

**State of California
Office of Administrative Law**

In re:
Department of Fish and Wildlife

NOTICE OF APPROVAL OF REGULATORY
ACTION

Regulatory Action:

Government Code Section 11349.3

Title 14, California Code of Regulations

OAL File No. 2013-0313-02 SR

Adopt sections: 709, 709.1

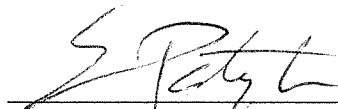
Amend sections:

Repeal sections:

This rulemaking by the Department of Fish and Wildlife adds sections 709 and 709.1 to title 14 of the California Code of Regulations. These sections implement the Hunter Education Instructor Incentive Program, which provides various incentives through special drawings to reward current volunteer instructors and recruit new instructors to teach Hunter Education courses.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2013.

Date: 4/25/2013



Eric Partington
Staff Counsel

For: DEBRA M. CORNEZ
Director

Original: Charlton Bonham
Copy: Roy Griffith

RESUBMITTAL

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012 0320 01	REGULATORY ACTION NUMBER 2013-0313-02 SR	EMERGENCY NUMBER
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ENDORSED FILED
OF THE OFFICE OF

2013 APR 25 PM 2:45

For use by Office of Administrative Law (OAL) only

2013 MAR 13 PM 3:24

OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

Delora Bowen
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
California Department of Fish and Wildlife

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Hunter Education Instructor Incentive Program	TITLE(S) 14	FIRST SECTION AFFECTED 709 & 709.1	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Roy Griffith Jr	TELEPHONE NUMBER 916-358-2946	FAX NUMBER (Optional) 916-653-3772
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER		PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Hunter Education Instructor Incentive Program	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) <i>N/A</i> RG 2012-0605-038
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	per agency request
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Cal. Code Regs. sections 709 and 709.1
TITLE(S) 14	AMEND
	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
December 10 to December 26, 2012

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	per agency request
<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State
<input type="checkbox"/> 5100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) GC § 11343.4

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	per agency request
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input checked="" type="checkbox"/> Other (Specify) N/A Resources Agency	<input type="checkbox"/> State Fire Marshal

7. CONTACT PERSON Roy M. Griffith Jr.	TELEPHONE NUMBER 530-682-7087	FAX NUMBER (Optional) 916-653-3772	E-MAIL ADDRESS (Optional) roy.griffith@wildlife.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>CH/B</i>	DATE 3/12/13
TYPED NAME AND TITLE OF SIGNATORY Charlton H. Bonham	

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ENDORSED APPROVED

APR 25 2013

Office of Administrative Law

California Code of Regulations, Title 14, Section 709 is ADDED to read:

§ 709. Hunter Education Instructor Incentive Program

(a) Under the Hunter Education Instructor Incentive Program (“Incentive Program”), the department shall award incentives including, but not limited to, 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 incentives shall be awarded annually in a random drawing according to the following rules.

(b) Eligibility Criteria

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

(2) To be eligible to participate in 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 drawing entry for every ten (10) years of active service.

(3) 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 31st of any given year to be considered eligible for an Incentive Program drawing offered the following year.

(4) Instructors with revoked or suspended Hunter Education Instructor certification are ineligible to participate in Incentive Program drawings.

(5) Paid staff within the department’s Hunter Education Program are ineligible to participate in Incentive Program drawings.

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

(c) Incentive Program Drawing Procedures

(1) Each eligible instructor listed in the department’s Hunter Education Instructor database 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 available tags or hunts are issued. Alternate instructors may be drawn to ensure that all tags or hunts are claimed.

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

(3) If any instructor fails to accept or select an available tag or hunt within three (3) days of being notified by phone, the instructor’s selection rights will be forfeited and the next instructor in order will be contacted.

(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, that they will not participate in the selected hunt, alternate instructors shall be contacted in the order they were drawn and offered the opportunity to accept the tag or hunt.

(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 702, 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) Following the effective date of this regulation, the department shall award the following big game license tag(s) using a random drawing system to eligible department-certified Hunter Education Instructors:

- (1) Open zone deer, as described in Fish and Game Code section 360
- (2) Any additional big game license tags described in Fish and Game Code sections 360, 361, 363, and 364.

(b) Eligibility Criteria

- (1) Only certified instructors who meet the following eligibility criteria may participate in Incentive Program drawings.
- (2) To be eligible to participate in 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) 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 31st of any given year to be considered eligible for an Incentive Program drawing offered the following year.
- (4) Instructors with revoked or suspended Hunter Education Instructor certification are ineligible to participate in Incentive Program drawings.
- (5) Paid staff within the department's Hunter Education Program are ineligible to participate in Incentive Program drawings.
- (6) Instructors who are drawn and accept a tag or hunt shall not be eligible to participate in the next five annual Incentive Program drawings.

(c) General Conditions

- (1) To enter a drawing for a Hunter Education Instructor big game tag described in subsection (a), an eligible instructor shall pay the nonrefundable application fee for a fund-raising tag random drawing entry form as specified in section 702 on or before June 2nd each year.
- (2) Tags will only be issued to instructors with valid annual California hunting licenses.
- (3) Hunter Education Instructors may apply for up to three fund-raising tag random drawings per license year.
- (4) No applicant shall earn a preference point through this application process.
- (5) Accumulated preference points from general big game drawings shall not be considered or applied in any Hunter Education Instructor Incentive Program drawings.
- (6) Hunter Education Instructor Incentive Program big game tags are non-transferrable.
- (7) Successful applicants and a list of alternates for each big game tag will be determined by random 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.
- (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 tags falls on a weekend or holiday, applicants can claim the tags until 5:00 p.m. on the first state business day following the deadline. Unclaimed tags shall be awarded to alternates 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.