

## Description of Specific Edits to the Proposed Regulatory Language

### Edits Made After January 17, 2025

#### Subsection 708.5(e):

- (e)(1) - Change “zones” to “zone” for consistency and clarity with the rest of the subsection.
- (e)(1) through (3) - Change “taken” to “detected” to allow for CWD detections from carcasses that do not fall under the definition of “take.” “Take” is defined in FGC Section 86 as: hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

#### Subsection 708.5(f):

- allows the director to designate what, if any, requirements there may be for CWD “testing” and carcass “handling” within a CMZ, resulting in two types of CMZs: “testing CMZ” and a “testing and handling CMZ.” This addition is necessary to make it clear that the Director may designate a particular CMZ for the mandatory testing requirement, and in addition, may also consider the potential for transmission of CWD during carcass handling and transport.
- Amend section (f) to adjust capitalization in accordance with the Commission’s style (make lowercase the words “director” and “testing CMZ”).

#### *Subsection (f)(1):*

- add in clarification that the designation of a CMZ does not automatically require testing of a harvested deer and must meet the criteria specified in (f)(1): the department’s capacity to collect and test samples and to support management actions for the protection of natural resources.
- remove redundant references to subsection (e) and makes two non-substantive grammatical changes.
- (1)(A) describes how a “testing CMZ” is designated. Subsection (f)(1)(A) replaces previously proposed subsection (g), and moves the mention of submission of the preferred sample type (retropharyngeal lymph nodes, or the head) further down to (f)(1)(A)1. through 3. Language about permissible sampling methods is restructured for clarity. Samples are required to be submitted within 10 days of harvest. This requirement is necessary to allow for the hunter to complete a hunting trip from a potentially remote location, and prep for submission of the sample in accordance with this subsection.
  - Former subsection (f)(1)(A)1. to bring the deer is moved to subsection (f)(1)(A)3 to allow for language for testing and handling CMZs to match the order of presentation in (f)(2).

## List of changes 708.5 Amended ISOR

- The mention of bringing the harvested head is moved from subsection (f)(1)(A)1. to re-numbered subsection (f)(1)(A)2. to separate out the permissible sampling methods by body part.
- Former subsection (f)(1)(A)2. is re-numbered to f(1)(A)1., and adds in the direction for hunters to bring the deer head, clarifying that retropharyngeal lymph nodes must be included, to a participating meat processor or taxidermist, and adds in the option to do so for a CWD sampling station. This is necessary to provide maximum permissible options for sampling.
- Re-numbered (f)(1)(A)2. changes the possessive language for consistency and clarity of the section for the hunter self-sampling the deer, and removes a redundant reference to the Department's website.
- Re-numbered (f)(1)(A)3. from previous (f)(1)(A)1. provides direction for hunters to bring the deer with retropharyngeal lymph nodes or the retropharyngeal lymph nodes to a CWD sampling station, and adds in the option to do so for a participating meat processor or taxidermist to be sampled for CWD. The mention of bringing the harvested head is moved from subsection (f)(1)(A)1. to subsection (f)(1)(A)2. to separate out the permissible sampling methods by body part.
- (B) is moved from previous subsection (h), with language changed from "Hunters shall provide the following information..." to "When submitting a sample, the following information shall be provided." This change is made for clarity and consistency.

### *Subsection (f)(2):*

- Is added to describe how a "testing and handling CMZ" is designated and is necessary to specify carcass handling restrictions.
  - (f)(2)(A) is added and mimics the language of (f)(1)(A) for testing CMZs, except that it limits the permissible sampling methods to providing a head, or self-sampling (does not allow for providing a whole deer as the goal is to limit carcass transport). Subsection (f)(2)(A) is necessary to limit the movement of high-risk materials, including brain and spinal column, by requiring hunters to leave those portions at the harvest site.
  - (f)(2)(B) mimics the language of (f)(1)(B) regarding minimum information that hunters must provide with their sample. This addition is necessary to ensure that hunters know which information to submit with samples for testing and handling CMZs.
  - (f)(2)(C) is added to specify that all portions of the brain, spinal column, and gut pile from an animal harvested in a testing and handling CMZ must be left at the harvest site.
  - (2)(C)1. provides for exceptions for possessing brain and spinal column to allow hunters to voluntarily bring heads with nervous tissue to the Department, CWD sampling station, or participating meat processor or taxidermist for CWD testing.

## List of changes 708.5 Amended ISOR

- (2)(C)2. Provides exceptions for the heart, liver, and kidneys when possessed for human consumption in case hunters wish to consume these parts from a testing and handling CMZ.

### Subsection (g):

- Update existing language about maintenance of the Department webpage, and change “testing CMZs” to “CMZ designations pursuant to subsection (f)” for the two other types of CMZs described in (f). Language around Fish and Game Code section 33 is removed given that the definitions in (e) include such reference for methodology based on credible science.

### Subsection (h)

- Has been moved to subsection (f)(1)(B) for clarity and organization.