

Staff Summary for June 19-20, 2024

*(For background purposes only)***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.

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- Subsection (f): Requires hunters who take a deer within a CWD management zone to provide the Department with samples for CWD testing.
- 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.

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