

## Proposed Hunter Education Instructor Incentive Program Regulations Now Available for Public Comment

Section 709 is ADDED to read:

### § 709. Hunter Education Instructor Incentive Program

(a) Under the Hunter Education Instructor Incentive Program ("Incentive Program"), the department will provide incentives including, but not limited to, in the form of big-game tags provided voluntarily by licensed Private Lands Management areas, Cooperative Elk or Deer Hunting areas, or other tags or hunts designated by the department, other hunting opportunities, and firearms to eligible department-certified Hunter Education Instructors. The tags incentives will shall be distributed awarded annually in a random drawing according to the following procedures rules.

#### (b) Eligibility criteria

1. (1) Only certified instructors who meet established the following eligibility criteria may participate in the Incentive Program drawings.

2. (2) To be eligible to participate in the a drawing, instructors must have been in active status for a minimum of three (3) consecutive years, inclusive of the year prior to the drawing. Instructors will earn an additional entry for every ten (10) years of active service. (For example, an instructor with ten years of service will have two (2) entries in the draw, while at twenty years of service the instructor would have three (3) entries.)

3. (3) Active status is defined as those instructors who To maintain active status, an instructor shall complete in-service training requirements, and teach or assist in teaching at least one course every per calendar year, and submit an annual income and expense record. An instructor's eligibility status must be met by December 31<sup>st</sup> of any given year to be considered eligible for the drawing for the following year. Those instructors failing to meet those requirements will be considered inactive, and they will not be eligible to participate in the drawing. The instructor must meet these requirements by December 31<sup>st</sup> of any given year to be considered eligible for an Incentive Program drawing offered the following year.

4. (4) Instructors who violate game laws or otherwise fail to perform as required, or who fail to follow prescribed procedures of the with revoked or suspended Hunter Education Program may have their instructor's certification suspended or revoked and therefore become ineligible to participate in the drawing. Instructor certification are ineligible to participate in Incentive Program drawings.

5. (5) Paid staff within the department's Hunter Education Program will not be eligible are ineligible to participate in the Incentive Program drawings.

6. (6) Instructors who are drawn and accept a tag or hunt will shall not be eligible to participate in the next five annual Incentive Program drawings.

#### (c) Incentive Program dDrawing pProcedures

1. (1) Using the Each eligible instructor listed in the department's Hunter Education Instructor database, all eligible instructors will shall be assigned a random number in the drawing for each year's pool of donated or department-designated tags or hunts. This drawing will commence in the second week of July each year and proceed until all theavailable tags or hunts are issued. Alternate instructors may be drawn to ensure that all tags or hunts are claimed.

2. ~~(2)~~ Among the instructors that are drawn, the instructor that is drawn first ~~will~~ shall select a tag or hunt from the available tags or hunts, and further selections ~~will~~ shall proceed based upon the order in which instructors were drawn.

3. ~~(3)~~ If any instructor fails to accept or select an available tag or hunt within ~~five (5)~~ three (3) days of being notified by phone, ~~or mail~~, the instructor's selection rights will be forfeited and ~~passed in order to the next person drawn~~ instructor in order will be contacted. ~~Alternate instructors may be drawn to insure that all tags or hunts are claimed.~~

4. ~~(4)~~ If an instructor who accepted a tag or hunt ~~later declines the opportunity and notifies the department, prior to the opening day of the relevant season, or~~ later declines the opportunity and notifies the department, prior to the opening day of the relevant season, or ~~unforeseen circumstances will prevent participation in the selected hunt, that they will not participate in the selected hunt,~~ alternate instructors will shall be contacted in the order they were drawn and offered the opportunity to accept the tag or hunt.

5. ~~(5)~~ Instructors who accept a tag are required to pay the applicable tag fee set forth in the Fish and Game Code or these regulations.

~~(6) Accumulated preference points from general big game drawings shall not be considered or applied in any Hunter Education Instructor Incentive Program drawings.~~

| Note: Authority cited: Sections 3051 and 4334, Fish and Game Code.

Reference: Sections 3049, 3050, and 3051, Fish and Game Code.

Section 709.1 is ADDED to read:

709.1 Hunter Education Instructor Incentive Program Big Game Tag Drawing

(A) ~~(a) Commencing January 1, 2012, except as otherwise provided~~ Following the effective date of this regulation, the department ~~will~~ shall award the following big game license tag(s) using a random drawing system to eligible department-certified Hunter Education Instructors ~~hunter education instructors~~:

(1) Open zone deer, as described in title 14, CCR, sections 360 ~~and 364~~.

(2) Any additional big game license tags ~~(consistent with the Section 3051 of Fish and Game Code) which may be made available in the future in~~ described in title 14, CCR, sections 360, 361, 363, and 364.

~~(B)~~ ~~(b)~~ Eligibility criteria

1. ~~(1)~~ Only certified instructors who meet ~~established~~ the following eligibility criteria may participate in the Incentive Program drawings.

2. ~~(2)~~ To be eligible to participate in the a drawing, instructors must have been in active status for a minimum of three (3) consecutive years, inclusive of the year prior to the drawing.

3. ~~(3)~~ Active status is defined as ~~those instructors who complete in-service training requirements and teach or assist in teaching at least one course every year.~~ An

~~instructor's eligibility status must be met by December 31<sup>st</sup> of any given year to be considered eligible for the drawing for the following year. Those instructors failing to meet these requirements will be considered inactive, and they will not be eligible to participate in the drawing. To maintain active status, an instructor shall complete in-service training requirements, teach or assist in teaching at least one course per calendar year, and submit an annual income and expense record. The instructor must meet these requirements by December 31<sup>st</sup> of any given year to be considered eligible for an Incentive Program drawing offered the following year.~~

~~4. (4) Instructors who violate game laws or otherwise fail to perform as required, or who fail to follow prescribed procedures of the Hunter Education Program may have their instructor's certification with revoked or suspended Hunter Education Instructor certification or revoked and therefore become are ineligible to participate in the Incentive Program drawings.~~

~~5. (5) Paid staff within the department's Hunter Education Program will not be eligible are ineligible to participate in the Incentive Program drawings.~~

~~6. (6) Instructors who are drawn and accept a license tag or hunt shall will not be eligible to participate in the next five annual Incentive Program drawings.~~

~~(C)(c) General Conditions~~

~~1. (1) Eligible hunter education instructors who wish to apply for the Hunter Education Instructor open zone deer tag To enter a drawing for a Hunter Education Instructor big game tag described in subsection (a), an eligible instructor shall pay a the nonrefundable application fee for the a fund-raising random draw drawing tag entry form as specified in Section 702 on or before June 2nd each year. All fees shall be deposited into the appropriate dedicated account.~~

~~2. (2) Successful applicants must possess an Tags will only be issued to instructors with a valid annual California hunting license prior to issuance of the tag.~~

~~3. (3) Hunter Education Instructors may purchase apply for up to three fund-raising tag random drawings applications during the same per license year.~~

~~4. (4) No applicant shall earn a preference point through this application process.~~

~~5. (5) Accumulated preference points from general big game drawings shall not be considered or applied in any of Hunter Education Instructor Incentive Program random drawings.~~

~~6. (6) Hunter Education Instructor Incentive Program big game tags shall not be transferred to another person are non-transferable.~~

~~7. (7) Successful applicants and a list of alternates for each big game tag open zone deer tag will be determined by drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.~~

~~8. Unsuccessful applicants shall not be notified by mail.~~

~~9. Successful applicants shall claim their tags at the License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834 by 5:00 p.m. on July 15 each year. If the deadline to claim the tag falls on a weekend or holiday the applicant can claim the tag until the close of business on the first state business day following the deadline. Any tags unclaimed by successful applicants after that date shall be awarded to alternates for that license tag in the order drawn.~~

Note: Authority cited: Sections 702, 3051, and 4334, Fish and Game Code.

Reference: Sections 3049, 3050, and 3051, Fish and Game Code.