set forth in Voss's presentation and develop a public/private partnership that could become a model for other California fisheries.

December 8 & 9, 2005

Commission Meeting (Concord)

Item 8: Consideration and Possible Adoption of the draft Abalone Recovery and Management Plan

The Commission received the draft ARMP with latest amendments and public testimony.

CDFG personnel presented Alternative 8 to the Commission. After hearing comments from the public and CAA members, a lively discussion took place and CDFG was asked to make changes to the Alternative 8 language that would provide the Commission with more of a management role and the full authority to make changes to the ARMP without further formal review.

The Commission approved the ARMP with Alternative 8 and specified amendments to Section 7.1.2 and reference tables 7-2 and 7-4.

As the first item of business on December 9, CDFG staff presented the revised version of Alternative 8 and specified amendments to Section 7.1.2 and reference tables 7-2 and 7-4. Noting that the changes met his expectations Commissioner Rogers motioned approval of the ARMP with Alternative 8 as the preferred option. The Commission unanimously approved the ARMP with Alternative 8 as their preferred option. Fifteen (15) CAA members attended this Commission meeting and took to heart the support shown by the Commissioners to develop a public/private partnership to protect and preserve this valuable resource.

December 23, 2005

Quotes from the Los Angeles Times article "Abalone Fishery Off Southland May Reopen"

"The Commission decision . . . is likely to ignite another round of abalone wars, pitting recreational divers, biologists, and conservationist against commercial divers".

Stephen Benavides said "This is an unbelievable tragedy" and was incensed at the Commissioners.

January 14, 2006

Quotes from the Ventura Star article "State Agency Agrees to Look at Reopening Island Fishery"

Ian Taniguchi said "In my opinion, I think it's premature" and "In what we are proposing, I would not see a fishery in Southern California in my lifetime".

Gary Davis said "But the ultimate decision to reopen the fishery could be based on politics as much as science".

January 18, 2006

San Miguel Island Limited Fishery Task Team Meeting #1 (Santa Barbara)

CAA representatives Voss and Marshall met with CDFG representatives Pat Coulston, Pete Haaker, and Ian Taniguchi for five (5) hours. Agenda items included: a) discussion of ARMP Section 6.3.1, b) meeting participants and future participants and their roles, c) identification of major tasks, tentative timeline issues, and d) finalization, implementation, and funding of the monitoring

protocols (which the CAA believes is critical in order to move forward). Guiding documents discussed were the: ARMP, MLMA, CEQA, and the Experimental Fishery Proposal. Many ideas, opinions, and philosophies were exchanged and the CAA was hopeful that they could work collaboratively with CDFG.

January 31, 2006

Meeting at Santa Barbara Fish & Game Office with CDFG Assistant Director Sonke Mastrup

Ten (10) CAA members met with Mastrup. They traded ideas and Mastrup heard the commitment the divers had to develop a fishery management plan that would meet CDFG's needs and continue to enhance the resource. The importance of the public component and the need for more positive press was discussed.

February 2, 2006

Commission Meeting (Sacramento)

Public Forum: (1:58:08 to 2:07:41) Voss reported that the stakeholders continue to work on the proposal for a limited abalone fishery at San Miguel Island, which they will soon present to CDFG for further development. He reported on the first meeting and talked about the survey protocols being developed. He emphasized the progress the CAA has made to date and asked the Commission to continue pressure on CDFG to perform, meet expected deadlines (for a tangible result), and work with us in an honest & fair manner. Rogers stated "we have the opportunity of historic proportions to put together a joint private/public partnership for a resource that is at risk" . . . "we will have a significant improvement in the management of our resource if we can pull this off" . . . "we will develop something that will enhance a resource". Mastrup stated "the biggest challenge is getting people to open their minds".

February 22, 2006

San Miguel Island Limited Fishery Task Team Meeting #2 (Teleconference)

CAA representatives Voss and Marshall, along with five (5) other CAA members, and Carrie Culver from Sea Grant Extension met with CDFG representatives Pat Coulston and John Ugoretz (via telephone for five (5) hours. The agenda included: a) finalization, implementation, and funding of the monitoring protocols [culminating in a joint "Rapid Snapshot Data Collection" trip in late August 2006, followed by a data analysis workshop hosted by Sea Grant Extension], b) presentation and discussion on CDFG's "Draft SMI Fishery Development Timeline" (Attachment 5) in response to CAA proposed fishery development timeline, c) funding mechanisms, d) identification of future meeting participants and their roles, e) creation of document that fully develops CAA alternatives and concepts, and f) identification of tasks and future meeting dates.

It should be noted that significant progress was made on refining the Fishery Development Timeline and CAA members were encouraged that CDFG is willing and committed to work collaboratively with fisherman. In an effort to cement this commitment the divers requested that CDFG issue a positive press release. They asked for the release to focus on the present accomplishments, data collection, and a fishery that would be based on science and not speculation.

March 2, 2006

Commission Meeting (Riverside)

Item 7.C: Update on SMI Abalone Fishery

The Commission received a report and public testimony. CDFG indicated that it would provide future updates to the Commission electronically.

Voss and Woodcock attended the meeting. Both John Ugoretz (Department Nearshore Ecosystem Coordinator) and Voss made brief presentations regarding their recent accomplishments. Both reports were positive and demonstrated the collaborative working relationship being developed between the divers and CDFG. The most significant piece of both reports was the timeline (which indicated a fishery opening date of April 2008) and developing ways to expedite certain processes. Both reports were well received by the Commission. Voss distributed a summary report to the Commissioners outlining the CAA's activities from July 2005 to February 28, 2006. He also talked about the "rapid snapshot data collection" trip slated for August 27 to September 1, 2006.

March 24, 2006

Marine Resources Committee Meeting (Santa Barbara with Rogers and Gustafson)

Item 1.B: Status of Proposed Limited Abalone Fishery at San Miguel Island

Voss made a brief presentation on the collaborative efforts with CDFG to date and explained how a quota system with equal allocation can be beneficial to the fishery. Ugoretz noted that the ARMP will be used as the management plan for the abalone fishery (with minor tweaks). The upcoming CEQA and legislative processes were discussed. The possibility of redirecting funds contributed by the divers and what mechanism might be used was discussed briefly. The August 2006 Rapid Snapshot Data Collection trip was mentioned.

After a request by Voss the Commissioners directed CDFG to form an official advisory group that can make recommendations to the Commission on developing the fishery. Roles and responsibilities for the group will be discussed at the next Commission Meeting.

April 6, 2006

Commission Meeting (Monterey)

Item 5.G: (3:25:28 to 3:36:23)

John Ugoretz reported on the potential SMI fishery & noted that everyone is strongly behind the proposal and working toward a common goal. The current adhoc group has been advising CDFG and it is now necessary to form a more formal group with a specific role and clear charge (not a decision making & with no consensus required) that doesn't waste time. The timeline proposed had CEQA documents and proposed regulations coming before the full Commission in July 2007. The draft AAG charges were listed along with criteria for group participation which means discussion of a potential abalone fishery. The group was also supposed to include a fishery management scientist (and not the same old scientific participation).

Rogers talked about the “spectacular service within a genuine private/public partnership” “a model moving forward . . . and the process will be a jewel”. Gustafson agreed with the CDFG request for the Commission to select the members of the group.

April 7, 2006

San Miguel Island Limited Fishery Task Team Meeting #3 (Santa Barbara)

The Team met and discussed: a) finalizing the data collection protocols and sending the protocols to SAP for scientific review, b) June and July training for the CAA divers on the approved protocols, c) MOA between the CAA, CDFG, and the California Wildlife Foundation (CWF), d) various meetings and trips that group members had participated in, and e) planning for the August Rapid Snapshot data collection trip. Tasks were assigned throughout the meeting and the next meeting was scheduled for May 19, 2006.

May 3, 2006

Commission Meeting (Tahoe City)

Public Forum: (29:30 to 40:10) Voss reported that over the past few months great progress was made with CDFG (protocols developed, staff trained, boats scheduled for survey); however, the momentum toward achieving further significant results is in jeopardy; because the MOA to provide funding for the data collection process and the following symposium to analysis that data has been rejected by CDFG legal staff (at the last minute). Voss requested that the Commission direct CDFG to work with their lawyers in developing language that meets the necessary legal requirements for Enhancement Fund monies to be utilized. Mastrup noted that the funding has moved into a contract mode and the data collection survey process will proceed (it is an unfortunate set back) and the job will get done. Rogers did not “want to risk this effort one of the shining lights in the last decade.” “This marker process for us (Commission) to develop other public/private partnerships.” The entire Commission and CDFG are interested in this process.

Item 5.A.1.A: Update to Nomination Process for the SMI Abalone Fishery Advisory Group (2:21:33 to 2:41:30) The Commission received an update and public testimony. Mastrup reported that CDFG is still compiling the nominations for the AAG. Rogers noted that the composition of this Advisory committee is critical for a positive result that works correctly for the fishery and the resource. All the Commissioners agreed that committee members should embrace the stated purpose of the AAG (not be negative activists against all fisheries or “regional chauvinist” from Northern California to protect their own) and work toward consensus building to establish a viable fishery. Committee members were not supposed to debate policy already set by the Commission.

Jim Martin submitted a letter stating that the recreational divers do not want a fishery at SMI and they are opposed to Alternative 8, poaching is their big concern along with the time commitment. Recreational divers are skeptical that this (AAG) can work and that any “pockets” of abalone should be left where they are or translocated.

Milo Vokovich (sp?) listed his affiliations and indicated that the problem with the AAG is the “charge” (which is not broad enough) which does not include any other enhancement options (translocation & hatcheries) for the remainder of the California coastline. He felt that the remaining resource should not be talked about as a harvestable excess and the AAG should not be used as an allocation battleground.

May 19, 2006

San Miguel Island Limited Fishery Task Team Meeting #4 (Santa Barbara)

The Team met and discussed: a) data collection protocols, b) Research Activities Panel protocol review, c) training dates and participation, d) failure of MOA process with CWF, e) May 3 Commission meeting and formation of SMI Abalone Fishery Advisory Group, and f) Rapid Snapshot planning and post survey workshop.

May 25, 2006

Marine Resources Committee (Sacramento with Rogers and Hattoy)

Item 3: San Miguel Island Project Update and Possible Review of Candidates for Advisory Group

June 2, 2006

San Miguel Island Limited Fishery Task Team Meeting #5 (Santa Barbara)

The Team met and discussed: a) data collection protocols, b) Research Activities Panel protocol review, c) training dates and participation, d) data base development, e) RFP and Invitation to Bid, f) May 25 Marine Resources Committee meeting attended by Voss, g) SMI Abalone Fishery Advisory Group nominations and meeting schedule, h) structure of Safety Panel for Snapshot survey, i) NAUI/PADI certification requirements, j) Rapid Snapshot planning and post survey workshop, and k) presentation of CAA fishery plan to CDFG for their review.

June 16, 2006

San Miguel Island Limited Fishery Task Team Meeting #6 (Santa Barbara)

The Team met and discussed: a) protocol and gear testing, b) training dates and participation, c) data base development, d) RFP and Invitation to Bid, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) NAUI/PADI certification requirements, h) Rapid Snapshot planning and post survey workshop, and i) presentation of CAA fishery plan to CDFG.

June 22 & 23, 2006

Commission Meeting (Mammoth Lakes)

Item 9. A.1.A: Update on or Possible Ratification of Nominees for the SMI Abalone Fishery Advisory Group (4:33:09 to 4:34:51). Gustafson was officially replaced by Hattoy on the MRC. Voss attended the meeting where the Commission discussed the list of CDFG’s nominees to the San Miguel Island Abalone Fishery Advisory Group (AAG). CDFG staff was directed to present their list to the Commissioners for continued discussion at their June 23, 2006.

The Marine Resource Priority Matrix was also presented (to prioritize the volume of work CDFG is asked to do).

Continuation of Item 9.A.1.A on June 23: (17:53 to 23:24). Hattoy presented CDFG's vetted list for the AAG and made a motion (seconded by Gustafson) to accept the nominees (unanimously accepted and AAG officially formed).

July 5, 2006

San Miguel Island Limited Fishery Task Team Meeting #7 (Teleconference)

The Team had a conference call meeting and discussed: a) protocol and gear testing, b) training dates and participation, c) data base development, d) RFP and Invitation to Bid outcome, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) appointment of AAG members and draft workshop plan, h) Rapid Snapshot planning, and i) review of CAA fishery plan by CDFG.

July 24, 2006

San Miguel Island Limited Fishery Task Team Meeting #8 (Santa Barbara)

The Team met and discussed: a) protocol and gear testing, b) protocol training, c) data base testing and training, d) RFP outcome and contract timeline, e) equipment inventory, needs, and fabrication, f) videographer for Rapid Snapshot, g) draft logistics/cruise plan, h) Rapid Snapshot planning, i) review of CAA fishery plan by CDFG, j) initial AAG interaction, pre-meeting packet, and draft workshop concept, and k) San Diego sea urchin meeting.

August 10, 2006

San Miguel Island Limited Fishery Task Team Meeting #9 (Santa Barbara)

The Team met and discussed: a) protocol training, b) data base development and training, c) status of RFP contract documents, d) status of Truth Aquatics contract documents, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) press release, h) media activities and logistics, i) draft logistics/cruise plan, j) status of enforcement resources for survey, k) AAG appointment letters, l) AAG conference call & meeting packet, and m) fishery concepts discussion during survey.

August 14, 2006

SMI Abalone Fishery Advisory Group/AAG Meeting #1 (Teleconference)

The Group held a conference call meeting and discussed: a) the group charge, b) the general group process and timeline, c) the August Rapid Snapshot Survey, d) the November Snapshot Survey Technical Workshop, and e) the group's organizational structure.

August 17, 2006

San Miguel Island Limited Fishery Task Team Meeting #10 (Santa Barbara)

The Team met and discussed: a) data base development and training, b) protocol changes and data sheet revisions, c) status of RFP contract documents, d) status of Truth Aquatics contract documents, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) press release, h) media activities and logistics, i) final logistics/cruise plan, j) AAG appointment letters, and k) AAG conference call meeting.

August 24, 2006

Commission Meeting (Santa Barbara)

Item 8.E: Department Information Items

The Commission received an update on the upcoming cooperative data collection efforts regarding the proposed abalone fishery at San Miguel Island. Voss reported on the August 14 AAG meeting and invited the Commissioners to participate in the Rapid Snapshot Survey event.

August 27 to 31, 2006

“Rapid Snapshot Survey” Event

Twenty (20) CAA divers, six (6) CAA vessels, thirteen (13) CDFG personnel, three (3) CDFG vessels, five (5) UCSB divers, five (5) National Parks divers, six (6) Reef Check divers, and two (2) NOAA divers participated in the five (5) day event. Over 400 transects were surveyed and the entire event was videotaped and photographed by Jody Pesapane of Liquid Blue Media.

September 13, 2006

San Miguel Island Limited Fishery Task Team Meeting #11 (Santa Barbara)

The Team met and discussed: a) Rapid Snapshot debrief, b) data entry and availability of results, c) press coverage during event, d) availability of video and photos, e) video for October Commission meeting, f) AAG appointment letters, and g) September 29 AAG agenda and meeting packet. It was agreed that the purpose of this group has been served and the process now moves more into the AAG arena.

September 29, 2006

AAG Meeting #2 / First formal Meeting (Santa Barbara)

Agenda topics included: a) introductions and introductory remarks by Mastrup and Rogers, b) approval of minutes, c) Mission Statement, d) proposed ground rules, e) Snapshot Survey video, f) review of data collection protocols, g) presentation of preliminary survey data, h) December technical workshop development, and i) Group's priorities and expectations.

December 1, 2006

AAG sponsored Technical Workshop at the Bren School

Agenda topics for the first evening included: a) process of the AAG, b) a history of the abalone life and fishery, and population status, c) Snapshot Survey results, d) potential management options and comments on the data, and e) panel discussion and public questions.

December 2, 2006

AAG sponsored a Technical Workshop at the Bren School

The second day included: a) an AAG meeting (#3) at 8:00, b) a review of the Friday evening session, and c) concurrent working groups and reports back from each group on the various topics discussed.

January 12, 2007

AAG Meeting #4 (Santa Barbara)

The agenda included: a) approval of minutes, b) Snapshot Survey data analysis, c) TAC workshop development, d) additional data and information needs, e) timeline, f) preliminary discussion of alternative management strategies, g) preliminary discussion of allocation issues, and h) replacement of resigned AAG member (Hrabak).

February 1, 2007

Commission Meeting (Monterey)

Public Forum: Voss discussed the CDFG's management of commercial fisheries and requested that future efforts resulting from the MLPA be focused on fishery management and collaboration with the industry instead of fisheries science.

Item 9.F: Update on the SMI Abalone Resource (3:20:30 to 3:22). Gary Stacey reported that the 2006 Snapshot survey had been completed and CDFG is analyzing data to see what that means for a potential fishery, genetic research, and WS studies. The 2007 snapshot survey was mentioned. He reported on the process of the AAG and the need for professional facilitation. He stated that the timeline was adjusted forward into 2008.

Voss spoke (4:06:40 to 4:10) on the AAG process and noted that the group is making certain that none of the abalone at SMI are put at risk. Efforts are focused to compile information for an educated decision based on risk factors. He also asked the Commission to help with the facilitation process to provide focus for the group.

February 24, 2007

AAG Meeting #5 (Santa Barbara)

The agenda included: a) approval of minutes, b) introduction of facilitation team, c) revised timeline, d) Snapshot Survey data analysis, e) initial allocation scenarios, f) key management considerations, and g) replacement of resigned AAG member (Hrabak & Knight)

SAN MIGUEL ISLAND ABALONE FISHERY ADVISORY GROUP

February 24, 2007

CREATION

After the adoption of the Abalone Recovery and Management Plan (ARMP) in December 2005, the Department of Fish and Game (CDFG) moved forward with the consideration of a limited abalone fishery as San Miguel Island prior to full recovery. In order to maximize the DFG's ability to properly design this fishery a cooperative planning approach was created to directly involve stakeholders in development of potential fishery alternatives.

ROLE

“The Abalone Advisory Group will be empanelled to provide recommendations to the Department of Fish and Game. The Group will not be a decision making body; instead, they will provide recommendations to be considered by resource managers of the DFG and the Fish and Game Commission (Commission). The Abalone Advisory Group is not expected to reach consensus, rather it is expected to develop a reasonable range of alternatives that achieve the goals of the ARMP.”

CHARGE

The Abalone Advisory Group will provide recommendations to the Department of Fish and Game regarding the following areas:

- A Total Allowable Catch (TAC) for San Miguel Island red abalone
- Alternatives for allocation between recreational and commercial take
- Alternative regulations to achieve the TAC and allocation
- Potential management, enforcement, and monitoring techniques
- Possible individual quota and catch entitlement mechanisms

The DFG or Commission may bring other items to the Group for discussion. Advisory Group members may recommend other items for discussion, which will be considered if time allows.

MISSION STATEMENT

“The mission of the Abalone Advisory Group is to recommend a limited range of fully developed alternative for managing a potential red abalone fishery at San Miguel Island to the California Department of Fish and Game. The Department will use these management alternatives in recommendations to the California Fish and Game Commission when a red abalone fishery at San Miguel Island is considered.”

March 1, 2007

Commission Meeting (Arcata)

Public Forum: Voss discussed taking a closer look at the way the management of fisheries is funded and supplying the funds necessary in order to support a management system to assure sustainability.

Item 5.E: Update on SMI Abalone Resource

The Commission received a report from Gary Stacey regarding facilitation team and the 2007 survey event. The Commission heard from Voss on the AAG process.

April 6, 2007

AAG Meeting #6

The agenda included: a) facilitation team's role, b) use of KOM instead of minutes, c) update on project process and goals, d) findings of stakeholder assessments by facilitation team, e) Snapshot Survey data analysis, f) refined allocation concepts, g) key steps to fulfill AAG's charge, h) TAC expert panel, and i) 2007 survey event.

April 12, 2007

Commission Meeting (Bodega Bay)

Item 9.D: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about how to save fisheries in California, the need to develop a TAC, and the lack of qualified modelers within CDFG.

May 3, 2007

Commission Meeting (San Diego)

Public Forum: Steven Benavides discussed the possible reopening of a commercial abalone fishery and requested that once a report from the AAG is received, that a coordinated presentation be made to the Board with the Recreational Abalone Advisory Committee, the Recreational Fishing Alliance, and the California Council of Divers.

Voss stated that with the implementation of the MLPA, commercial fisheries were being concentrated into smaller areas and there was a need to address how to effectively implement the MLMA.

Item 6.C: Department Information Items

Foley gave a report on the number of violations due to abalone poaching, the amount of abuse, and she embraced the tag concept.

Item 6.E: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about keeping all meetings open (because he and Marshall had recently been excluded from a technical AAG related meeting).

June 7, 2007

Commission Meeting (Truckee)

Public Forum: Voss discussed commercial fisheries and the cost to the state to manage them in relationship to what they generate in revenue. He suggested the need for more participation from the industry in determining how the money generated is distributed. He also requested that the Commission allow fisheries to be more directly involved in the data collection process that is necessary to manage fisheries in a sustainable way.

Item 8.D: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about the allocation options being developed by the AAG.

June 22, 2007

AAG Meeting #7 (Santa Barbara)

The agenda included: a) agenda review, b) membership update, c) Terms of Reference for TAC development, d) status of Technical Panel, e) management of SMI abalone policy memo, f) draft 2006 SMI survey final report, g) goals and design of 2007 survey process, h) allocation options, i) AAG final report outline, and j) public comment.

July 31 to August 3, 2007

“Rapid Snapshot Survey” Event

CDFG staff conducted first survey at SMI.

August 9, 2007

Commission Meeting (Santa Barbara)

Public Forum: Voss requested that the sea urchin fishery be agendized for the next Marine Resources Committee meeting to explore management options regarding the harvesting and processing of sea urchins. He also talked about the “destructive dynamic” in the urchin fishery with the untrustworthy processors.

Harry Vogl requested the reopening of abalone season and that the Commission directs CDFG to schedule a collaborative survey with concerned groups at the Farallon Islands.

Harry Liquornik requested that the Marine Resources Committee address restricted access issues, as well as administrative aspects of managing fisheries, with a possible workshop, so the fisheries would have clear guidelines to follow.

Richard Pogre discussed legislation that will soon be enacted which would affect the future of the commercial abalone industry. He requested that the Commission allow commercial divers to work with CDFG and other interested parties to collect data in the North Central Region affected by the abalone closure, in order to provide data to the health of the fishery.

Item 8.F: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about the allocation options being developed by the AAG and the upcoming survey event.

September 6, 2007

AAG Meeting #8 (Santa Barbara)

The agenda included: a) agenda review, b) membership update, c) appointment of Dr. Yan Jiao and Robert Leaf as the Technical Panel modelers, d) steps for Technical Panel Review Committee, e) presentation of 2006 SMI final survey report, f) 2007 survey training and preliminary report, g) 2,000 abalone per hectare policy memo, h) alternative matrix, i) policy memo on enforcement considerations, and j) Marine Committee meeting.

September 11 to 14, 2007

“Rapid Snapshot Survey” Event

CDFG, CAA, and Reef Check conducted the second survey at SMI. During the survey 38 individual divers on 7 vessels covered 133 survey stations during four cruises over eleven days. This information and experience gained through the survey coupled with the 2006 survey provides additional essential information for initiating the fishery consideration process and designing future collaborative surveys.

In the **October 2007 CDFG Report** under “Size Frequency” the following was stated: Similar to the 2006 survey, the 2007 survey revealed that a large portion of the emergent abalone population is of legal size according to past fishery minimum size limits. The similar results greatly increase the confidence of our data collection process. Additionally, non-transect efforts revealed small size classes in and out of MPA areas, **indicating that recruitment is occurring at SMI**. If a fishery is considered, ongoing surveys of recruitment should be incorporated into the management structure. This will help ensure that adaptive management takes into account reproductive success.

September 21, 2007

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Item 3.A: Proposed Marine Resource Committee Priorities/Short Term Priorities

CDFG suggestions included the San Miguel Island abalone fishery review process and lessons learned so far as a potential model for future management, as a short term priority for the MRC.

September 25 to 28, 2007

“Rapid Snapshot Survey” Event

CDFG staff conducted third survey at SMI.

October 11, 2007

Commission Meeting (Concord)

Public Forum: Voss stated that in order to save and manage fisheries effectively, a community-based approach needs be taken, with sustainability of the fisheries as the primary goal.

Harry Liquornik requested that the California Sea Urchin Commission’s request for minor regulatory changes be agendized. He also thanked the Commission for having the Marine Resources Committee (MRC) meeting in Santa Barbara, and stated that he looks forward to working with the MRC regarding Restricted Access Fisheries.

Item 12.E: Department Informational Items

Foley reported that abalone poaching on the North Coast is out of control.

Item 12.F: Update on SMI Abalone Resource

Received CDFG’s report from Mastrup and received public testimony from Voss about a setback in the Technical Panel process and the three survey events. The Commission formally approved the appointment of Terry Maas to the Abalone Advisory Group.

November 1, 2007

Commission Meeting (Sacramento)

Item 8.F: Update on SMI Abalone Resource

Received CDFG report from Mastrup on the completion of the 2007 SMI surveys and the next AAG meeting set for November 29, 2007.

Item 10.A.1: MRC.

Received report from Commissioner Sutton and public testimony. Commission approved the Marine Resources Committee (MRC) priority list.

November 29, 2007

AAG Meeting #9 (La Jolla)

The agenda included: a) update on AAG membership, b) presentation and discussion of revised Workgroup Alternatives, c) launch of TAC development process (with presentation by Jiao, d) public comments, and e) update on process coordination and discussion of timeline.

December 6, 2007

Commission Meeting (Sacramento)

Public Forum: Voss indicated that the California Abalone Association, with support from the CDFG, would be conducting an informal survey at the Farallon Islands, and will submit the data to assist in the MPA decision making process regarding the economic impact to the Farallon Islands (unfortunately this never happened).

Item 7.D: Update on SMI Abalone Resource

Received CDFG report and public testimony from Voss about the modeling process which begins in January 2008. Voss also read a statement prepared by the AAG regarding the essential nature of expanding collaborative survey efforts.

December 13, 2007

Marine Resources Committee (Monterey with Rogers and Sutton)

Voss and Woodcock attended, agenda topics included: a) analysis of commercial fishery fees under current FGC authority and discussion of possible rulemaking recommendations, and b) analysis of the current FGC restricted access policy and discussion of implementation and conflicts.

February 7, 2008

Commission Meeting (San Diego)

Item 12.E: Update on SMI Abalone Resource

Received CDFG report from Vojkovich to move these reports to a quarterly schedule because monthly reports were "overkill" and public testimony from Voss.

May 8, 2008

Commission Meeting (Monterey)

Public Forum: Voss reported on the AAG modeling process. Rogers and Sutton asked Voss for updates as the cooperative (being proposed by the CAA) is being formed. Both Rogers and Sutton commended Voss.

August 7, 2008

Commission Meeting (Carpinteria)

Item 6.G: Update on SMI Abalone Resource

Received CDFG report from Tom Barnes about focus on TAC by Technical Panel, final modeling results to be available in the late fall, and formation of Review Committee.

Voss and Marshall gave a PowerPoint presentation on cooperative development.

September 22 to 27, 2008

“Rapid Snapshot Survey” Event

Divers from various agencies and organizations participated in this survey and a final report from CDFG was never provided.

November 14, 2008

Commission Meeting (Huntington Beach)

Public Forum: Voss asked the Commission to direct CDFG to establish the process for opening a fishery at SMI.

December 10, 2008

AAG Meeting #10 (Teleconference)

The agenda included: a) update on Technical Panel and development of models, b) update on TAC, c) SMI survey update, d) Review Committee development, and e) timeline to complete AAG process.

February 4, 2009

Marine Resources Committee (Sacramento with Rogers and Sutton)

Voss and Liquornik attended, agenda included: a) discussions on Committee roles and responsibilities, b) the MLMA lessons learned study, and c) a review of the existing MRC short and long term priority list.

February 17 & 18, 2009 – Dr. Doug Butterworth, Dr. Harry Gorfine, Dr. Steve Schroeter, and Dr. Ed Weber met in La Jolla California with members of the AAG Technical Panel (including Dr. Yan Jiao) for a scientific review of the modeling work performed by the TP. The agenda topics included: a) discussion of data inputs, b) discussion of model description and use, c) discussion of model results and sensitivities, d) discussion of TAC development and risk analysis, and e) presentation of the final review findings and recommendations. The Review Committee subsequently prepared and distributed their final report titled “Evaluation of the Red Abalone Stock Assessment by the Review Committee in Support of Deliberation of the AAG”.

April 2, 2009

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Item 2.c: Innovative Approaches to Fisheries Management (California Abalone Association: Framework of proposed fishing cooperative and co-management strategy). The CAA made a presentation of the proposed framework and the two Commissioners asked the CDFG to schedule a presentation on the CAA’s proposed management regime to the full Commission in the summer of 2009.

At that meeting the Commissioners were reminded that Fish and Game Code Section 5521 gives the Commission authority to lift the moratorium (which was specifically contemplated to be lifted in the Legislature when the moratorium was imposed) on the commercial abalone fishery. Fish and Game Code Section 5522 describes the circumstances in which CDFG may apply to the Commission to reopen fishing if the Commission “makes a finding that the resource can support additional harvest activities and that these activities are consistent with the ARMP”.

April 17, 2009

AAG Meeting #11 (Los Alamitos)

The agenda topics included: a) two different PowerPoint presentations by Rogers-Bennett (stock assessment and TAC framework), b) Review Committee comments on Jiao model, and c) AAG timeline.

May 13, 2009

Commission Meeting (Sacramento)

Public Forum: Voss reported on the AAG progress.

June 16, 2009

“The Santa Barbara Initiative: Developing Social Capital, Infrastructure and Scientific Techniques for Reforming Californian Fisheries” which outlined a position by Jeremy Prince to nurture and develop the capacity of the fishing community to consider and implement management change. Starting from a position of outright opposition and a culture of entrenched conflict between and amongst industry, academics and the key agencies, awareness, communication and engagement have grown to the extent that there is now widespread support in the port of Santa Barbara for a program of change in partnership with UCSB academics, the F&G Commission, CDFG, the OPC and NGOs.

July 21, 2009

Marine Resources Committee (Monterey with Rogers and Sutton)

Voss and Liquornik attended to learn about the MLMA lessons learned study.

September 23, 2009

AAG Meeting #12 (Teleconference)

The agenda topics included: a) draft 2009 survey protocols, b) additional modeling, c) four management options, d) Marine Stewardship Council (MSC) pre-assessment by Alison Cross (WWF), and e) timeline for presenting recommendations to Commission.

October 2009

“A New Beginning for Abalone Management in California: Critique and Comment on the Abalone Advisory Group’s Discussions” by Jeremy Prince and Sarah Valencia.

October 20 to 22, 2009 – Four (4) CAA boats with eight (8) divers participated in the 2009 abalone survey at San Miguel Island (Tyler, Crook Point, Judith Rock, and Markers). The primary goal of this survey was to detect changes in year-to-

year (relative) abundance between impact areas (fished) vs. control areas (unfished) based on procedures currently used to monitor fished stocks in Victoria and South Australia and adapts them to best fit red abalone ecology and the logistics at SMI.

Selection of Survey Areas

Areas will be surveyed that exhibit abalone densities that could potentially support a sustainable commercial fishery. Using the previous three years of survey data and utilizing knowledge of the area from commercial fishermen and biologists

November 17, 2009

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Voss attended to learn about the MLMA lessons learned draft report. Vojkovich gave an update on abalone that indicated that CDFG did not have enough information to make a decision on reopening the fishery and suggested a closed meeting to discuss the process.

December 2009

The “San Miguel Island Red Abalone Fishery MSC Pre-Assessment” was completed by Dr. Craig Mundy, Dr. Sabine Daume, Team Leader, and Dr. Stephen Mayfield. In the report under “Indicator 1.1.1 - Stock Status” it was stated that “From the documents provided, it is difficult to ascertain the current status of red abalone stocks at SMI relative to the status during the period of active fishing (e.g. late 1980’s), and a judgment is not made here. The key problem is that detailed, robust, fishery-independent research data were not collected in the final years prior to closure to match the current data series (2006 to 2008), and there is currently not an active fishery to compare against the performance of the fishery prior to closure. Using the 2006 to 2008 survey data, a range of methodological approaches have been used to consider stock status in the context of supporting a commercial fishery, including Yield per Recruit (YPR) and Statistical Catch at Age (SCA) modeling, Replacement Density Analysis (RDA), and Minimum Viable Population (MVP) size. Relative abundance is used in the SCA model, but TAC’s estimated as a fraction of absolute abundance. RDA and MVP methods appear to use absolute abalone abundance per Hectare as the basis for calculations.

Obtaining an independent assessment of absolute abalone abundance is a difficult task, and arguably unreliable for most abalone fisheries. The use of abundance data estimates (abalone/m²) **to calculate absolute abundance (abalone/Ha) based on assumed habitable area is problematic, not well accepted amongst abalone biologists**, and with few exceptions (e.g. *Haliotis laevis* fishery in South Australia), is rarely used in the management of abalone fisheries elsewhere. Two key reasons for this are 1) abundance of abalone is highly spatially variable from scales of meters, to 10’s of meters, and is often not linked to apparently suitable habitat; and 2) calculation of absolute abundance should include some knowledge of the proportion of the total abalone at a site that are available to be seen by divers. Circumstances where absolute abundance calculations might be permitted are reef systems where spatial variability in abalone abundance and reef complexity are low.”

December 8, 2009

AAG Meeting #13 (Teleconference)

The agenda topics included: a) review of the draft AAG report, b) distribution of the final AAG report, and c) status of additional modeling.

December 10, 2009

Commission Meeting (Los Angeles)

Public Forum: (24:19 to 31:20). Voss presented the Commission with the “Red Abalone Market Fishery Operating Guidelines” (which included the MSC Pre-Assessment). He thanked Sutton and Rogers for setting the February 16, 2010 MRC meeting to discuss the AAG results. Sutton stated that the CAA has been responsible and progressive in their approach to innovative management of the abalone resource. He also indicated that opening the fishery is a “heavy lift” both politically and biologically and that the CAA has taken a “responsible and progressive approach to innovative fishery management”. Rogers stated that the full Commission will get the opportunity to hear a presentation on the AAG results.

February 16, 2010

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Item 5: Report from California Abalone Advisory Group

The four AAG options were presented, and a discussion on the level of CEQA requirements that might be necessary to support the CAA’s proposal took place. Rogers indicated that the existing data was not enough to support a sustainable fishery. Sutton did not indicate a preference for any of the four options. CDFG staff was directed to take the next steps: 1) complete Jiao modeling ASAP, 2) provide comprehensive cost estimate for CEQA process, 3) recess AAG, and 4) schedule another MRC briefing when steps 1 and 2 were completed.

March 3, 2010

Commission Meeting (Ontario)

Item 7.A: MRC (2:49 to 3:19:24)

Don Thompson spoke about the significant impacts the abalone fishery closure had on him personally and asked them not to lose sight of Alternative 1 which was “preferred” when the ARMP was adopted. Jim Marshall spoke about the scope of work for the modeling. Alicia Bonnette read the first two paragraphs of Alternative 1 and emphasized all the scientific support for a limited fishery. She also indicated her disappointment with the AAG process and asked for help from the Commission. Voss spoke about the model management plan created by the CAA, successful collaborations, survey data collected, Bren School projects, and the misinformation of the flawed modeling that has weakened all of the CAA’s efforts. He requested the Commission direct CDFG to: 1) follow Review Committee recommendations, 2) require modeler to include the 2008 data, 3) and direct CDFG to submit future modeling work in an open bid process, and Commission be aware of the CAA proposal and its limited impact to the resource at SMI.

Sutton recognized that the abalone discussion was controversial and there is not enough information to make a recommendation to the full Commission. He has

respect for the management regime presented by the CAA (“on the cutting edge”). Recommendation to not reopen a fishery until there is more information from CDFG and modeler. Rogers requested that CDFG provide him with the known areas of disagreement (which cannot be resolved) for the modeling. He would like there to be agreement before the additional modeling is completed (using ALL the data sets) and would like it to be completed in 2010. Commissioner Richards talked about the “paralysis of analysis” and the need for setting a date to receive the final analysis. Shuman talked about funding for the supplemental modeling and noted that there is disagreement on the AAG about the validity of the initial modeling. Mastrup added that CDFG wants the work to be finished and they are committed to finding funding to “finish” and he asked the Commission to remember that “science is not a one step process”.

April 7, 2010

Commission Meeting (Monterey)

Public Forum: Voss presented the revised 2009 “Pre-Fishery Survey of Index Sites” survey protocol and explained the methodology which utilizes the past three years of broad surveys to determine areas with densities high enough to support an experimental fishery.

April 20, 2010

Summerland

Meeting with Commissioner Rogers, Commission Science Advisor Craig Shuman, Sarah Valencia, Voss, Woodcock, and Bonnette.

May 25, 2010

Marine Resources Committee (Monterey with Rogers and Sutton)

Dr. Jeremy Prince, Sarah Valencia, and Voss attended to learn about the final MLM lessons learned project and hear a presentation on data poor fisheries management and alternatives from Burr Henneman, Alex MacCall, and Tom Barnes.

May 26, 2010

Monterey Bay Aquarium (Sutton’s Office)

Meeting with Deputy Director Mastrup, Commissioner Michael Sutton, Commissioner Richard Rogers, Commission Science Advisor Craig Shuman, Huff McConglin, Voss, Dr. Jeremy Prince, Sarah Valencia, and Bonnette. A discussion on the status of the CAA’s proposal took place that ended in a recommendation to create a specific research fishery proposal that could be peer reviewed. Immediately after Mastrup, Prince, Valencia, McConglin, Voss, and Bonnette met to discuss next steps. It was agreed that Prince and Valencia would develop an outline for a research fishery proposal and determine the number of abalone needed for scientifically validated experimental sampling.

June 2010

“Outline of a Proposed Research Proposal for SMI Abalone” by Jeremy Prince and Sarah Valencia. This was the first document submitted to Mastrup and CDFG to provide an outline or framework around which a proposal can be developed for a program of abalone research to be conducted on the south side of SMI.

September 30, 2010

California Abalone Marketing Association, Inc. (cooperative) incorporated in the State of California.

October 12, 2010**Marine Resources Committee (Santa Barbara with Rogers and Sutton)**

Voss and Marshall attended to hear Taniguchi report on the status of the Northern California Recreational Fishery and potential proactive regulatory changes that would protect that abalone resource. During that meeting Shuman was tasked to work with CDFG and evaluate the merit of the CAA’s revised proposal and report back to the MRC on suggested regulation(s) (amend ARMP, etc.) that would support the proposal. He was also tasked with gaining a legal opinion on the CAA’s proposal.

December 16, 2010**Commission Meeting (Santa Barbara)**

Public Forum: Voss listed the CAA’s partners and reported on the revised proposal for a scaled down experimental fishery (with research as the focus) and requested that a vote regarding this experiment be agendaized. Rogers and Sutton agreed that they are impressed with the CAA and reminded the Commission that the issue is being discussed by the MRC, which is working toward a recommendation for the full Commission.

February 15, 2011**Marine Resources Committee (Monterey with Rogers and Sutton)**

Voss attended to learn about the OPC Strategic Plan and hear a presentation on the Collaborative Fisheries Research Organization.

May 24, 2011**Meeting at Santa Barbara Harbor**

Voss, Marshall, Harrington, Colgate, and Valencia met with Craig Shuman, Commissioner Rogers, and newly appointed Commission Executive Secretary Sonke Mastrup to discuss the following agenda topics: a) rigor of research proposal to be developed by Valencia and Prince, b) abalone festival, and c) next steps.

May 25, 2011**Marine Resources Committee (Santa Barbara with Rogers and Sutton)**

Voss and Marshall attended, agenda items included: a) MRC priorities and approach to review of Commission’s policy on restricted access fisheries, and b) MPA monitoring on South Coast.

September 27, 2011

Marine Resources Committee (Monterey with Rogers and Sutton)

Voss attended the morning session and presented Commissioners, Shuman, and Mastrup with the “Proposal for Red Abalone Research Fishery at San Miguel Island (SMI)” created by Dr. Prince. This same Proposal was e-mailed to CDFG staff (Barnes, Taniguchi, Vojkovich, and Foley) the following day.

November 17, 2011

Commission Meeting (Santa Barbara)

Public Forum: (27:33 to 34:30) Marshall described the efforts of the CAA to reopen a fishery and reminded the Commissioners about the progress made to date. He noted that the CAA is waiting to discuss the new science based Proposal with CDFG. Rogers talked about how “inspirational” the participants have been and thanked Jim for the CAA’s persistence even after the “ridiculous” amount of time spent in the process. Sutton stated that the AAG “was a model for other stakeholder groups”. Rogers and Sutton both agreed that the CAA was spoken about in glowing terms by Bren School academics and there was mutual respect shown during those collaborations.

December 13, 2011

Proposal Steering Group Meeting #1 (Santa Barbara)

Jeremy Prince, Sarah Valencia, Chris Voss, Jim Marshall, and Alicia Bonnette met with Craig Shuman, Tom Barnes to discuss the first draft of the Research Proposal developed by Prince and Valencia. Thirty-one (31) CDFG comments were reviewed and addressed in a very positive and productive meeting environment.

February 16, 2012

Proposal Steering Group Meeting #2 (Los Alamitos)

Prince, Valencia, Barnes, Taniguchi, Shuman, Voss, Marshall, Lampson, Stein, Carlos Mirelis, and Laura Rogers-Bennett discussed: a) revised Proposal, b) implementation logistics, and c) next steps.

May 29, 2012

Proposal Steering Group Meeting #3 (Teleconference)

Prince, Valencia, Barnes, Taniguchi, Cpt. Bob Farrell, Voss, Marshall, Stein, and Rogers-Bennett discussed: a) International abalone symposium in Tasmania, b) enforcement issues with the Proposal, c) revised Proposal, d) Jiao additional modeling, and e) next steps.

July 30, 2012

Proposal Steering Group Meeting #4 (Teleconference)

Barnes, Marshall, Voss, Taniguchi, Rogers-Bennett, Valencia, Button, Prince, Cpt. Farrell, Stein, and Shuman discussed: a) comments by Review Committee on SMI research proposal, b) status of Jiao additional modeling, c) enforcement hours needed to support proposal, and d) next steps.

August 8, 2012

Commission Meeting (Ventura)

Voss attended to maintain communication link with Commission members.

August 10, 2012

Marine Resources Committee (Ventura with Rogers and Sutton)

Voss attended to learn about the MPA monitoring.

Summary:

It continues to be the position of the CAA that Criterion 1 and 2 of the ARMP have been met (using data from the 2006 to 2008 surveys) and that Criterion 3 is trumped by the Commission's preferred Alternative 1.

ARMP

"Recovery is a stepwise process, where goals must be met sequentially. Once recovery goals are met, a species may be evaluated and considered for a fishery." Criterion 1 is satisfied when a broad range of sizes is present in the population, from small, younger abalones to large, older individuals. Satisfying Criterion 1 is considered a milestone in recovery.

6.2.1.1 Criterion 1 - Broad Size Distribution Over the Former Abalone Range

Populations are more stable when there are more individuals occupying a broad size range at multiple locations. To evaluate resource conditions using this measure, two categories, intermediate (100 mm to recreational minimum legal size, or RMLS), and large (larger than RMLS), are defined, and each of those categories is further subdivided into 5 mm groups. When abalone observed during timed surveys (Appendix E Survey Methods) at an index site occupy 90% and 25% of the intermediate and large categories, respectively, then the broad size frequency distribution aspect of Criterion 1 will have been met at that site (Table 6-1 and Section 6.4.1.1 Assessment for Criterion 1). A category smaller than 100 mm is not used, because abalone smaller than 100 mm are usually cryptic and not easily assessed.

Since the ARMP is relying on 20 year old science it seems more prudent to concentrate on recent scientific research that is explained in "**A New Beginning for Abalone Management in California**" (Prince & Valencia 2009).

Survey protocols with regard to searching for small abalone have changed radically through the years. The original survey protocol in the early 1970s (1974) was simple: swim and count emergent abs. This protocol changed in the 1990s (1993-97). The Cruise report 93-M-6 shows the procedures during timed swims then started including some invasive searching of cryptic habitat targeting juveniles, in addition to counting emergent abalone along survey transects: "When possible, boulders were turned to search for juvenile abalone." Reports 97-M-1 and 97-M-5 also describe the use of these invasive techniques. In 1997 surveys were part of a collaboration with commercial fishermen who were asked to direct CDFG researchers to where juvenile abalone might be easily found and CDFG researchers specifically targeted these areas with the aim of constructing length frequency histograms for the cryptic juvenile size classes (Karpov et al.

1998). In 1999 the protocol changed to counting aggregations, reflecting a growing interest in the Allee effect, and this protocol continued through 2000 and 2001 using the timed swim method, with some searching of cryptic habitats for juveniles, some aggregation counting and only a little transect work. So in these earlier surveys researchers mainly conducted timed swims during which they counted and measured emergent abalone, and then turned boulders looking for juveniles, and there was much less emphasis on swimming along randomly placed transect lines.

By point of reference, since 2006 the survey protocol has been based on randomly placing 60m transects within the boundary of the kelp canopy mapped by aerial photography over several years. Within a 2m wide strip along either side of the 60m transect line, emergent abalone have been counted within 5m segments. There has been no searching of cryptic habitats for juveniles.

Clearly this evolution of survey protocols will have produced marked changes in the actual selectivity curve of the surveys. Without modeling this as a different selectivity curve for each survey protocol, the model will have been constrained to attribute the changes in the proportion of small abalone measured to changes in abalone recruitment, when they were actually produced by changing survey protocols. In this case the length-frequency data from early 1990s, when survey divers searched cryptic habitats for small abalone, and particularly in 1997 where commercial divers told research divers where juveniles would be most easily found, will have been interpreted by the model as indicating a higher previous level of recruitment. The 1997 protocol seems to have been interpreted by the model as a pulse of previous recruitment on top of normal, while the current survey protocol is being interpreted as continuing current lack of recruitment. According to the logic built into the population model this must over time start decrease estimated adult biomass.

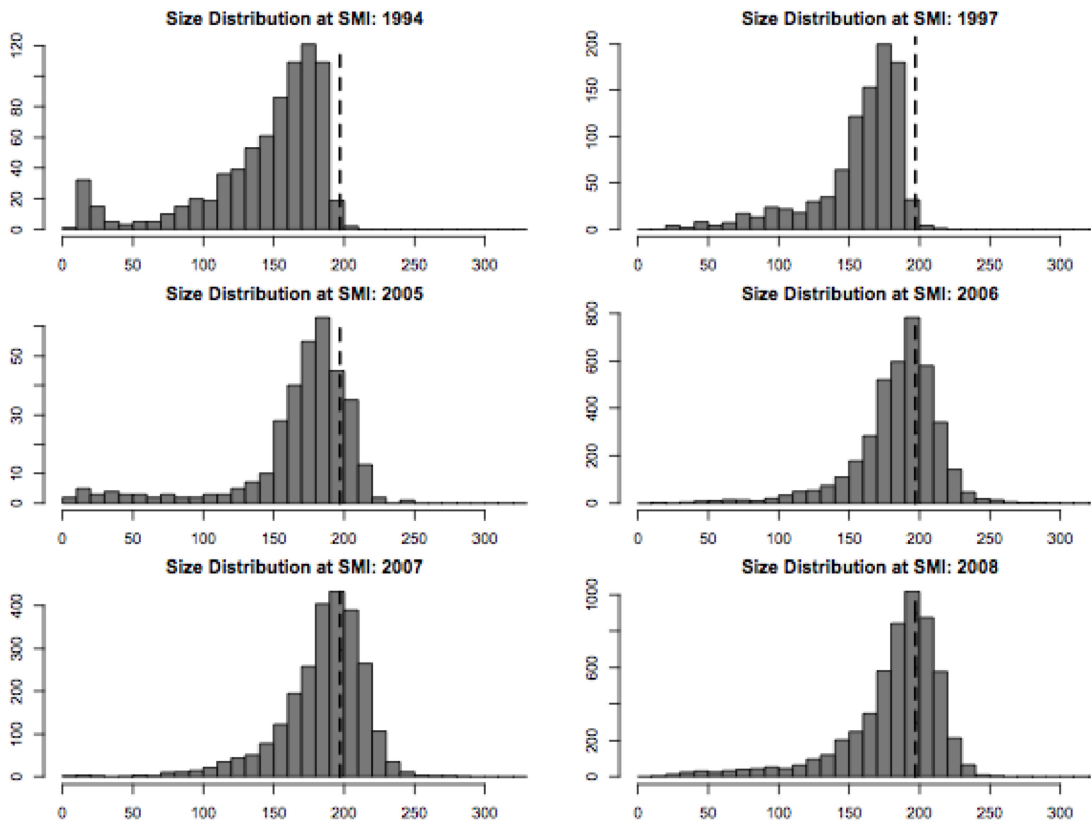


Figure 4. Length frequency histograms (maximum length in mm and number counted) for the abalone surveyed during CDFG surveys 1994-2008.

It should be noted that the historic time series of length frequency data is more reliable where it pertains to the size range of the larger, fully-emerged and -recruited size classes, because that part of the size structure has not varied with changing survey protocols. In this respect the time series shows that there has been a considerable increase in the proportion of the population larger than the old legal size limit. The percentage of the population larger than 197mm has increased from less than 1% in 1997 (the year the moratorium was enacted) to 47.8% in 2008 (Figure 4). In light of the high fecundity of these large individuals (Rogers-Bennett et al. 2006) one can assume that gamete production has similarly increased in magnitude and that the area their aggregations now cover has grown as well i.e. biomass is growing. This is what commercial, recreational, and research divers alike are uniformly reporting as well.

ARMP

Populations must reach MVP levels in multiple locations to satisfy Criterion 2.

6.2.2.1 Criterion 2 - First Density Level (2,000 ab/ha)

When Criterion 1 has been satisfied, emergent density surveys will be conducted in key locations to determine average abalone density. MVP is the density level that indicates that the population is not at risk for collapse. The MVP used in the ARMP is based on two sources of information: minimum spawning densities determined by Shepherd and Brown (1993), and the density preceding sharp declines of red abalone in southern California (Tegner *et al.* 1989; Karpov *et al.*

1998) (Section 2.1.2.2 Spawning and Fecundity). Shepherd and Brown (1993) found that recruitment started to decline when densities fell below 3,000 ab/ha. Stock collapsed when adult densities fell below 1,000 ab/ha. Comparable densities and consequences were found with red abalone on Santa Rosa Island in southern California. Densities under 1,000 ab/ha were not sustainable and were followed by a collapse of the population (Karpov *et al.* 1998).

An MVP level was therefore established at 2,000 ab/ha for each species based on the best available red abalone density information. The MVP for each species may change as more information on recovering populations is obtained.

Satisfaction of Criterion 2 does not trigger consideration of take. Criterion 2 requires that MVP levels be achieved at all key locations in all recovery areas that continue to satisfy Criterion 1.

“A New Beginning for Abalone Management in California” (Prince & Valencia 2009).

Figure 1 plots the percent of abalone sampled against the density at which they were observed within each 5m segment of transect. It shows that almost 10% of the sample was recorded at densities of around 2,000 abalone/ha and that only 8% of the sample was found occurring at densities below this level. Figure 2 shows a similar view to figure 1 but plotted as the cumulative percent of the abalone sampled.

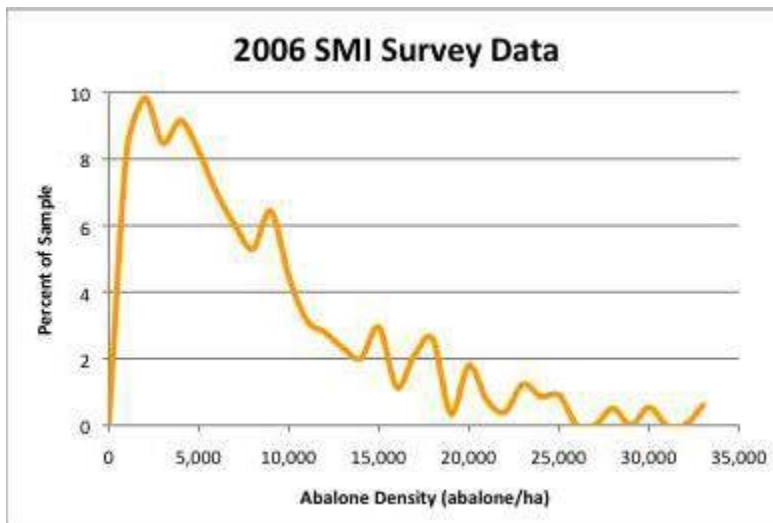


Figure 1. Percent of abalone sampled during the 2006 surveys plotted against the density at which they were observed within each 5m transect segment.

In figure 2 it can be seen that >73% of the sample occurred at densities of 3,000 abalone/ha or greater and at those densities they cover approximately 10% of the broader survey area. This concentration profile is a common feature of abalone populations with 70-80% of the population normally occurring in 10-20% of the potential area (Prince *et al.* 1998).

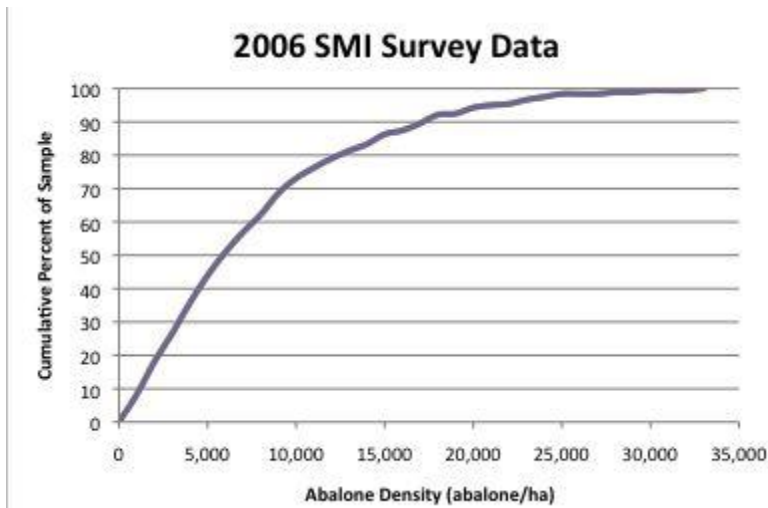


Figure 2. Cumulative percent of abalone sampled during the 2006 surveys plotted against the density at which they were observed within each 5m transect segment.

ARMP Section 7.1.2.2 Total Allowable Catch

Fisheries that have been closed will be considered for reopening only when recovery criteria are met, and the stock has rebuilt to sustainable fishery densities at refuge depths and all depths (more than 3,300 and more than 6,600 ab/ha respectively). Fisheries will be initially reopened with low TAC levels that can be incrementally increased to former levels over a number of years, depending on stock conditions.

barnacles

don striepeke [REDACTED]

Mon 04/01/2024 09:31 AM

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

ive addressed the gooseneck barnacle concern with the commission before. why no sport fishery? they live along side mussels and incidental killing takes place when harvestig mussels. excellent food . theres no shortage of mussels and no shortage of banacles. discuss this ,please.

California Fish and Game Commission Tribal Committee (TC) Work Plan

Updated June 7, 2024

Proposed additions and deletions to topics/timing are shown in blue underline or ~~strike-out~~ font, respectively.

Topic / Goal	Type / Lead	Dec 2023	<u>Apr</u> 2024	Aug 2024	<u>Dec</u> 2024
CFGC justice, equity, diversity and inclusion plan	CFGC Project	X	X	X	<u>X</u>
Commission Tribal Consultation Policy (begin discussions when tribal advisor and liaison is hired)	CFGC Policy			X	<u>X</u>
Tribal subsistence definition and related management mechanisms	TC Project	X	X		
Co-management roundtable discussion	TC Project	X	X	X	<u>X</u>
Coastal fishing communities policy <u>implementation</u>	MRC Project	X/R		X	
Sheep, deer, antelope, trout, abalone, kelp/seaweed: Updates and guidance (timing as appropriate)	CDFW	X	X	X	<u>X</u>
Annual tribal planning meeting	CFGC Project	X	X	X	<u>X</u>
California Natural Resources Agency	CNRA	X		X	
OPC – MPA Statewide Leadership Team; Tribal Marine Stewards Network	OPC	X	X	X	<u>X</u>
CDFW – Possible items include: - Marine protected areas (<u>MPA</u>) decadal management review, <u>MPA petitions</u> - Drought/wildfire impacts and state response - Climate adaptation, mitigation, science - Statewide kelp and abalone recovery efforts - Proposition 64 (cannabis) implementation - Other items as identified by CDFW	CDFW	X	X	X	<u>X</u>
Cross-pollination with MRC and WRC: Identify tribal concerns and common themes with MRC and WRC	CFGC Committees	X	X	X	<u>X</u>
Coastal Fishing Communities Project updates	MRC Project		X	X	
CFGC regulatory and non-regulatory updates	CFGC staff	X	X	X	<u>X</u>

Key: X = Discussion scheduled X/R = Recommendation developed and moved to CFGC

CFGC = California Fish and Game Commission

MRC = CFGC's Marine Resources Committee

WRC = CFGC's Wildlife Resources Committee

CDFW = California Department of Fish and Wildlife

CNRA = California Natural Resources Agency

OPC = California Ocean Protection Council

Seeking Your Feedback to Help Manage California's Marine Protected Area Network

May 31, 2024

At its February 2024 meeting, the California Fish and Game Commission (CFGF) referred 20 petitions with over 80 unique requests to amend marine protected area regulations to the California Department of Fish and Wildlife (CDFW) for review, evaluation, and recommendation.

The CFGF has approved a [3-phase approach](#) to evaluate the petitions. CDFW has completed Phase 1 of the 3-phase approach and will present the [draft proposed binning \(sorting\) of petitions](#) to the CFGF at the Marine Resources Committee meeting on July 17, 2024 for further discussion.

The CFGF has requested public feedback on the [draft proposed binning of petitions](#). All petitions have been sorted into either Bin 1 (petitions ready to be evaluated in the near-term. Placement in Bin 1 does not guarantee the petition will be approved) or Bin 2 (petitions that require additional policy guidance, information, and/or resources before evaluation).

Feedback on petition binning may be sent directly to the CFGF to inform the discussions scheduled for the July 17 Marine Resources Committee meeting. **For written comments to be included in the meeting materials, the CFGF must receive them by July 5.** [Instructions for how to submit written comments](#) and a [schedule of upcoming CFGF meetings](#) can be found on the CFGF website.

The draft Phase 1 document that outlines the proposed binning of petitions includes background information on binning criteria, tables that outline proposed Bin 1 and Bin 2 petitions, and justifications for why petitions are categorized into each bin.

It is anticipated the Marine Resources Committee will make a recommendation on the draft proposed binning for the CFGF's consideration at their August meeting. Following the CFGF's approval of petition binning, CDFW will move forward with the evaluation of Bin 1 petitions for subsequent discussion and consideration by the Marine Resources Committee and the CFGF.

post by Sara Worden, CDFW Environmental Scientist



Top left. Diver with MPA banner in Blue Cavern Onshore State Marine Conservation Area. CDFW Photo.

Top right. California MPA Network Map.

Bottom. Kelp forest and rockfish. Photo by S. Lonhart, NOAA.

California Fish and Game Commission Marine Resources Committee (MRC) Work Plan

Updated June 7, 2024

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font.

Topics	Category	Mar 2024	Jul 2024	Nov 2024
Planning Documents and Fishery Management Plans (FMPs)				
MLMA Master Plan for fisheries – implementation updates	Plan Implementation			
Red abalone recovery plan (statewide)	Management Plan		<u>*</u>	
California halibut fishery management review; trawl grounds review	Management Review	X		
California halibut bycatch evaluation for fishery management review – set gill net (lessons learned)	Management Review	X	X	
California halibut bycatch evaluation for fishery management review – trawl gear	Management Review		<u>*</u>	
Market squid fishery management and FMP review	Management/ FMP Review	X	X	X/R
Kelp recovery and management plan (KRMP) development	Management Plan			
Marine protected area (MPA) network 2022 decadal management review implementation: MPA petitions	Management Review	X	X/R	
Regulations				
Kelp and algae commercial harvest – sea palm (<i>Postelsia</i>)	Commercial Take		<u>*</u>	<u>X/R</u>
Commercial sea urchin fishing regulations, including consideration of Petition 2023-04 for the fishery north of San Luis Obispo/Monterey County line	Commercial Take	X	X/R	
Recreational crab trap gear options and trap validation for commercial passenger fishing vessels; RAMP regulations	Recreational Take	*	X	<u>X/R</u>
Commercial fisheries logbook forms and fishing block charts	Commercial Take	X		
Electronic recreational fishing report cards rulemaking	Recreational Take		<u>X/R</u>	
Recreational take of barred sand bass	Recreational Take		<u>X</u>	<u>X/R</u>
Marine Aquaculture				
Statewide aquaculture action plan	Planning Document			
Aquaculture state water bottom leases: Status of existing leaseholder requests	Current Leases	*		
Aquaculture state water bottom leases: Applications for new leases	Lease Applications		X <u>*</u>	<u>X</u>
Aquaculture lease best management practices plans (Hold, TBD)	Regulatory			
Informational Topics / Emerging Management Issues				
Kelp restoration and recovery tracking	Kelp			
Special Projects				
Coastal Fishing Communities Project	MRC Special Project		<u>*</u>	<u>X</u>
Box crab experimental fishing permit (EFP) research project	EFP			

Key: X = Discussion scheduled X/R = Recommendation may be developed and may move to Commission

* = Written or verbal agency update

Seeking Your Feedback to Help Manage California's Marine Protected Area Network

May 31, 2024

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post by Sara Worden, CDFW Environmental Scientist



Top left. Diver with MPA banner in Blue Cavern Onshore State Marine Conservation Area. CDFW Photo.

Top right. California MPA Network Map.

Bottom. Kelp forest and rockfish. Photo by S. Lonhart, NOAA



Gavin Newsom, Governor
Yana Garcia, Secretary for Environmental Protection
Lauren Zeise, Ph.D., Director

MEMORANDUM

TO: Charlton H. Bonham, Director
California Department of Fish and Wildlife
715 P Street
Sacramento, California 95814

FROM: Lauren Zeise, Ph.D. *Lauren Zeise*
Director Lauren Zeise (May 2, 2024 08:13 PDT)

DATE: May 2, 2024

SUBJECT: RECOMMENDATION TO CLOSE THE RECREATIONAL RAZOR CLAM FISHERY IN HUMBOLDT COUNTY

The Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the California Department of Public Health (CDPH), has determined that consumption of razor clams taken from Humboldt County poses a significant threat for domoic acid exposure. OEHHA, in consultation with CDPH, therefore recommends that the recreational razor clam fishery be closed in Humboldt County. This recommendation is based on a finding of elevated levels of domoic acid in the meat of razor clams that were collected from this area and analyzed by CDPH laboratories, as shown in the table below.

Domoic acid poisoning in humans may occur within minutes to hours after consumption of affected seafood and can result in signs and symptoms ranging from vomiting and diarrhea to permanent loss of short-term memory (amnesic shellfish poisoning), coma, or death.

Current federal action levels for domoic acid are ≥ 20 parts per million (ppm) for all fish and shellfish, with the exception of > 30 ppm for the viscera of Dungeness crabs. The California Department of Fish and Wildlife (CDFW), CDPH, and OEHHA will collect, monitor, and analyze razor clams to determine when the recreational razor clam fishery in Humboldt County can be re-opened safely.

The CDFW fisheries closure remains in place for the recreational razor clam fishery in Del Norte County.¹

If you have questions, please contact me at Lauren.Zeise@oehha.ca.gov or Dr. Wes Smith at Wesley.Smith@oehha.ca.gov.

Razor Clam Sampling Results

COUNTY	LOCATION	SAMPLE COLLECTION DATE	TISSUE TYPE	DOMOIC ACID (ppm) ^{***}
Humboldt	Clam Beach	04/24/2024	Meat*	57
			Meat**	23
			Meat**	16

* Composite sample of three individual clams.

** Composite sample of four individual clams.

*** The action level for razor clam meat is ≥ 20 ppm.

cc: June Weintraub, Sci.D.
Deputy Director, Center for Environmental Health
California Department of Public Health
1500 Capitol Avenue, Suite 520
Sacramento, California 95814

Melissa Miller-Henson
Executive Director
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, California 95814

¹ California Department of Fish and Wildlife declaration of public health fisheries closure, online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216807&inline>



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Director's Office
 P.O. Box 944209
 Sacramento, CA 94244-2090
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
 DECLARATION OF FISHERIES CLOSURE
 DUE TO A PUBLIC HEALTH THREAT
 CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN RAZOR CLAMS**

Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On May 2, 2024, the Director of the Office of Environmental Health Hazard Assessment in consultation with the State Public Health Officer at the California Department of Public Health determined that razor clams in state waters of Humboldt County pose a human health risk due to elevated levels of domoic acid and recommended to close the recreational razor clam fishery in the affected area.

II.

THEREFORE, under the authority granted by Fish and Game Code Section 5523, I am closing the recreational razor clam fishery in state waters of Humboldt County.

The closure will remain in place until I am notified by the public health agencies named above, that a health hazard regarding razor clams no longer exists.

Charlton H. Bonham, Director

5/2/2024 10:45 AM PT

Date/Time

Memorandum

Date: May 28, 2024

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

From: Charlton H. Bonham
Director

Subject: Notification of Recreational Razor Clam Fishery Closure in Humboldt County due to Domoic Acid

On May 2, 2024 the Director of the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the California Department of Public Health (CDPH), recommended the Department of Fish and Wildlife (Department) close the recreational razor clam fishery in Humboldt County. This recommendation was due to clam samples exceeding the Federal action level (≥ 20 ppm) for domoic acid.

Following OEHHA's recommendation, the Department closed the fishery and notified the public via a press release. Pursuant to Fish and Game Code Section 5523, the Department is notifying the Fish and Game Commission of the closure for discussion at its next scheduled meeting.

The razor clam fishery has been open in Humboldt County since August 7, 2023 following the last domoic acid closure that occurred on April 21, 2023. In addition, the recreational razor clam fishery has been closed due to domoic acid in Del Norte County since November 9, 2023.

The Department will continue to work with CDPH and OEHHA to collect, monitor and analyze razor clams to determine when the recreational razor clam fishery can be safely reopened in these areas.

Enclosures:

[Director Declaration to Close Razor Clam Fishery in Humboldt County](#)

[Press Release 5/2/2024: Razor Clam Fishery Closes in Humboldt County Due to Public Health Hazard](#)

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 28, 2024
Page 2

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Craig Shuman, D. Env., Regional Manager
Marine Region
Department of Fish and Wildlife

Joanna Grebel, Program Manager
Marine Region
Department of Fish and Wildlife

Christy Juhasz, Senior Environmental Scientist (Specialist)
Marine Region
Department of Fish and Wildlife

Razor Clam Fishery Closes in Humboldt County Due to Public Health Hazard

May 2, 2024



The California Department of Fish and Wildlife (CDFW) Director Charlton H. Bonham has [closed the recreational razor clam fishery in Humboldt County](#) following a [recommendation from state health agencies](#) determining that consumption of razor clams in the area poses a significant threat for domoic acid exposure.

Pseudo-nitzschia, a naturally occurring, single-celled marine alga, produces the potent neurotoxin domoic acid under certain ocean conditions. Bivalve shellfish, like clams and mussels, accumulate the toxin without being harmed. In fact, razor clams are known to bioaccumulate domoic acid, meaning it may not clear their system until long after the ocean conditions that caused it have abated.

[Sampling of razor clams from Clam Beach in Humboldt County in late April](#) (PDF) found clams exceeding the current federal action level for domoic acid of greater than or equal to 20 parts per million.

Domoic acid poisoning in humans may occur within minutes to hours after consumption of affected seafood and can result in signs and symptoms

ranging from vomiting and diarrhea to permanent loss of short-term memory (Amnesic Shellfish Poisoning), coma or death. There is no way to prepare clams for consumption that will remove the toxin – cooking and freezing have no effect.

The recreational razor clam fishery in Del Norte County remains closed due to elevated levels of domoic acid. The closure, which [began in November 2023](#), will remain in effect until state health agencies determine razor clams no longer pose a health risk.

CDFW will continue to work with the California Department of Public Health (CDPH) and Office of Environmental Health Hazard Assessment to collect, monitor and analyze razor clams to determine when the recreational razor clam fishery can be reopened safely in these areas.

For more information on any fishery closure or health advisories, please visit: www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories.

To get the latest information on current fishing season closures related to domoic acid, please call CDFW's Domoic Acid Fishery Closure Information Line at (831) 649-2883.

For the latest consumption warnings, please call CDPH's Biotxin information Line at (510) 412-4643 or toll-free at (800) 553-4133.

###

Media Contacts:

[Christy Juhasz](#), CDFW Marine Region, (707) 292-2480

[Steve Gonzalez](#), CDFW Communications, (916) 804-1714

Memorandum

Date: May 28, 2024

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

From: Charlton H. Bonham
Director

Subject: Submission of Regulatory Text to Conform Recreational Ocean Salmon Regulations to Federal Regulations for the May 16 through November 2024 and April through May 15, 2025 Time Periods

On Wednesday, April 10, 2024, the Pacific Fishery Management Council (PFMC) acted unanimously to recommend the closure of California's commercial and recreational ocean salmon fisheries through the end of the year, mirroring recommendations made last year to close the fisheries in 2023. Consecutive years of drought, habitat compression in the ocean, and associated changes in ocean forage assemblages have created substantially difficult conditions for Chinook Salmon in the southern range of its distribution.

Attached please find the Regulatory Text for the May 16 through November 2024 and April through May 15, 2025 recreational ocean salmon regulations. Automatic conformance regulations (subsection 1.95(b)(2)(A), Title 14, CCR) require the Fish and Game Commission to: (1) Submit amended recreational ocean salmon fishing regulations to the Office of Administrative Law for publication in the California Code of Regulations and (2) File the amended regulations with the Secretary of State. Both requirements must be completed no later than 10 days after publication of the Federal Register, which published May 21, 2024.

Attachment

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Eric Kord, Assistant Chief
Law Enforcement Division
Department of Fish and Wildlife

Craig Shuman, D. Env., Regional Manager
Marine Region
Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 28, 2024
Page 2

Marci Yaremko, Env. Program Manager
Marine Region
Department of Fish and Wildlife

Ona Alminas, Env. Program Manager
Regulations Unit
Department of Fish and Wildlife

Kandice Morgenstern, Sr. Environmental Scientist
Marine Region
Department of Fish and Wildlife

Emma Keller, Environmental Scientist
Marine Region
Department of Fish and Wildlife

David Thesell, Deputy Executive Director
Fish and Game Commission

Sherrie Fonbuena, Analyst
Fish and Game Commission

PFMC Recommends Repeat Closure for California's 2024 Ocean Salmon Fisheries

April 10, 2024



On Wednesday, April 10, 2024, the Pacific Fishery Management Council (PFMC) acted unanimously to recommend closure of California's commercial and recreational ocean salmon fisheries through the end of the year, mirroring recommendations made last year to close the fisheries in 2023.

Salmon stocks continue to be impacted in California from ongoing issues associated with drought and climate disruption. The salmon currently present and returning to California's coast and rivers were impacted by a multi-year drought, severe wildfires, and associated impacts to spawning and rearing habitat, harmful algal blooms and ocean forage shifts. The low ocean abundance forecasts, coupled with low 2023 returns, led the PFMC to recommend full closure of California's commercial and recreational ocean salmon fisheries.

After reviewing the PFMC recommendation, it is expected that the National Marine Fisheries Service will take regulatory action to enact the closure, effective in mid-May. In addition, the California Fish and Game Commission will consider whether to adopt a closure of inland salmon fisheries at its May 15 teleconference meeting.

"After the closure last year, this decision is not an easy one to make," said CDFW Director Charlton H. Bonham. "While we have been enjoying back-to-back rainy and wet winters this year and last, the salmon that will benefit from these conditions aren't expected to return to California until around 2026 or 2027. The current salmon for this year's season were impacted by the difficult environmental factors present three to five years ago."

"While incredibly painful to fishing families and fishing communities, the Pacific Coast Federation of Fishermen's Associations supports the closure," said George Bradshaw,

president of PCFFA. “We all need to be doing everything we can to give California’s salmon a chance to recover. It has to be an all hands-on deck effort to ensure survival for our Central Valley and Klamath salmon runs.”

Following today’s actions, CDFW will work to expedite a request for federal fishery resource disaster determination for the State of California 2024 Sacramento River Fall Chinook and Klamath River Fall Chinook ocean salmon fisheries. Governor Newsom made a similar request in response to the closure in 2023, which was approved. The Department is currently seeking comments on the [2023 spend plan \(PDF\)\(opens in new tab\)](#) for the \$20,625,729 that has been allocated by the National Oceanographic and Atmospheric Administration for the disaster. Comments may be provided via email through 5 p.m., April 19, 2024, at SalmonDisaster@wildlife.ca.gov.

Salmon are significantly important to California’s cultural and natural resources. These important species provide significant commercial, recreational, economic, intrinsic, and cultural benefits to California Native American tribes, fishing communities and the state. California is taking several steps to rebuild salmon stocks across California. In late January 2024, Governor Gavin Newsom announced a [California Salmon Strategy for a Hotter, Drier Future: Restoring Aquatic Ecosystems in the Age of Climate Change \(PDF\)\(opens in new tab\)](#). The strategy has six priorities and 71 actions that will benefit salmon stocks in California.

More information about the PFMC is available on the [PFMC website.\(opens in new tab\)](#) More information about [federal fishery disaster relief](#) and [ocean salmon fishing seasons](#) is available on the CDFW website.

###

Media Contact:

[Steve Gonzalez](#), CDFW Communications, (916) 804-1714

[Kandice Morgenstern](#), CDFW Marine Region (707) 494-4621

Important Information for California Anglers Bound for Oregon's Recreational Ocean Salmon Fisheries: Oregon Salmon Must be Brought onto Oregon Shores

May 24, 2024



With the 2024 closure of ocean salmon fisheries in California, California Department of Fish and Wildlife (CDFW) officials are reminding anglers of important rules relating to transport of salmon taken from Oregon into California.

In ocean waters any salmon taken in Oregon fisheries may not be brought to shore in California. However, it is legal for Californians to trailer their vessels to launch and fish from Oregon ports under applicable Oregon fishing licenses, regulations and reporting requirements. Salmon harvested in Oregon may be brought into California over land if also accompanied by a [California Declaration for Entry Form](#). The declaration must be completed at or prior to the time of entry. After the time of entry, a copy of the completed declaration shall be submitted to CDFW within 24 hours.

On May 16, 2024, the National Marine Fisheries Service on advice from the Pacific Fishery Management Council and West Coast fisheries agencies, including CDFW, took in season action to implement a landing boundary at the Oregon/California state line for recreational ocean salmon fisheries in Oregon waters just north of California. The new requirement states that any salmon taken under Oregon sportfishing regulations in the area between Humbug Mountain and the Oregon/California state line, also known as the

Oregon Klamath Management Zone, must be landed north of the Oregon/California state line for the 2024 fishing season.

Regulations for ocean salmon fisheries off the West Coast were published May 21, 2024, in the [Federal Register under citation 89 FR 44553](#)([opens in new tab](#)) and went into effect May 16, 2024. The regulations implement the closure of California's ocean salmon fisheries for the remainder of 2024 as recommended last month by the Pacific Fishery Management Council. Pursuant to California Code of Regulations Title 14, Section 1.95, ocean salmon sport fishing regulations in state waters automatically conform to federal regulations. More information about ocean salmon season closures and regulations can be found on CDFW's [ocean salmon page](#).

###

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[Kandice Morgenstern](#), CDFW Ocean Salmon Project, (707) 494-4621

[Brent Chase](#), Law Enforcement Division, (707) 497-8750



Department of Fish & Wildlife Legislative Report

June 2024
(As of June 9, 2024)

[AB 437](#)

[\(Jackson D\)](#) State government: equity

Last Amended: 09/01/2023

Status: 04/23/2024 – Read second time. Ordered to third reading.

Summary: Current law creates, within the Government Operations Agency, a Chief Equity Officer, who is appointed by, and serves at the pleasure of, the Governor. Current law requires the Chief Equity Officer to improve equity and inclusion throughout state government operations and authorizes the Chief Equity Officer to engage with state entities for these purposes. This bill would require state agencies and departments, in carrying out their duties, to consider the use of more inclusive practices to advance equity, as specified.

[AB 828](#)

[\(Connolly D\)](#) Sustainable groundwater management: managed wetlands.

Last Amended: 01/11/2024

Status: 05/01/2024 – Referred to Com. on N. R. & W.

Summary: This bill would add the terms "managed wetland" and "small community water system" to the Sustainable Groundwater Management Act. It would prohibit groundwater sustainability agencies from using their power to control how much water is taken by small water systems for disadvantaged communities or for managed wetlands, unless certain conditions are met. This bill would also prohibit a groundwater sustainability agency from imposing a fee upon a small community water system serving a disadvantaged community or managed wetland extractors, provided the water use for each user does not increase above the extractor's average annual extraction from 2015 to 2020. This bill would sunset on January 1, 2028.

[AB 1272](#)

[\(Wood D\)](#) State Water Resources Control Board: drought planning.

Last Amend: 09/01/2023

Status: Withdrawn from Engrossing and Enrolling. Ordered to the Senate. In Senate. Held at Desk.

Summary: This bill would require the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines allow for the development of locally generated watershed-level plans to support public trust

uses, public health and safety, and the human right to water in times of water shortage, among other things. The bill also would require the state board, prior to adopting those principles and guidelines, to allow for public comment and hearing, as provided. The bill would make the implementation of these provisions contingent upon appropriation.

[AB 1284](#)

([Ramos](#) D) Tribal ancestral lands and waters: cogovernance and comanagement agreements.

Last Amend: 01/22/2024

Status: 05/01/2024 – Referred to Com. on N. R. & W.

Summary: This bill would provide that the Legislature encourages the Natural Resources Agency, and its departments, conservancies, and commissions, to enter into cogovernance and comanagement agreements with federally recognized tribes. The bill would authorize the Secretary of the Natural Resources Agency or a delegate to enter into agreements with federally recognized tribes for the purposes of shared responsibility, decision-making, and partnership in resource management and conservation within a tribe's ancestral lands and waters, and would require the secretary or a delegate to be the signatory for the state for these agreements. The bill would authorize the secretary or a delegate, within 90 days of a federally recognized tribe's request, to begin government-to-government negotiations on cogovernance and comanagement agreements with the tribe.

[AB 1567](#)

([Garcia](#) D) Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Last Amend: 05/26/2023

Status: 05/22/2024 – Re-referred to Com. on N. R. & W.

Summary: This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

[AB 1581](#)

([Kalra](#) D) Diversion or obstruction of rivers, streams, or lakes: lake or streambed alteration agreement.

Last Amend: 06/06/2024

Status: 6/6/2024-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

Summary: Existing law, commonly known as the Lake and Streambed Alteration Program, prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake, unless certain requirements are met, as provided. Current law also prohibits the take or possession of

certain species, including, among others, fully protected fish. This bill, the Restoration Management Permit Act, would authorize the department to (1) issue a restoration management permit to authorize the take, possession, import, or export of any species or subspecies of fish, wildlife, or plants in association with a management or propagation project that, among other things, has the primary purpose of restoring native fish, wildlife, plants, or their habitat and (2) authorize any impacts to fish and wildlife resources as a result of activities otherwise subject to the Lake and Streambed Alteration Program, as provided. The bill would exempt these management or restoration projects from various legal requirements, including, among others, the above-described prohibitions regarding the take or possession of fully protected fish, as specified. The bill would authorize the department to develop permit applications for restoration management permits and would require permit applications to contain specified information.

AB 1588

(Wilson D) Affordable Internet and Net Equality Act of 2024.

Last Amend: 01/22/2024

Status: 05/01/2024 – Referred to Coms. on G.O. and E., U. & C.

Summary: This bill would require the Department of Technology, in coordination with the Public Utilities Commission and the Department of General Services, to develop and establish the Net Equality Program. The bill would require the state and state agencies to only enter into a procurement contract with an internet service provider offering affordable home internet service, which costs no more than \$40 per month and meets specified minimum speed requirements, to households participating in certain public assistance programs, or with an internet service provider participating in the federal Affordable Connectivity Program, or any other state or federal program that offers broadband affordability assistance for households that qualify for that program, and that offers to households that qualify for those programs internet service that costs no more than \$40 per month and meets specified minimum speed requirements.

AB 1797

(Wood D) State crustacean.

Last Amend: 05/14/2024

Status: 05/29/2024 - Read second time. Ordered to third reading.

Summary: This bill would make the Dungeness crab the official state crustacean of California.

AB 1828

(Waldron R) Personal income taxes: voluntary contributions: Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account: Native California Wildlife Rehabilitation Voluntary Tax Contribution Fund: covered grants.

Last Amend: 03/07/2024

Status: 05/01/2024 – Referred to Coms. on REV. & TAX. And N. R. & W.

Summary: Current law, until January 1, 2025, allows an individual taxpayer to contribute amounts in excess of the taxpayer's personal income tax liability for the support of specified funds and accounts, including, among others, to the Endangered and Rare Fish, Wildlife, and

Plant Species Conservation and Enhancement Account, a continuously appropriated account established in the Fish and Game Preservation Fund, or until December 1 of a calendar year that the Franchise Tax Board determines the amount of contributions estimated to be received will not at least equal the minimum contribution amount of \$250,000. This bill would extend the operability of the taxpayer contribution described above until the sooner of January 1, 2032, or until December 1 of a calendar year that the Franchise Tax Board determines the amount of contributions estimated to be received will not at least equal the minimum contribution amount of \$250,000, as provided.

[AB 1889](#)

([Friedman](#) D) General plan: wildlife connectivity element.

Last Amend: 06/04/2024

Status: 06/04/2024 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L. GOV.

Summary: The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and implementation programs, consult with specified entities, and consider relevant best available science.

[AB 1992](#)

([Boerner](#) D) Coastal resources: coastal resources development permits: blue carbon demonstration projects

Last Amend: 05/16/2024

Status: 05/29/2024 – Referred to Com. on N. R. & W.

Summary: This bill would authorize the California Coastal Commission to authorize blue carbon demonstration projects, as defined, to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state's natural and working lands and climate resilience strategies. The bill would, among other things, authorize the commission to require an applicant with a project that impacts coastal wetland, subtidal, intertidal, or marine habitats or ecosystems to build or contribute to a blue carbon demonstration project.

[AB 2042](#)

([Jackson](#) D) Police canines: standards and training.

Last Amend: 05/16/2024

Status: 6/5/2024-Referred to Com. on RLS.

Summary: Would require the Commission on Peace Officer Standards and Training, on or before January 1, 2026, to develop standards and training guidelines, as specified, for the use of canines by law enforcement. The bill would authorize the commission to periodically update these guidelines.

AB 2060

(Soria D) Lake and streambed alteration agreements: exemptions.

Last Amend: 05/16/2024

Status: 05/29/2024 – Referred to Com. on N. R. & W.

Summary: Current law prescribes various requirements for lake and streambed alteration agreements and establishes various exemptions from these provisions, including, until January 1, 2029, the diversion of flood flows for groundwater recharge. This bill would, until January 1, 2029, exempt from these provisions the temporary operation of existing infrastructure or temporary pumps being used to divert water to underground storage if certain conditions are met, including the use of protective screens on temporary pump intakes, as provided, for diversions directly from rivers or streams.

AB 2091

(Grayson D) California Environmental Quality Act: exemption: public access: nonmotorized recreation.

Last Amend: 03/21/2024

Status: 05/22/2024 – Referred to Coms. on E.Q. and N.R. & W.

Summary: Would exempt from the California Environmental Quality Act (CEQA) a change in use approved by a public agency to allow public access, as provided, exclusively for nonmotorized recreation, as defined, in areas acquired or managed by a public agency for open space or park purposes. The bill would require the lead agency, if the lead agency determines that an activity is not subject to CEQA pursuant to this provision and determines to approve or carry out the activity, to file a notice with the State Clearinghouse in the Office of Planning and Research and with the county clerk of the county in which the land is located, as provided. By imposing duties on public agencies related to the exemption, this bill would create a state-mandated local program. The bill would repeal these provisions on January 1, 2030.

AB 2149

(Connolly D) Gates: standards: inspection.

Last Amend: 05/16/2024

Status: 5/29/2024-Referred to Com. on JUD.

Summary: This bill would require a regulated gate, defined as any gate that weighs more than 50 pounds and is more than 48 inches wide or more than 84 inches high that is located in an area that is open to the public, an entire community or neighborhood, or any considerable number of persons, except as specified, to meet certain standards. The bill would require the owner of a regulated gate to have it inspected on or before July 1, 2026, and have it reinspected, thereafter, at least once every 5 years. The bill would require an owner to maintain a written report regarding the regulated gate's compliance with the specified requirements for at least 5 years and make the report available to the building department upon request. The bill would require the owner of a regulated gate that a professional or qualified employee determines, upon inspection, to pose an immediate threat to safety to

immediately stop the use of the gate until necessary repairs are completed and to engage a contractor or qualified employee to perform the repairs necessary to mitigate the emergency condition.

[AB 2196](#)

([Connolly](#) D) Beaver Restoration

Last Amend: 06/04/2024

Status: 06/04/2024-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

Summary: This bill would statutorily establish in the department a program to promote beaver restoration across California, as provided.

[AB 2285](#)

([Rendon](#) D) Natural resources: equitable outdoor access: 30X30 goal: urban nature-based projects

Last Amend: 06/03/2024

Status: 6/3/2024-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

Summary: This bill would provide that, to advance and promote environmental, conservation, and public access policies and budget actions, the Governor's office, state agencies, and the Legislature, when distributing resources, shall aspire to recognize the coequal goals and benefits of the 30x30 goal and Outdoors for All, and, to the extent practical, maximize investment in urban communities consistent with those initiatives. The bill would encourage decisionmakers, when distributing resources to achieve the goals and benefits of the 30x30 goal and Outdoors for All, to consider factors that are unique to urban settings, including, among other things, higher land value acquisition and development costs per acre, the acute health needs of a local population due to historic lack of greenspace access and development externalities, local park needs assessment plans, current or impending loss of parks or greenspace as a result of state or federal infrastructure projects, and the availability of mobility options near a proposed land conservation site.

[AB 2320](#)

([Irwin](#) D) Wildlife Connectivity and Climate Adaptation Act of 2024: wildlife corridors

Last Amend: 05/16/2024

Status: 05/29/2024 - Referred to Com. on N. R. & W.

Summary: Current law requires the Natural Resources Agency, in implementing actions to achieve the goal to conserve at least 30% of the state's lands and coastal waters by 2030 established by executive order, to prioritize specified actions. Current law requires the Secretary of the Natural Resources Agency to prepare and submit an annual report to the Legislature on the progress made during the prior calendar year toward achieving that goal, as provided. Current law requires that annual report to include certain information, including, among other information, the progress made in the prior calendar year to address equity as part of the above-described goal. This bill, the Wildlife Connectivity and Climate Adaptation Act of 2024, would additionally require the agency, as part of that report, to identify key wildlife corridors, as defined, in the state, connections between large blocks of natural areas and habitats, progress on protecting additional acres of wildlife corridors, and goals for wildlife corridor protection in the next 5 years, as provided.

[AB 2322](#)

([Hart D](#)) Grant programs: administration

Last Amend: 05/20/2024

Status: 6/5/2024-Referred to Com. on G.O.

Summary: Current law establishes various grant programs. The Grant Information Act of 2018 requires the California State Library to create an internet web portal to provide a centralized location for grant seekers to find state grant opportunities and requires the California State Library to report to the Legislature on the effectiveness of the portal, including, among other things, the utilization rate by state agencies. This bill would impose minimum requirements for the administration of covered grants that meet maximum size and duration requirements and are available to nonprofit organizations, as defined. The bill would require administrators, as defined, to perform specified duties, including, among others, posting eligibility, application, and other information for covered grants on their internet website and the above-described grant portal created by the California State Library.

[AB 2330](#)

([Holden D](#)) Endangered species: incidental take: wildfire preparedness activities

Last Amend: 05/16/2024

Status: 05/29/2024 – Referred to Com. on N. R. & W.

Summary: This bill would authorize a city, county, city and county, special district, or other local agency to submit to the department a locally designed voluntary program to conduct wildfire preparedness activities on land designated as a fire hazard severity zone, as defined, that minimizes impacts to wildlife and habitat for candidate, threatened, and endangered species, and meets specified criteria. The bill would require the department to notify the local agency within 90 days of receipt of the plan if an incidental take permit or other permit is needed, or if there are other considerations, exemptions, or streamlined pathways that the wildfire preparedness activities qualify for, including, but not limited to, the State Board of Forestry and Fire Protection's California Vegetation Treatment Program.

[AB 2443](#)

([Carrillo, Juan D](#)) Western Joshua Tree Conservation Act: agreements with counties or cities: industrial and commercial projects.

Last Amend: 04/25/2024

Status: 05/29/2024 - Referred to Com. on N. R. & W.

Summary: Under current law, the Department of Fish and Wildlife may authorize, by permit, the taking of a western Joshua tree if certain conditions are met, including, among other conditions, that the permittee mitigates all impacts to, and the taking of, the western Joshua tree. Current law authorizes the department to enter into an agreement with any county or city to delegate to the county or city the ability to authorize the taking of a western Joshua tree associated with developing single-family residences, multifamily residences, accessory structures, and public works projects concurrent with its approval of the project if certain conditions are met. Current law authorizes any person or public agency receiving a take authorization for a project to pay specified fees in lieu of satisfying the mitigation obligation on several bases, including if the project receives a permit issued by a county or city. This bill would additionally authorize the department to enter into an agreement with any city to delegate to the city the ability to authorize the taking of western Joshua trees associated with

developing commercial and industrial projects. The bill would, relative to other project types subject to delegated local mitigation authority, limit the bases for commercial or industrial projects to pay specified fees in lieu of satisfying the mitigation obligation, as provided.

[AB 2465](#)

(Gipson D) Equity: socially disadvantaged groups and organizations: nonprofit organizations: grants.

Last Amend: 04/10/2024

Status: 6/5/2024-Referred to Com. on N.R. & W.

Summary: Existing law establishes the Wildlife Conservation Board, the Department of Conservation, the Director of Forestry and Fire Protection, the Department of Parks and Recreation, the State Coastal Conservancy, the Sacramento-San Joaquin Delta Conservancy, the Sierra Nevada Conservancy, the California Environmental Protection Agency, and the Department of Water Resources. This bill would require the above entities, until January 1, 2031, when awarding those grants, to prioritize the awarding of grant funding to socially disadvantaged organizations, as defined. This bill would also expand the definition of socially disadvantaged group to include descendants of enslaved persons in the United States.

[AB 2504](#)

(Dixon D) State seashell.

Last Amend: 03/14/2024

Status: 05/29/2024 – Read second time. Ordered to third reading.

Summary: Would establish the shell of the black abalone (*Haliotis cracherodii*) as the official state seashell.

[AB 2552](#)

(Friedman D) Pesticides: anticoagulant rodenticides.

Last Amend: 04/24/2024

Status: 6/5/2024-Referred to Coms. on E.Q. and N.R. & W.

Summary: This bill would expand an existing moratorium on second-generation anticoagulant rodenticides and diphacinone to include first-generation anticoagulant rodenticides. The bill would additionally prohibit the use of a second-generation anticoagulant rodenticide within 2,500 feet of a wildlife habitat area, and prohibit the use of first-generation anticoagulant rodenticide, defined as a pesticide product containing the active ingredients diphacinone, chlorophacinone, or warfarin, in a wildlife habitat area or within 2,500 feet of a wildlife habitat area, as specified.

[AB 2610](#)

(Garcia D) Protected species: authorized take: Salton Sea Management Program: System Conservation Implementation Agreement.

Last Amend: 04/10/2024

Status: 05/15/2024-Referred to Com. on N.R. & W.

Summary: Current law authorizes the Department of Fish and Wildlife, if certain conditions are fulfilled, to authorize the take of species, including fully protected species, resulting from impacts attributable to implementation of the Quantification Settlement Agreement on specified lands and bodies of water, including the Salton Sea. This bill would additionally authorize the

department, if certain conditions are fulfilled, to authorize the take of species resulting from impacts attributable to the implementation of any System Conservation Implementation Agreement between the United States Bureau of Reclamation and the Imperial Irrigation District to implement the Lower Colorado River Basin System Conservation and Efficiency Program, as provided, on the specified lands and bodies of water.

[AB 2643](#)

[\(Wood D\)](#) **Cannabis cultivation: environmental remediation.**

Last Amend: 06/06/2024

Status: 6/6/2024-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W

Summary: Current law requires the Department of Fish and Wildlife to establish the watershed enforcement program to facilitate the investigation, enforcement, and prosecution of offenses relating to unlawful water diversions and other violations of the Fish and Game Code associated with cannabis cultivation. Current law also requires the department, in coordination with specified state agencies, to establish a permanent multiagency task force to address the environmental impacts of cannabis cultivation. This bill would require the department to conduct a study to create a framework for cannabis site restoration with the goal of providing guidance for the cleanup, remediation, and restoration of environmental damage caused by cannabis cultivation, and to complete the study by January 1, 2027, as specified. The bill would authorize the department to enter into an agreement with a nongovernmental organization or educational institution for that entity to conduct the study.

[AB 2739](#)

[\(Maienschein D\)](#) **Firearms**

Introduced: 02/15/2024

Status: 05/22/2024 Referred to Com. on PUB S.

Summary: Current law requires any weapon that was carried unlawfully for specified crimes to be surrendered to specified law enforcement entities. Current law requires weapons surrendered pursuant to these provisions to be destroyed by the law enforcement entity. This bill would additionally require a weapon carried unlawfully for those crimes to be surrendered to law enforcement if the defendant is granted diversion for the underlying crime. This bill contains other related provisions and other existing laws.

[AB 2875](#)

[\(Freidman D\)](#) **Wetlands: state policy.**

Introduced: 02/15/2024

Status: 6/5/2024-Referred to Com. on N.R. & W.

Summary: By Executive Order No. W-59-93, former Governor Pete Wilson declared it to be the policy of the state that its Comprehensive Wetlands Policy rests on three primary objectives, including the objective of ensuring no overall net loss and long-term net gain in the quantity, quality, and permanence of wetlands acreage and values, as provided. This bill would declare that it is the policy of the state to ensure no net loss and long-term gain in the quantity, quality, and permanence of wetlands acreage and values in California. The bill would make related legislative findings and declarations.

[AB 3007](#)

(Hoover R) California Environmental Quality Act: record of environmental documents: format.

Last Amend: 05/02/2024

Status: 5/22/2024-Referred to Coms. on N.R. & W. and E.Q.

Summary: Current law requires project applicants and public agencies subject to the California Environmental Quality Act to pay a filing fee to the Department of Fish and Wildlife for each proposed project for the purpose of defraying the costs of managing and protecting fish and wildlife trust resources, as specified. Current law specifies the required filing fees and provides that a filing fee is not required to be paid if specified conditions exist. Current law also authorizes a county clerk to charge a documentary handling fee of \$50 per filing in addition to the filing fee, and requires the county clerk of each county and the Office of Planning and Research to maintain a record, both electronic and in paper, of all environmental documents received, as specified. This bill would instead require the county clerk of each county and the Office of Planning and Research to maintain the record electronically and authorize the county clerk of each county and the office to maintain the record on paper.

[AB 3023](#)

(Papan D) Wildfire and Forest Resilience Task Force: interagency funding strategy: state watershed restoration plans: forest resilience plans: grant program guidelines.

Last Amend: 5/20/2024

Status: 6/5/2024-Referred to Com. on N.R. & W.

Summary: Current law establishes in the Natural Resources Agency the Department of Forestry and Fire Protection, and requires the department to be responsible for, among other things, fire protection and prevention, as provided. Existing law establishes the Wildfire and Forest Resilience Task Force and requires the task force to develop a comprehensive implementation strategy to track and ensure the achievement of the goals and key actions identified in the state's "Wildfire and Forest Resilience Action Plan" issued by the task force in January 2021. Current law declares that the department has extensive technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed land, and, when appropriately applied, this expertise can have significant public resource benefits, including decreasing high-intensity wildland fires, improving watershed management, and improving carbon resilience, among other benefits. This bill would require the task force to develop, in partnership with the agency, an interagency funding strategy to help coordinate and align implementation of state watershed restoration plans and initiatives, as specified, with forest resilience planning efforts to achieve more integrated and holistic outcomes. The bill would require the agency and other relevant state entities to review and update grant guidelines for certain climate change, biodiversity, conservation, fire, and watershed restoration programs to encourage projects that advance plans and goals in an integrated fashion.

[AB 3162](#)

(Bennett D) Octopus: aquaculture: sale: prohibition.

Introduced: 04/04/2024

Status: 05/15/2024 – Referred to Com. on N. R. & W.

Summary: This bill would prohibit a person from engaging in the aquaculture, as defined, of

any species of octopus for the purpose of human consumption. The bill would prohibit a business owner or operator from knowingly engaging in the sale in the state of any species of octopus that is the result of aquaculture.

AB 3220

(Papan D) Marine resources: Department of Fish and Wildlife: authority: mariculture

Last Amend: 03/21/2024

Status: 05/29/2024 - Referred to Com. on N. R. & W.

Summary: Current law establishes the Department of Fish and Wildlife and sets forth the duties of that department, which include administering various programs for the protection and conservation of fish and wildlife resources. This bill would require the department to consider and, if appropriate, investigate whether and how to seek state verification authority from the United States Army Corps of Engineers and any other appropriate federal agencies that offer state verification authority in order to streamline the review and approval of federal permits issued by the United States Army Corps of Engineers or another federal agency that may be required by a mariculture project that intends to operate within the state.

AB 3227

(Alvarez D) California Environmental Quality Act: exemption: stormwater facilities: mitigation

Last Amend: 04/24/2024

Status: 05/29/2024 – Referred to Coms. on E.Q. and N. R. & W.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Existing law exempts from the requirements of CEQA specific actions necessary to prevent or mitigate an emergency. This bill would specify that this exemption includes routine maintenance of stormwater facilities that are fully concrete or that have a conveyance capacity of less than a 100-year storm event. Because a lead agency would be required to determine whether a project qualifies for this exemption, the bill would impose a state-mandated local program.

AB 3238

(Garcia D) Electrical infrastructure projects: endangered species: natural community conservation plans

Last Amend: 05/16/2024

Status: 6/5/2024-Referred to Coms. on E., U. & C. and E.Q.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the

project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The CEQA exempts certain projects from its requirements, including actions necessary to prevent or mitigate an emergency. This bill would, until January 1, 2030, exempt from CEQA projects for the expansion of an existing public right-of-way across state-owned land to accommodate the construction, expansion, modification, or update of electrical infrastructure, as defined, meeting certain requirements, including the requirement that the lead agency for the project is either the Public Utilities Commission or a state agency owning or managing the state-owned land. This bill contains other related provisions and other existing laws.

AB 3241

(Pacheco D) Law enforcement: police canines.

Last Amend: 05/16/2024

Status: 06/05/2024-Referred to Com. on RLS.

Summary: Would require, on or before July 1, 2027, each law enforcement agency that utilizes canines to maintain a policy for the use of canines by the agency that, at a minimum, complies with the guidelines adopted by the Commission on Peace Officer Standards and Training, and would require law enforcement agencies to establish a training regimen that includes a course certified by the commission.

SB 892

(Padilla D) Public contracts: automated decision systems: AI risk management standards.

Last Amend: 04/10/2024

Status: 06/03/2024 - Referred to Com. on P. & C.P.

Summary: Would require the Department of Technology to develop and adopt regulations to create an artificial intelligence (AI) risk management standard, consistent with specified publications regarding AI risk management, and in accordance with the rulemaking provisions of the Administrative Procedure Act. The bill would require the AI risk management standard to include, among other things, a detailed risk assessment procedure for procuring automated decision systems (ADS), as defined, that analyzes specified characteristics of the ADS, methods for appropriate risk controls, as provided, and adverse incident monitoring procedures. The bill would require the department to collaborate with specified organizations to develop the AI risk management standard.

SB 1009

(Dahle R) Mount Shasta Fish Hatchery: lease.

Introduced: 02/01/2024

Status: 05/20/2024 – Referred to Com. on W., P., & W.

Summary: This bill allows for the Director of General Services, with the Department of Fish and Wildlife's approval, to grant a lease at no cost for up to 25 years (with the possibility of renewal) of a portion of the Mount Shasta Fish Hatchery to the Mt Shasta Museum Association. This lease would require the property to be used for education purposes and would include provisions such as allowing public access, obtaining liability insurance, and maintaining the property. The state and the Department of Fish and Wildlife would not be held

liable for any actions or omissions of the lessee during the lease agreement. The bill justifies the need for this special statute for the Mount Shasta Fish Hatchery.

SB 1159

(Dodd D) California Environmental Quality Act: roadside wildfire risk reduction projects.

Last Amend: 04/24/2024

Status: 06/3/2024-Referred to Com. on NAT. RES.

Summary: The California Environmental Quality Act (CEQA) requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt guidelines for the implementation of CEQA. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from the requirements of CEQA, commonly known as categorical exemptions. This bill, on or before January 1, 2026, would require the office to evaluate, and the secretary to consider, the inclusion of roadside projects no more than 5 road miles from a municipality or census designated place that are undertaken solely for the purpose of wildfire risk reduction in the classes of projects subject to a categorical exemption. The bill would require the office to consider appropriate eligibility criteria for these projects, as specified.

SB 1163

(Dahle R) Wildlife-vehicle collisions: wildlife salvage permits.

Last Amend: 05/16/2024

Status: 06/03/2024 – Referred to Com. on W., P., & W.

Summary: Current law authorizes the Fish and Game Commission to adopt regulations that it deems necessary for the disposition of birds or mammals that are killed accidentally. Current law also authorizes the commission, upon appropriation by the Legislature, to establish, in consultation with specified public agencies and stakeholders, a pilot program no later than January 1, 2022, for the issuance of wildlife salvage permits that authorize a person to recover, possess, use, or transport certain mammals that have been accidentally killed as a result of a vehicle collision for purposes of salvaging wild game meat for human consumption. Current law requires the Department of Fish and Wildlife, upon appropriation by the Legislature, to implement the pilot program no later than 6 months after the commission establishes the pilot program. Current law repeals the pilot program provisions on January 1, 2029. This bill would eliminate the January 1, 2022, deadline for the commission to establish this previously authorized pilot program and would extend the repeal date for the pilot program to January 1, 2034.

SB 1226

(Cortese D) Hunting: navigable waters.

Introduced: 02/15/2024

Status: 05/13/2024 – Referred to Com. on W., P., & W.

Summary: Existing law makes it unlawful to enter land for the purpose of discharging a firearm or taking or destroying any mammal or bird, including waterfowl, on that land, without having first obtained written permission from the owner, the owner's agent, or the person in lawful possession of that land, if either of the following applies: (1) the land belongs to, or is occupied by, another person and is either under cultivation or enclosed by a fence, or (2) there are signs

forbidding trespass or hunting or both displayed at intervals not less than 3 to the mile along all exterior boundaries and at all roads and trails entering those lands, including land temporarily inundated by water flowing outside the established banks of a waterway. This bill would restrict the application of the provisions regarding land temporarily inundated by water flowing outside the established banks of a waterway to non-navigable waters. The bill would also state that these provisions do not restrict the public's right to use navigable waters for hunting, fishing, or other public purposes under the California Constitution.

SB 1246

(Limon D) California Prompt Payment Act: nonprofit organizations.

Introduced: 02/15/2024

Status: 06/03/2024 – Referred to Com. on G.O.

Summary: The California Prompt Payment Act requires a state agency that awards a grant or that acquires property or services pursuant to a contract to make timely payments pursuant to the grant or contract. The act requires, to avoid late payment penalties, a state agency to make payment within 45 days of the receipt of an undisputed invoice, as prescribed. The act provides an exception from those penalty provisions if the grant or contract was awarded to a nonprofit organization in an amount less than \$500,000. The act defines the term "grant" to mean a signed final agreement between any state agency and a local government agency or organization authorized to accept grant funding for victim services or prevention programs administered by any state agency or restoration activities performed by a resource conservation district. This bill would define the term "grant" to additionally mean a signed final agreement between any state agency and a nonprofit organization and would delete the \$500,000 exception described above.

SB 1402

(Min D) 30 x 30 goal: state agencies: adoption, revision, or establishment of plans, policies, and regulations.

Last Amend: 04/10/2024

Status: 06/03/2024 – Referred to Coms. on NAT. RES. and W., P., & W.

Summary: Current law requires the Secretary of the Natural Resources Agency to prepare and submit, on or before March 31, 2024, and annually thereafter, a report to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30% of California's lands and coastal waters by 2030. Current law provides that it is the goal of the state to conserve at least 30% of California's lands and coastal waters by 2030, known as the 30x30 goal. This bill would require all state agencies, departments, boards, offices, commissions, and conservancies to consider the 30x30 goal when adopting, revising, or establishing plans, policies, and regulations that directly affect land use, management of natural resources, water use and quality, or biodiversity conservation.

SB 1520

(Committee on Natural Resources and Water) Public resources.

Introduced: 03/06/2024

Status: 05/06/2024 – Referred to Com. on NAT. RES.

Summary: This bill would update the name of the Colorado River squawfish to the Colorado pikeminnow.

For more information call:

Clark Blanchard, CDFW Deputy Director at (916) 591-0140
Julie Oltmann, CDFW Legislative Representative at (916) 799-8804
Erika Fiske-Sanders, CDFW Legislative Coordinator at (916) 539-2912

You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts from the 'bill information' link.

Memorandum

Date: May 30, 2024

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

From: Charlton H. Bonham
Director

Subject: **June 2024 Request for Changes to the Fish and Game Commission's Timetable for Anticipated Regulatory Actions**

The Department of Fish and Wildlife (Department) requests the following schedule changes to the Fish and Game Commission's (Commission's) 2024 regulatory timetable for amendments to Title 14, California Code of Regulations (CCR):

1. Add a new rulemaking, "Federal Groundfish and Associated Species" requesting to publish notice by memo at the June 2024 meeting, amending sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, and 28.65. The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for the 2025-2026 management cycle at its June 6-13, 2024 meeting. Anticipated changes to state groundfish regulations are expected to include repeal of minimum size limits, and modify fillet requirements for select groundfish and state managed finfish. Changes may also include modifications to seasons, depth limits, and bag limits in some or all Groundfish Management Areas. The proposed rulemaking schedule following notice is discussion at the August 2024 meeting and adoption at the October 2024 meeting, with an effective date no later than January 1, 2025.
2. Add a new rulemaking, "Electronic Report Cards" requesting to publish notice at the October 2024 meeting, amending section 1.74, and possibly sections 5.79, 5.80, 5.81, 5.87 and 5.88. Previous regulations implemented Assembly Bill 817 (Wood, 2021) to allow amended Section 700.4 for the mobile display of licenses. The proposed changes implement another aspect of AB 817 to allow the Department to provide an option to display a report card electronically on a mobile device. The proposed rulemaking schedule following notice is discussion at the December 2024 meeting and adoption at the February 2024 meeting, with an effective date no later than July 1, 2025.
3. Add a new rulemaking, "Emergency Regulations for Mandatory Testing for Chronic Wasting Disease (CWD)" for emergency action to amend section 708.5. This is to establish mandatory testing of cervids for chronic wasting disease.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 30, 2024
Page 2

Urgent action is needed to lessen impacts of CWD to cervid populations and to track the spread of the disease.

If you have any questions or need additional information, please contact Regulations Unit Manager, Ona Alminas, at (916) 902-9222 or Regulations@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Craig Shuman, D. Env., Regional Manager
Marine Region
Department of Fish and Wildlife

Eric Kord, Assistant Chief
Law Enforcement Division
Department of Fish and Wildlife

Robert Pelzman, Assistant Chief
Law Enforcement Division
Department of Fish and Wildlife

Jay Rowan, Branch Chief
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Fish and Game Commission

California Fish and Game Commission

Potential Agenda Items for the August 2024 Commission Meeting

June 14, 2024

The next Commission meeting is scheduled for August 14-15, 2024 in Fortuna and via webinar and phone. This document identifies potential agenda items for the meeting, including items to be received from staff and the California Department of Fish and Wildlife (Department). The order of items, previously approved for marine items on the first day and wildlife and fisheries items on the second day, will revert to the original sequence; the change is reflected in the potential agenda items listed herein.

Wednesday, August 14: Marine-related and administrative items

1. Commission executive director and Department (director and Law Enforcement Division) reports
2. Justice, equity, diversity and inclusion plan update
3. Commission policies review
4. Discussion: Recreational fishing regulations for federal groundfish for 2025 and 2026, and fillet requirements at sea
5. Adoption: California halibut and white seabass gillnet fisheries management measures
6. Adoption: Fisheries logbook forms and fishing block charts
7. Action on marine petitions for regulation change
8. Action on marine non-regulatory requests from previous meetings
9. Commission Tribal Committee
10. Commission Marine Resources Committee report
11. Department Marine Region report
12. General public comments for items not on the agenda

Thursday, August 15: Wildlife- and inland fisheries-related

13. Discussion: Possession of wildlife and wildlife rehabilitation
14. Adoption: White sturgeon regular rulemaking to continue emergency regulations
15. Adoption: Inland sport fishing
16. Receive a presentation on the Department's five-year species review for Lake County stonecrop (*Sedella leiocarpa*)
17. Action on wildlife and inland fisheries petitions for regulation change
18. Action on wildlife and inland fisheries non-regulatory requests from previous meetings
19. Department presentation on the Private Lands Management Program
20. Commission Wildlife Resources Committee report

21. Department Wildlife and Fisheries Division, Department Ecosystem Conservation Division reports
22. Administrative items (legislation, rulemaking timetable, next meeting)
23. Potential meeting dates and locations for 2026
24. General public comments for items not on the agenda
25. Executive (closed) session

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Attorney for Complainant
5

6 OFFICE OF ADMINISTRATIVE HEARINGS
7 BEFORE THE FISH AND GAME COMMISSION

8 In the Matter of the Accusation Against)
9)
10 JOHN MORTON BOLING,) ACCUSATION
11)
12 Respondent.)
13)

14 **PARTIES**

15 1. Complainant NATHANIEL ARNOLD is the Chief of the Law Enforcement
16 Division for the California Department of Fish and Wildlife (“Department”) and brings this
17 Accusation solely in his official capacity.
18

19 2. Respondent JOHN MORTON BOLING is, and at all times relevant herein was,
20 engaged in the business of Dungeness crab commercial fishing in the State of California.

21 3. Respondent JOHN MORTON BOLING currently holds a valid DUNGENESS
22 CRAB VESSEL PERMIT for the commercial fishing vessel *Kim II*, issued by the
23 Department under permit number CT0111-T6. Said permit was most recently renewed by
24 the Department on April 3, 2023, and has been in full force and effect at all times relevant in
25 this Accusation.

In the Matter of the Accusation Against JOHN MORTON BOLING

JURISDICTION

This Accusation is brought before the Fish and Game Commission (“Commission”) under the authority of the following laws.

4. California Fish and Game Code section 7857(b)(2), which states:

(b) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fishing privileges for a period of time to be determined by the commission for the following reasons:

(2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee’s, permittee’s, or entitled person’s direction or control.

5. California Fish and Game Code section 8276.1(a)(2), which states:

(a) For purposes of this section, the following definitions apply:

(2) “Risk assessment and mitigation program” means the program developed by the California Dungeness Crab Fishing Gear Working Group, as that program may be amended from time to time until the regulations are adopted pursuant to subdivision (b), to identify and assess elevated levels of entanglement risk and determine the need for management options to reduce the risk of entanglement.

6. California Code of Regulations, Title 14, section 132.8(g)(1), which states:

Fishing Activity Reporting Requirement: When participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month. At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the department. All reports shall be submitted via email or text to Whalesafefisheries@wildlife.ca.gov.

7. Fish and Game Code section 8026(a), which states:

The commission may require the owner and operator of a commercial fishing vessel, the holder of a commercial fishing license or permit, and the owner and license holder of a commercial passenger fishing boat to keep and submit a complete and accurate record of fishing activities in a form prescribed by the department.

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8. Fish and Game Code section 8043, which states in part:

(a) The following persons shall report all fish sales, deliveries, transfers, and landings using an electronic fish ticket as prescribed under regulations adopted by the commission:

(2) Any commercial fisherman who sells, delivers, or transfers fish to any person who is not a fish receiver licensed under Article 7 (commencing with Section 8030).

9. Fish and Game Code section 8046, which states in part:

(a) The original signed copy of the paper landing receipt made under Section 8043 or 8043.1 shall be delivered to the department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. Landing receipt records completed and submitted electronically shall be submitted to the department within three business days of the landing. A copy of the landing receipt shall be delivered to the commercial fisherman at the time of the purchase or receipt of the fish. That copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time during that period by the department. A copy of the landing receipt shall be kept by the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt for a period of four years and shall be available for inspection at any time within that period by the department.

10. Fish and Game Code section 8275, which states in part:

Unless the provision or context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Dungeness crab" or "market crab" means crab of the species *Cancer magister*.

11. Fish and Game Code section 8280.1(a), which states:

(a) A person shall not use a vessel to take, possess, or land Dungeness crab for commercial purposes using Dungeness crab traps authorized pursuant to Section 9011, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked.

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CAUSE FOR DISCIPLINE

12. Respondent JOHN MORTON BOLING is subject to disciplinary action under Fish and Game Code section 7857(b), in that on or about January 19, 2023 through April 21, 2023, Respondent JOHN MORTON BOLING participated in the California commercial Dungeness crab fishery and failed to submit Risk Assessment and Mitigation Program (RAMP) bi-weekly reports on or before the first and 16th day of each month, in violation of California Code of Regulations, Title 14, section 132.8(g)(1). The circumstances are as follows:

- a. On or about January 19, 2023 through April 21, 2023, Respondent JOHN MORTON BOLING made 24 landings of Dungeness crab but failed to submit seven required RAMP bi-weekly reports of those landings.

PRAYER

WHEREFORE, Complainant prays that a hearing be held on the charges and that thereafter the Fish and Game Commission issues a decision:

- (1) Suspending Respondent JOHN MORTON BOLING’s California Dungeness crab permit for a period of one year; and
- (2) Taking such other and further action as may be deemed just and proper.

Dated: 2/8/2024

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

DocuSigned by:

Nathaniel Arnold

AA968532644A4EB...

NATHANIEL ARNOLD
Chief, Law Enforcement Division

VERIFICATION

I, Nathaniel Arnold, the undersigned, say:

I am a party to this action; the above document is true of my own knowledge, except as to the matters that are stated on my information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the above is true and correct and that this declaration was executed on 2/8/2024, 715 P St., Sacramento, CA 95814.

Dated: 2/8/2024

DocuSigned by:
Nathaniel Arnold
AA968532644A4EB...
NATHANIEL ARNOLD
Declarant



April 17, 2024

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814

RE: One-Year Suspension of John Morton Boling’s Dungeness Crab Vessel Permit

Dear Commissioners:

Pursuant to Government Code, section 11520, subdivision (a) (“Section 11520(a)”)¹ the Department is requesting that the Fish and Game Commission (“Commission”) suspend John Morton Boling’s Dungeness crab vessel permit for a period of one year at its June 19-20 meeting, without holding a hearing on the matter.

The Commission may suspend Mr. Boling’s Dungeness crab permit at its June 19-20 meeting because Mr. Boling has waived his right to a hearing. On February 13, 2024, the Department of Fish and Wildlife (“Department”) served Mr. Boling with the Accusation via certified mail. Mr. Boling signed the certified mail receipt on February 20, 2024 (Exhibit 1.) Mr. Boling declined to file a Notice of Defense requesting a hearing within 15 days of receiving the accusation, i.e., by February 28, 2024, as required pursuant to Government Code section 11506, subdivision (a)(1).² Accordingly, Mr. Boling has waived his right to a hearing. Instead, the Commission may suspend his Commercial Privileges based upon his express admissions or other evidence at its April 17 meeting.

As described in the Accusation and attached exhibits submitted as uncontroverted evidence of the violations, Mr. Boling participated in the California commercial Dungeness crab fishery and failed to submit Risk Assessment and Mitigation Program (RAMP) bi-weekly reports on or before the first and 16th day of each month, in violation of California Code of Regulations, Title 14, section 132.8(g)(1) (“Section 132.8(g)(1)”)³ Mr. Boling made 24 landings of Dungeness crab during seven required reporting periods, ranging from January 19, 2023 through April 21,

¹ Section 11520 (a) states in part, “If the respondent either fails to file a notice of defense, or, as applicable, notice of participation, or to appear at the hearing, the agency may take action based upon the respondent’s express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent...”

² Government Code, section 11506, subdivision (a)(1) states, “Within 15 days after service of the accusation or District Statement of Reduction in Force the respondent may file with the agency a notice of defense, or, as applicable, notice of participation, in which the respondent may: (1) Request a hearing.”

³ Section 132.8(g)(1) states in part, “When participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month.”

2023. Mr. Boling failed to submit RAMP bi-weekly reports of those landings. Wildlife Officers contacted Mr. Boling by telephone and informed him of the requirement to submit bi-weekly reports. Mr. Boling responded that he was aware of the requirement but had forgotten to submit the reports. Additionally, the Department sent letters of warning via certified mail and email, informing Mr. Boling that although Department records showed he had made landings during the 2022-2023 season, fishing activity reports had not been submitted. To date, Mr. Boling has not submitted his fishing activity reports for the referenced seven reporting periods, nor did he submit the required report at the close of the season in 2023.

To assess the risks of marine life entanglement with fishing gear associated with the commercial Dungeness crab fishery, the Department relies on the reports required by Section 132.8(g)(1) to evaluate entanglement risk. The bi-weekly reports provide vital fishing dynamics, including location, depth and number of traps per fishing vessel, so that the Department can assess the risk of entanglement and implement appropriate management actions. It is essential that the Department has current information on all fleet activity so that it can make accurate assessments of the level of entanglement risk as it relates to the Dungeness crab fishery. This information also helps inform the need or effectiveness of management actions, such as gear reductions or closures. Mr. Boling has shown an inability to comply with regulations implemented to prevent further whale and turtle entanglements. The ability to fish in the state's waters requires the fishermen to follow the rules and regulations governing the fishery. The rules and regulations are not optional, and Mr. Boling has blatantly chosen to ignore them even after receiving multiple warnings from the Department. Thus, a one-year suspension of Mr. Boling's Dungeness crab vessel permit is appropriate here.

If you have any questions, please do not hesitate to contact Senior Staff Counsel Kelly McDaniel by mail at 715 P Street, 17th Floor, Sacramento, CA 95814, telephone at (916) 241-7043, or e-mail at Kelly.McDaniel@wildlife.ca.gov.

Sincerely,

ORIGINAL, SIGNED COPY ON FILE

NATHANIEL ARNOLD
Chief, Law Enforcement Division

Cc: John Morton Boling

1 *In the Matter of the Accusation Against JOHN MORTON BOLING*

2
3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a party to
5 the within action. My business address is California Department of Fish and Wildlife, 715 P
6 Street, Sacramento, California 95814. On February 13, 2024, I served the within documents
7 described as:

- 8 **1. Accusation;**
9 **2. Notice of Defense (Under Govt. Code § 11506);**
10 **3. Statement to Respondent; and**
11 **4. California Government Code §§ 1150.7, 1107.6 and 11507.7 (2 copies)**

12 X (BY ELECTRONIC SERVICE) by transmitting via electronic service the documents listed
13 above to the e-mail address set forth below on this date at 2/13/2024. The transmission was
14 reported as complete and without error.

15 X (BY CERTIFIED MAIL – RETURN RECIEPT REQUESTED) I am familiar with my
16 employer’s collection and processing of correspondence for mailing with the United States
17 Postal Service and that each day mail is deposited with the United States Postal Service that
18 same day in the ordinary course of business. On the date set forth above, I served the
19 aforementioned documents on the party in said action by placing a true copy thereof
20 enclosed in a sealed envelope with postage thereon fully prepaid, for collection and mailing
21 on this date, following ordinary business practices in Sacramento, California addressed as
22 set forth below.

23 JOHN MORTON BOLING
24 349 Cherry Lane
25 Rio Dell, California 95562
26 tammersboling@gmail.com

27 CERTIFIED MAIL NO.: 9590 9402 7624 2122 5413 70

28 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed on February 13, 2024, at Sacramento, California.

DocuSigned by:

Shaomoua Cha

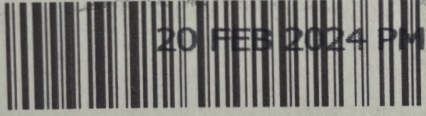
8D27F55AD13D465...

SHAOMOUA CHA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X <i>John Boling</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>John Morton Boling</i></p> <div style="background-color: black; width: 100px; height: 40px; margin-top: 5px;"></div>	<p>B. Received by (Printed Name)</p> <p><i>John Boling</i></p>	<p>C. Date of Delivery</p> <p><i>2-20-2024</i></p>
<p>2. Article Number (Transfer from service label)</p> <p><i>7022 2410 0001 5210 4517</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>		

USPS TRACKING#

EUREKA CA 955



20 FEB 2024 PM 1 L

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7624 2122 5413 70


**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

EDFW-062C *KM*

715 D St. 17th Floor

Sacramento, CA 95814

Department of Fish and Wildlife		MISDEMEANOR		AD2230974	
NOTICE TO APPEAR		<input type="checkbox"/> Traffic <input checked="" type="checkbox"/> Nontraffic			
Date of Violation	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week	Case No.	
05 162 123				FW-2305-6292	
Name (First, Middle, Last)		<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)			
JOHN MORTON BOLING					
Address					
[REDACTED]					
City	State/Country	ZIP Code	Phone #		
[REDACTED]	CA	95562	[REDACTED]		
Driver Lic. No.	State	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No	Age	Birth Date
[REDACTED]	CA				[REDACTED]
Sex	Hair	Eyes	Height	Weight	Race
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Veh. Lic. No. or VIN		State	Reg. MO/YR		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) <input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)
DOCUMENTED "KIMI II"					
Yr. of Veh.	Make	Model	Body Style	Color	
1976			47 FT		
Evidence of Financial Responsibility					
Registered Owner or Lessee			<input checked="" type="checkbox"/> Same as Driver		
Address					
<input type="checkbox"/> Same as Driver					
City					
State ZIP Code					
Correctable Violation (Veh. Code, § 40610)		<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)	
Yes	No	Code and Section	Description		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCR T 14 132.8(g)(1)		(M)	I
<input type="checkbox"/>	<input type="checkbox"/>	FAILURE TO SUBMIT BIWEEKLY REPORTS		M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
Speed Approx.	P.F./Max Spd.	Veh. Lmt	GPS Lat	Long	
Location of Violation(s)		City/County of Occurrence		Cal TIP: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
at 45 WATERFRONT DR, EUREKA		HUMBOLDT			
Evidence Seized					
N/A					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
5/11/23	T. Wohl		687		
Date	Arresting or Citing Officer		Badge No.		
1/1					
Date	Name of Arresting Officer, if different from Citing Officer		Badge No.		
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.					
X Signature FORMAL COMPLAINT					
WHEN: ON OR BEFORE THIS DATE: TBN/ Time: TBN <input type="checkbox"/> AM <input type="checkbox"/> PM					
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE					
WHERE: Name of Court: HUMBOLDT SUPERIOR COURT					
Section or Division, Room No.: 825 SIMS					
Street Address: EUREKA CA 95501					
Phone Number: 707 445 7256 Court 12100					
<input checked="" type="checkbox"/> To be notified <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.					
AD2230974					
					
AD2230974					
COURT COPY					
Judicial Council of California Form				SEE REVERSE	
Rev. 06-26-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)				TR-130	



Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT	Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292	
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	

SUSPECT INFORMATION

Name Suspect (First, Middle, Last) JOHN MORTON BOLING	Involvement Type	Sex █	Date of Birth █	Citation Number AD2230974
Suspect Address (Street, Apt., City, State, Zip Code) █ CA, 95562				Home Phone (707) █
Identification Type DL: CA █	Suspect Description			
	General: Height: █ Weight: █	Hair: █	Eyes: █	Race:

OFFENSES AND CHARGES

132.8(g)(1) T14 DUNGENESS CRAB BI-WEEKLY REPORTING REQUIREMENTS

VEHICLE INFORMATION

Status: NOT SEIZED	Evidence Photographed? NO
Description: DOCUMENTED "KIMI II" 1976 47FT COMMERCIAL VESSEL	

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
------------------------------------------------------------	-------------------	----------------------------------------	-------------------



Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT	Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292	
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	

CASE SYNOPSIS

California Code of Regulations Title 14 132.8(g)(1) states when participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month. John Boling is the owner and operator of the commercial fishing vessel Kimi II. Boling made 24 landings during seven required reporting periods ranging from 01/19/23 - 04/21/23. The California Department of Fish and Wildlife is requesting that Humboldt Superior Court charge Boling with a violation of CCR T 14 132.8(g)(1) for failure to submit biweekly reports as required by law.

NARRATIVE

Background Information:

California's Commercial Dungeness crab fishery is one of the most lucrative and regulated commercial fisheries in the state. The Dungeness crab fishery has undergone significant changes due to new legislation, changing ocean conditions, and more recently risk of marine life entanglement, specifically related to whales and sea turtles. In order to minimize marine life entanglements, RAMP (Risk Assessment and Mitigation Program) was developed and codified in regulation on November 1, 2020.

Under the Risk Assessment and Mitigation Program, there is a Fishing Activity Reporting Requirement specifying that a vessel participating in the California commercial Dungeness crab fishery must submit a report on or before the first and 16th day of each month. The bi-weekly report provides important fishing dynamics information to the Department. Specifically, the amount and set location of commercial trap gear. The report includes the location, depth, and number of traps per fishing vessel to ensure that the Department is getting a current snapshot of all fleet activity at that point in time. Having updated information on all fleet activity is necessary for the Department to assess the level of entanglement risk as it relates to fishing effort. It also helps inform the need or effectiveness of management actions, such as gear reductions or closures. At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the Department. This required information on lost traps also helps inform the lost gear recovery effort and helps to minimize risk of marine life entanglements in the off-season.

California Code of Regulations Title 14 132.8(g)(1) states when participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month. At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the department. All reports shall be submitted via email or text to Whalesafefisheries@wildlife.ca.gov

If a commercial fisher fails to submit a biweekly report, the Department sends a certified letter to the Dungeness crab permit holder advising them of the violation and the regulations. Additionally, the Department also emails the fisher the same information.

On 05/02/23 I reviewed the list of permit holders failing to comply with the biweekly reporting requirements and how many times they failed to do so in 2023. I noticed John Boling, Dungeness Crab permit CT 0111-T6, on the commercial Fishing Vessel Kimi II had fished during seven reporting periods and had not completed any biweekly reports for those periods. Boling made 24 landings during that time period which ranged from 01/19/23 - 04/21/23. His catch for those landings were sold to Swanes Seafood and offloaded at 45 Waterfront Drive in Eureka, Ca. Attached to this report is a certified landing report for the Fishing Vessel Kimi II, showing John Boling as the commercial fisher. I also used the Departments Automated Data Licensing System to search vessel and fisher information. John Boling is also the

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
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Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLDT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT	Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292	
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	

registered owner of the vessel and Dungeness crab permit associated with the Kimi II.

I contacted Boling by phone on 5/8/23. I identified myself as a Lt. for Fish and Wildlife and confirmed I was speaking to John Boling. I asked Mr. Boling about his commercial Dungeness crab activity and Boling confirmed he had been and still was at the time, actively fishing on the Kimi II for Dungeness crab. I asked Mr. Boling if he was aware of the requirement to submit biweekly reports. Boling stated that he was. I asked why he had not submitted them. Boling stated that he forgot. I explained the importance of the biweekly reports and the reason why the Department requires them. I asked Boling if he received the certified letters that were sent out to him. Boling stated he did not. I confirmed that his address was correct in our system. Boling stated it was. Boling then stated that he did have a note to pick up items at the post office but had not done so.

Department records show Boling was sent certified letters that had the following information:

Our records indicate that you have made landings during the 2022-2023 Dungeness crab season but have not submitted a Fishing Activity Report.

A report is missing for the following time period: Jan 16 - 31, 2023. This report was due on February 1, 2023.

A Fishing Activity Report is required under the Risk Assessment and Mitigation Program for the Commercial Dungeness crab fishery, which became effective November 1, 2020. The information and instructions of this report are found under subsection 132.8(g), Title 14 of the California Code of Regulations (see Appendix 1 for summary). This regulation specifies that vessels participating in the California commercial Dungeness crab fishery must submit bi-weekly reports on or before the first and 16th day of each month when engaged in fishing activity.

We are providing this letter of warning that you are required to comply with the new regulations. Under Fish and Game Code sections 12000 and 7857, failure to comply with regulatory requirements may be punished criminally as a misdemeanor and/or result in suspension or revocation of commercial fishing privileges.

There is additional information on how to gain compliance. Attached is one of the letters that was sent certified to Boling. The letters were returned to the Department. It is this Officer's assumption that they were returned because Boling did not retrieve them at the post office.

Additionally, the Department emails the permit holder the same information. The email Boling has on file with the Department is [REDACTED]. I asked Boling if he received the email advising him of the violation. Boling stated that he did not. I confirmed the email address we have on file for him. Boling stated he does not regularly check that email. I searched historical biweekly records and noticed that Boling had sent biweekly reports in for five landing periods in 2022, however they were all late, which is problematic since the Department uses the information to inform risk of entanglement contemporaneously.

I explained to Boling that I would be submitting a report to the District Attorney's Office in Humboldt for the violation and the possible consequences of failure to submit the report could be a misdemeanor charge and or actions against his permit. Boling apologized and again reiterated that he forgot to do it this year.

The California Department of Fish and Wildlife is requesting that Humboldt Superior Court charge Boling with a violation of CCR T 14 132.8(g)(1) for failure to submit biweekly reports as required by law. Boling failed to submit the biweekly report during seven different periods that his landings show him fishing.

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
------------------------------------------------------------	-------------------	----------------------------------------	-------------------



Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT	Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292	
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	



ADP230974
 EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT
 FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED
 WOLVEK, TIFFANY A 0687
 ADP230974

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
------------------------------------------------------------	-------------------	----------------------------------------	-------------------



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Dr., Suite 9
Santa Barbara, CA 93109
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 2, 2023

Subject: Compliance with Fishing Activity Report Requirement

Dear Dungeness Crab Permitholder,

Our records indicate that you have made landings during the 2022-2023 Dungeness crab season but have not submitted a Fishing Activity Report.

A report is missing for the following time period: Jan 16 - 31, 2023. This report was due on February 1, 2023 (see other side of this page for more information).

A Fishing Activity Report is required under the Risk Assessment and Mitigation Program for the Commercial Dungeness crab fishery, which became effective November 1, 2020. The information and instructions of this report are found under subsection 132.8(g), Title 14 of the California Code of Regulations (see Appendix 1 for summary). This regulation specifies that vessels participating in the California commercial Dungeness crab fishery must submit bi-weekly reports on or before the first and 16th day of each month when engaged in fishing activity.

We are providing this letter of warning that you are required to comply with the new regulations. Under Fish and Game Code sections 12000 and 7857, failure to comply with regulatory requirements may be punished criminally as a misdemeanor and/or result in suspension or revocation of commercial fishing privileges.

Should you have any further questions or need further assistance, please contact Christy Juhasz at Christy.Juhasz@wildlife.ca.gov or by phone at (707) 292-2480.

Sincerely,

Craig Shuman
Marine Regional Manager

cc: Eric Kord, Assistant Chief
Marine Enforcement District
Eric.Kord@wildlife.ca.gov

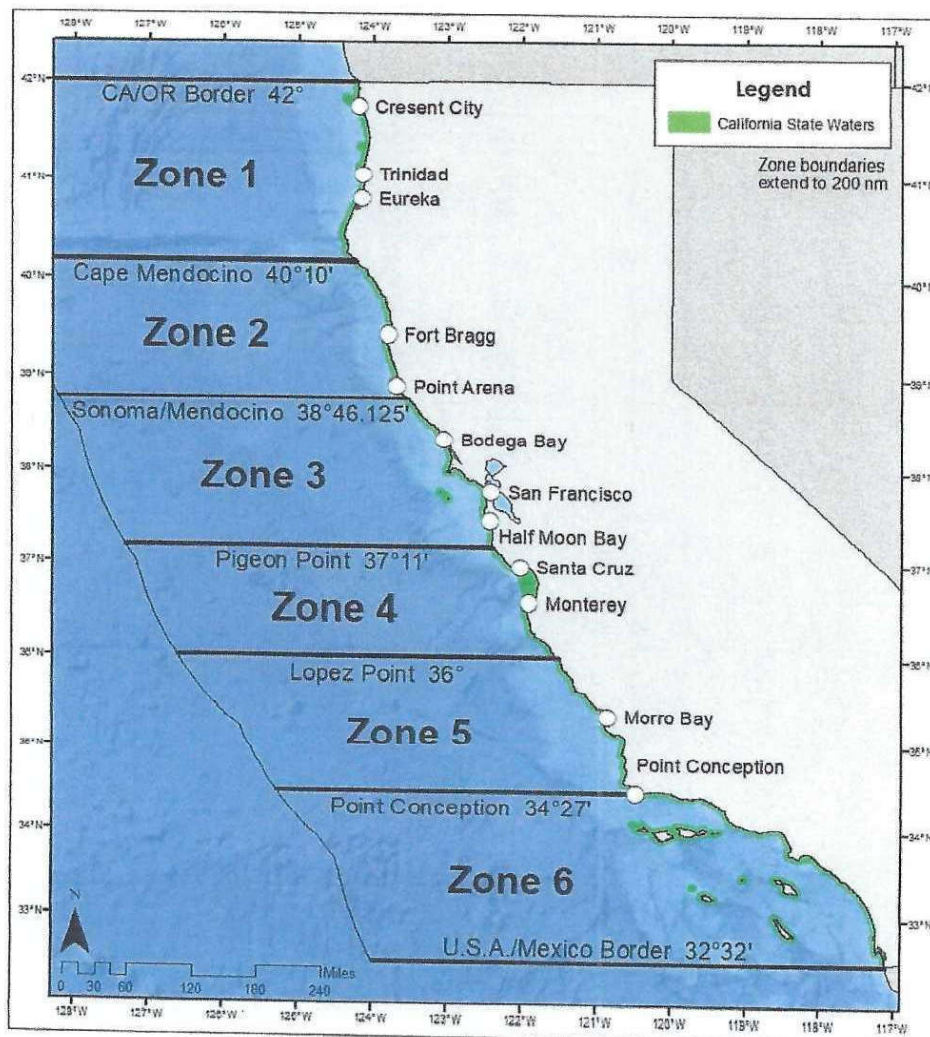
Appendix 1: Fishing Activity Reports

Reporting Duration: Fishing activity reports need to be submitted on or before the first and 16th day of each month when participating in the California commercial Dungeness crab fishery.

Report Submission: email or text fishing activity report information to WhaleSafeFisheries@wildlife.ca.gov

Required Information: Fishing activity reports must contain the following information:

- 1) Dungeness Crab Vessel Permit Number (CT or CN with 4-digit number and tier number)
- 2) RAMP Zone: 1-6 (do not use Zone 7) – see map below
- 3) Depth Range (in fathoms)
- 4) Total Number of Traps in each RAMP Zone
- 5) Once season concludes or done crab fishing, please report number of lost traps on final report



Receipts For kimi 2 26753 2023



I hereby certify that the Document to which this statement is affixed is a true and correct copy of the original document on file with the California Department of Fish and Wildlife.



Signature: *[Handwritten Signature]*
 Date: May 10, 2023
 Custodian of Records

Serial Number	Landing Date	Species Code & Common Name	Pounds	Unit Price	Total Price	Block ID	Port Code & Name	Vessel ID	CFL	FBusLicense	Gear Code & Name	Cond. Name
280329E	1/19/2023	800 Crab, Dungeness	40.00	0.00	\$0.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
280329E	1/19/2023	800 Crab, Dungeness	2,259.00	2.25	\$5,082.75	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
280351E	1/21/2023	800 Crab, Dungeness	5,136.00	2.25	\$11,556.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322112E	1/28/2023	800 Crab, Dungeness	2,421.00	2.25	\$5,447.25	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322132E	1/31/2023	800 Crab, Dungeness	2,958.00	2.00	\$5,916.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322146E	2/2/2023	800 Crab, Dungeness	81.00	0.00	\$0.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322150E	2/7/2023	800 Crab, Dungeness	2,726.00	2.00	\$5,452.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE
322167E	2/9/2023	800 Crab, Dungeness	2,068.00	2.00	\$4,136.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE
322167E	2/9/2023	800 Crab, Dungeness	50.00	0.00	\$0.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE
322181E	2/17/2023	800 Crab, Dungeness	2,115.00	2.00	\$4,230.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE

322192E	2/27/2023	800	Crab, Dungeness	1,066.00	2.25	\$2,398.50	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322192E	2/27/2023	800	Crab, Dungeness	40.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322204E	3/3/2023	800	Crab, Dungeness	1,000.00	2.25	\$2,250.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322213E	3/8/2023	800	Crab, Dungeness	40.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322213E	3/8/2023	800	Crab, Dungeness	1,566.00	2.50	\$3,915.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327571E	3/17/2023	800	Crab, Dungeness	20.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327571E	3/17/2023	800	Crab, Dungeness	2,629.00	2.30	\$6,046.70	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327595E	3/27/2023	800	Crab, Dungeness	1,706.00	2.30	\$3,923.80	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327608E	3/31/2023	800	Crab, Dungeness	2,489.00	2.30	\$5,724.70	0210	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327621E	4/5/2023	800	Crab, Dungeness	827.00	2.30	\$1,902.10	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327639E	4/15/2023	800	Crab, Dungeness	1,158.00	3.00	\$3,474.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE



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327639E	4/15/2023	800	Crab, Dungeness	30.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327640E	4/17/2023	800	Crab, Dungeness	358.00	3.00	\$1,074.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327647E	4/21/2023	800	Crab, Dungeness	605.00	3.00	\$1,815.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
274117E	5/5/2023	800	Crab, Dungeness	1,092.00	5.00	\$5,460.00	0217	220	EUREKA	26753	L01205	84201	27	CRAB OR LOBSTER TRAP	06	LIVE

Total All Landing Receipts: 25 **Grand Total** **Pounds** **Value**
34,480.00 \$79,803.80



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