

Staff Summary for June 19-20, 2024

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.

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
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Melissa Miller-Henson, Executive Director
Fish and Game Commission
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Morgan Kilgour, Regional Manager
North Central Region

Erin Chappell, Regional Manager
Bay Delta Region

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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.

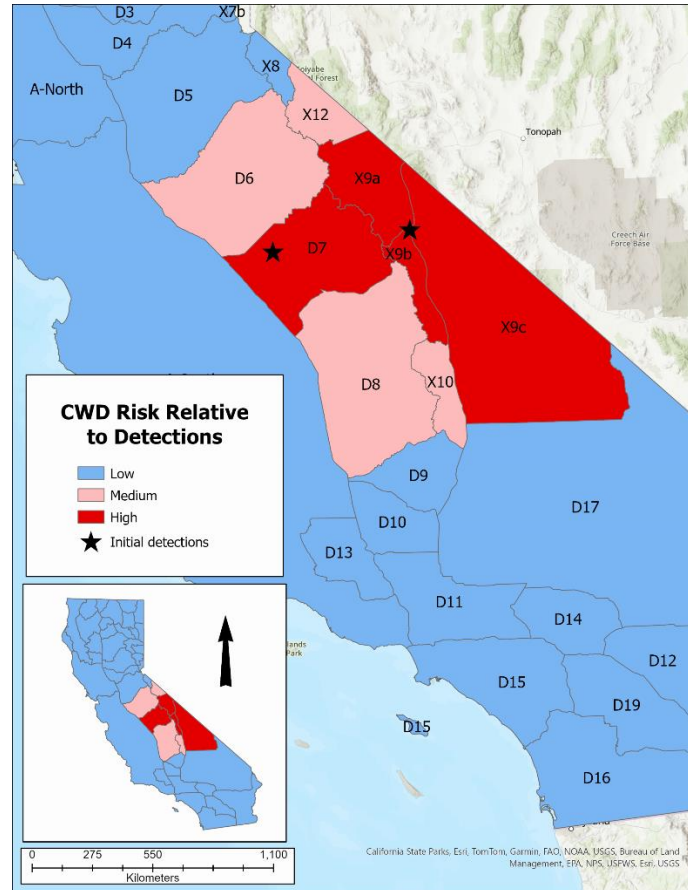


Figure 1: California’s deer hunt zones and recent CWD detections (stars) in deer. The red hunt zones are considered highest risk for having additional CWD-positive deer based on locations of the two detections and are the four hunt zones where mandatory testing would be required following this rule making. 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 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).

\$ _____

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.

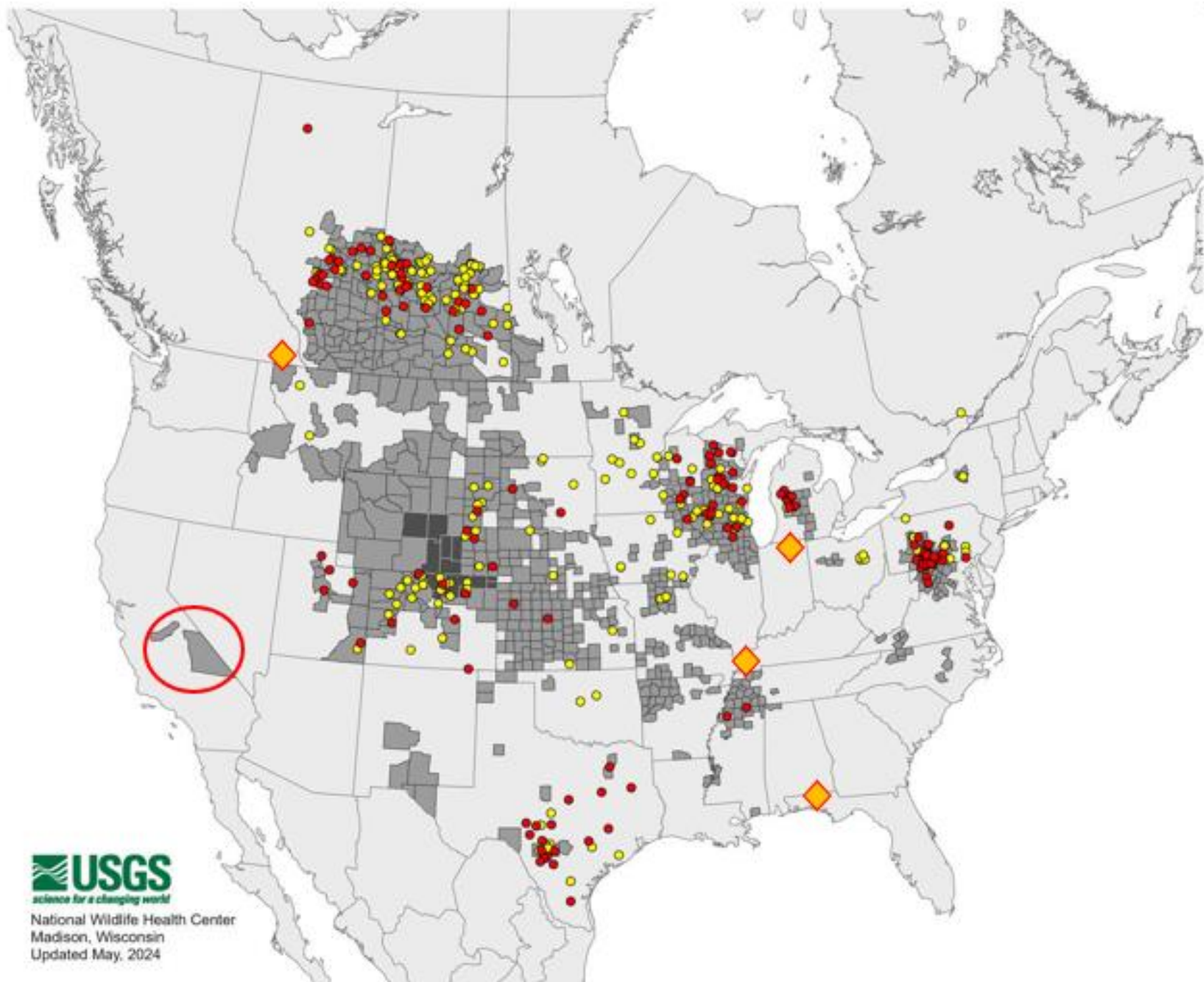


CHRONIC WASTING DISEASE UPDATES

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

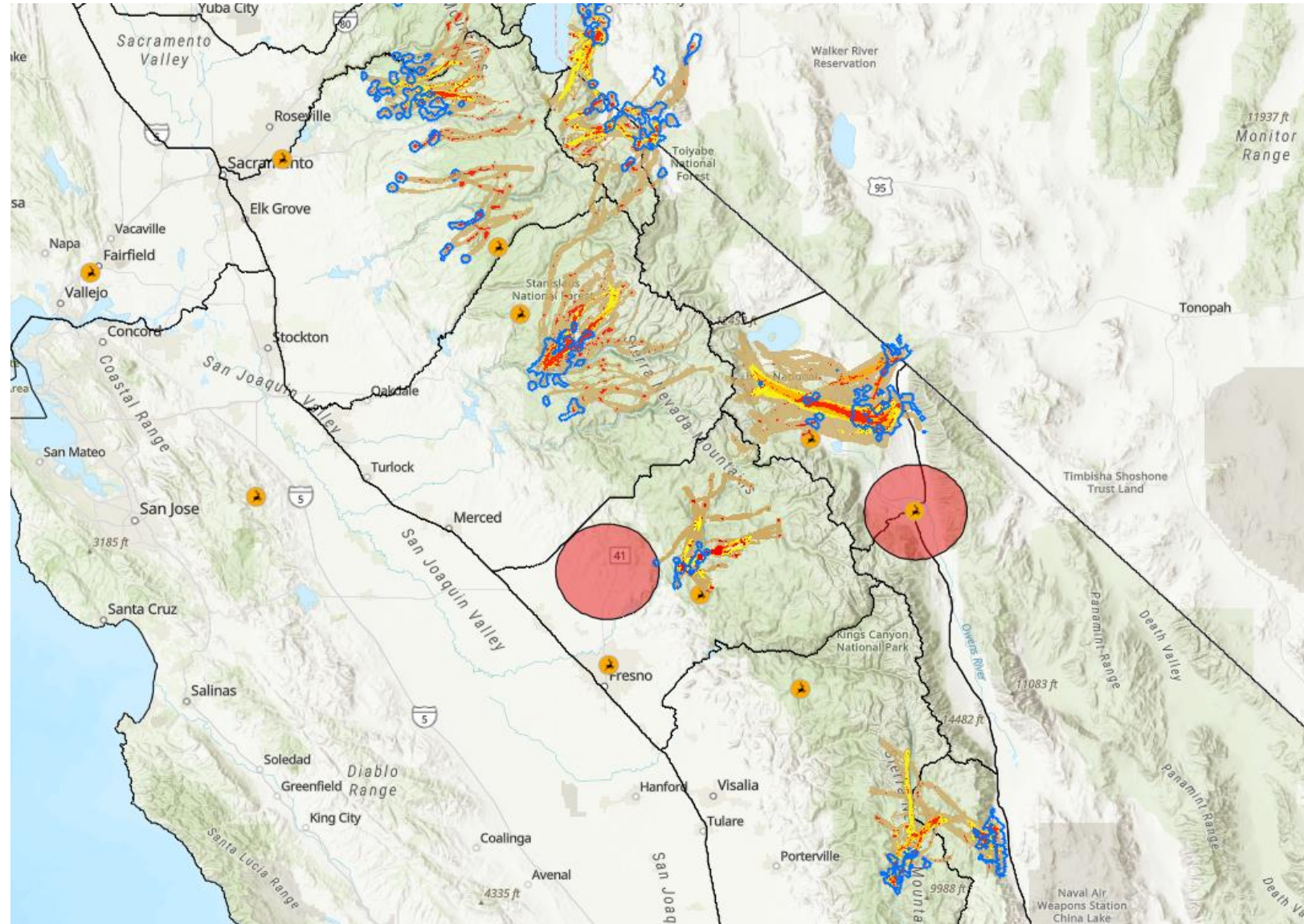
National Wildlife Health Center
Madison, Wisconsin
Updated May, 2024

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

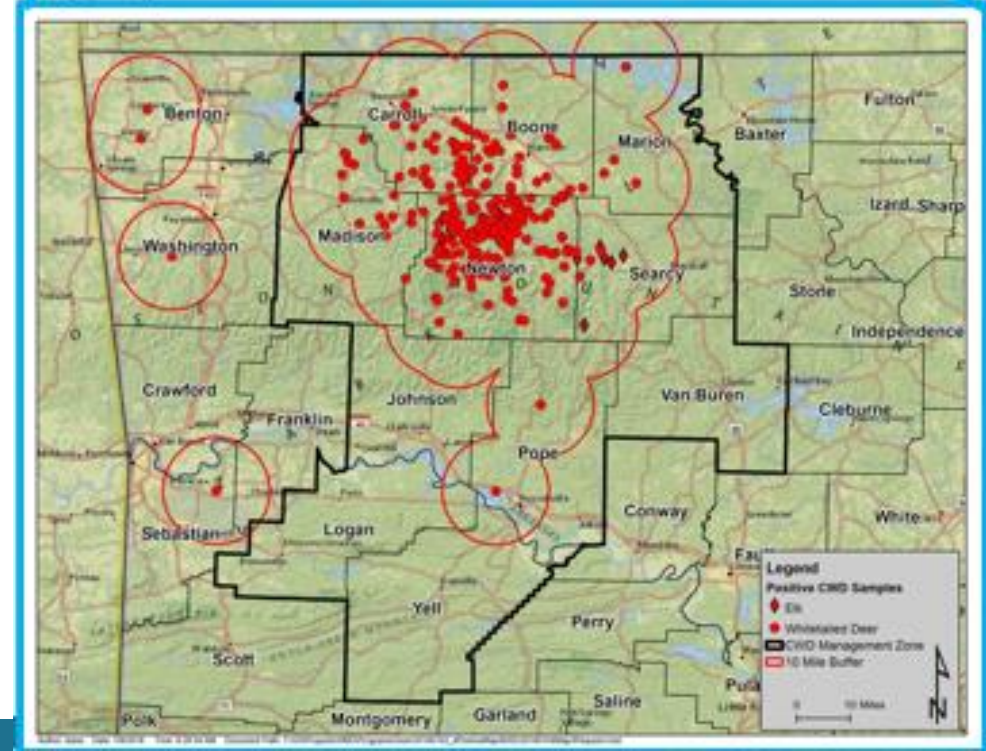
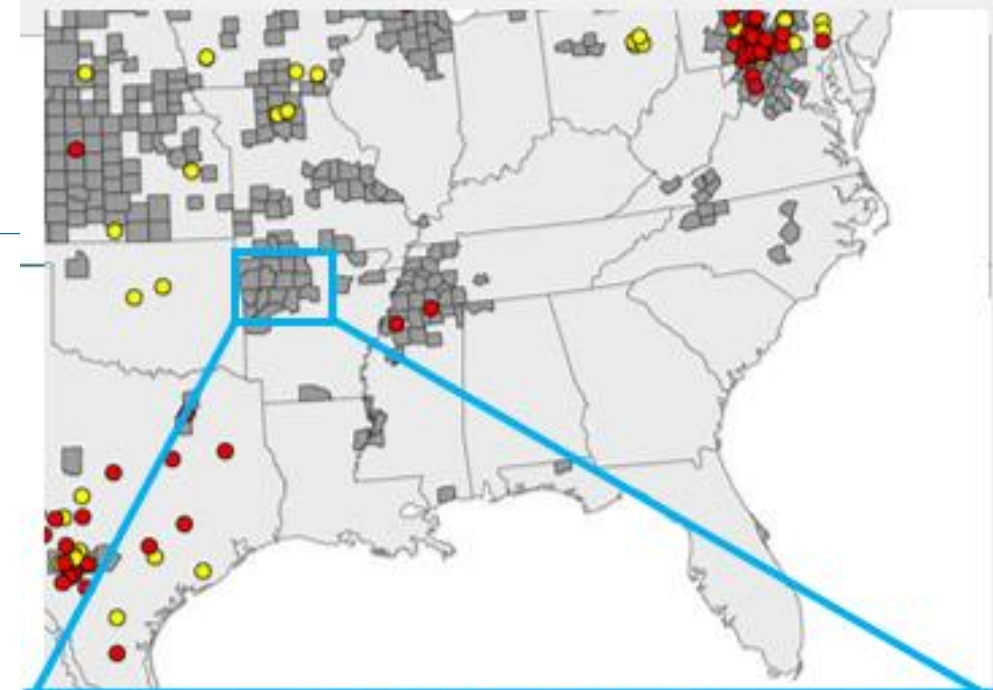
***Increase CWD testing to inform decisions**



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.**



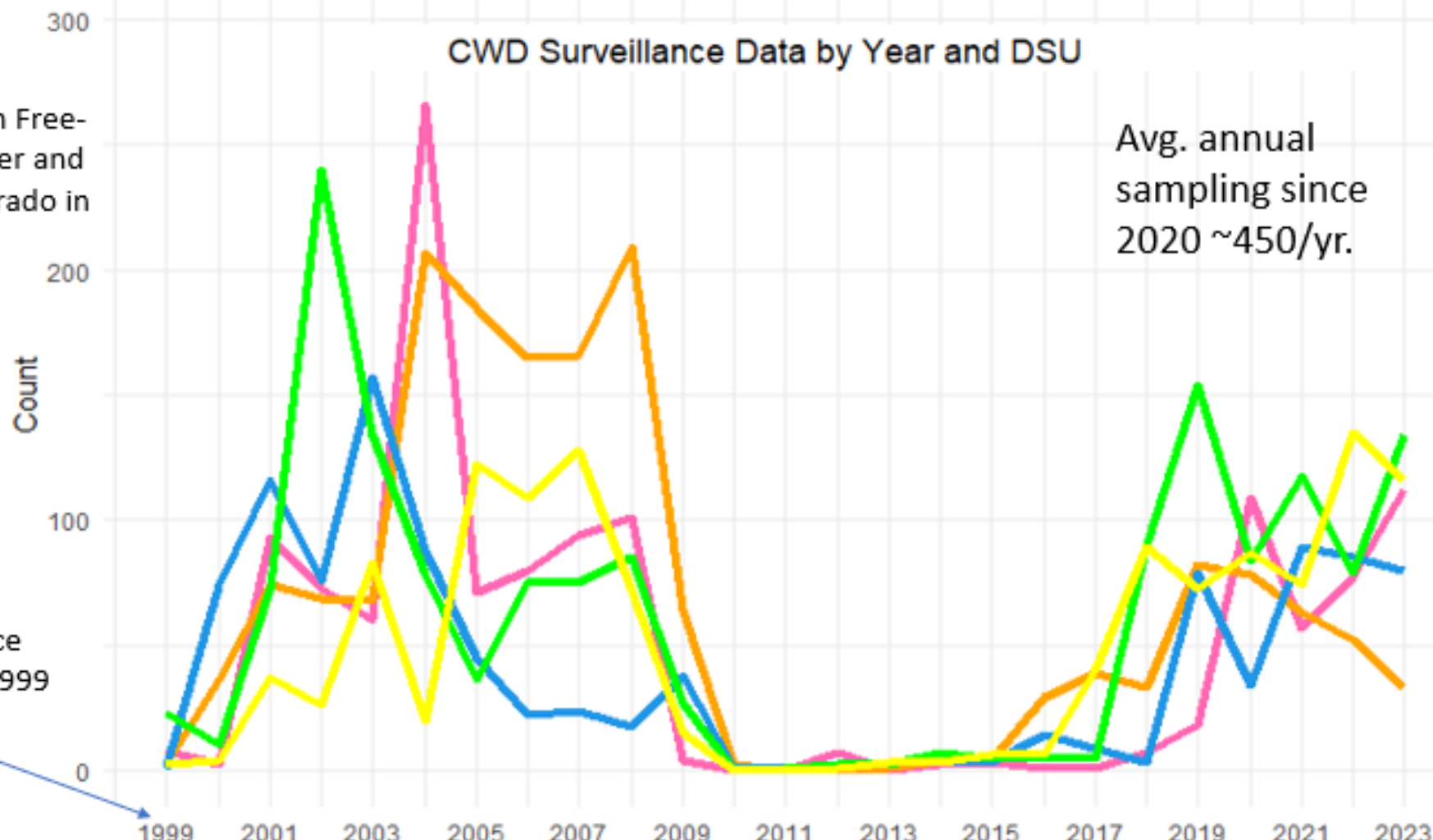
CWD First detected in Free-ranging deer and elk in Colorado in the 1980s

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 1999-2023	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

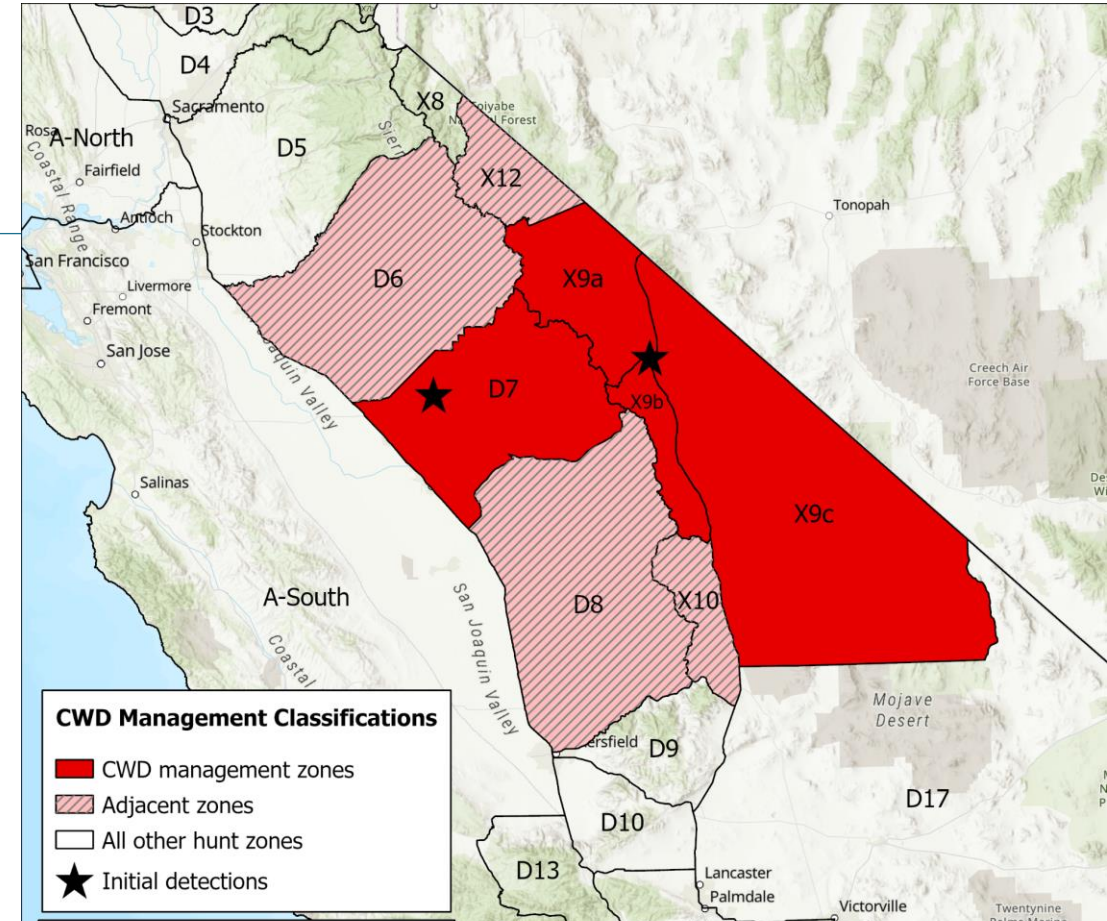
DSU	Total Reported Deer Harvest 2023	2023 Deer CWD Testing All sampling streams	CWD Testing Hunter Harvest Only	Percent of 2023 Deer Harvest Tested
Red	5,440	112	68	1.25%
Orange	3,628	33	22	0.61%
Blue	5,570	80	50	0.90%
Green	4,307	134	104	2.42%
Yellow	2,173	116	71	3.27%
Total	21,118	475	315 (66.32%)	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