17. DEPARTMENT INFORMATIONAL ITEMS

Today's Item **Information** ☒ **Action** ☐

Standing agenda item to receive and discuss informational updates from DFW:

(A) Director's Report
(B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
(C) Law Enforcement Division
(D) Marine Region
(E) Other

Summary of Previous/Future Actions (N/A)

Background

Verbal reports are expected at the meeting for items (A) through (D).

(C) DFW's Law Enforcement Division distributes a monthly report; included with this summary are links to the Aug and Sep 2016 reports (exhibits C1 and C2).

(D) DFW has provided its annual accounting for the Nearshore Fisheries Management Act Fund (Exhibit D1)

(E) Other items of potential interest include:

1. Due to domoic acid levels, a portion of the commercial Dungeness crab fishery in northern California will remain closed at the recommendation of state health agencies while the remainder of the fishery will open on Dec. 1 as scheduled. The commercial rock crab fishery is also closed north of Pigeon Point (Exhibit E1).
2. DFW has confirmed the presence of two gray wolves, a male and a female, frequently traveling together in western Lassen County; the male wolf is from Oregon's Rogue Pack while it is not clear from where the female originates, though her DNA does not match any of Oregon's known wolves (Exhibit E2).
3. To ensure the long-term security of over 5 million waterfowl that winter in the Central Valley of California, $2.25 of every duck stamp sold is allocated by state law to restore habitat in those areas of Canada from which come substantial numbers of waterfowl migrating to or through California (Exhibit E3).
4. DFW is seeking private land owners as partners in tule elk conservation during a multi-year study of tule elk herds in Colusa and Lake counties. Tule elk are a native subspecies of elk unique to California (Exhibit E4).

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

C1. *Law Enforcement Division Monthly Report, Aug 2016*, received Oct 11, 2016

C2. *Law Enforcement Division Monthly Report, Sep 2016*, received Oct 27, 2016

D1. *FY 2015-2016 Annual Accounting for the Nearshore Fisheries Management Act Fund from the California Department of Fish and Wildlife*, received Oct 19, 2016

E1. DFW news release: *More Commercial Dungeness Crab Fishery to Open; Some Areas Will Remain Closed*, Nov 23, 2016

E2. DFW news release: *Two Gray Wolves Confirmed Present in Lassen County*, Nov 2, 2016

E3. DFW new release: *Habitat Restoration Projects to Help California's Wintering Waterfowl*, Oct 20, 2016

E4. DFW news release: *CDFW Seeks Assistance from Private Land Owners for Tule Elk Study*, Oct 14, 2016

Motion/Direction (N/A)

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FY 2015-2016
Annual Accounting for the Nearshore Fisheries Management Act Fund from the California Department of Fish and Wildlife

October 6, 2016

FY 2015 – 2016 Annual Accounting from the Department of Fish and Wildlife of the Deposits into, and Expenditures from, the Fish and Game Preservation Fund, as Related to the Revenues Generated Pursuant to Section 8587, Fish and Game Code, as required by Section 8589.7, Fish and Game Code

The Nearshore Fisheries Management Act, passed by the Legislature and signed by the Governor during the 1998 legislative session, required that a permit be established for commercial fishermen who take, possess, or land nearshore fish stocks. In 2003, the Fish and Game Commission (Commission) expanded this permit program into nine permits, including area permits, for effective regional management within the State. For the fiscal year 2015-2016, the annual fees for these permits ranged from $107.64 to $705.25, and pursuant to Section 8589.7(a), were deposited into the Fish and Game Preservation Fund – Nearshore Fisheries Management Act Dedicated Account (Fund) to implement the Nearshore Fisheries Management Plan (NFMP). On June 30, 2015, the Fund had a remaining balance of $23,507. During fiscal year 2015-2016 (July 1, 2015 through June 30, 2016), a total of $141,158 was deposited into the Fund. Expenditures and encumbrances during the fiscal year were $110,088 and were used to partially fund two Marine Region staff positions needed to assess, monitor and manage nearshore fish populations important to California's recreational and commercial state fisheries. On June 30, 2016, the Fund had a remaining balance of $54,577.

The Department of Fish and Wildlife (Department) and Commission use population assessments and other measures to actively manage nearshore fisheries within State waters. In addition, because these species occur along the west coast of the United States, coordinated management occurs with the federal government through the Pacific Fishery Management Council (Council). Significant Department staff time is devoted to interacting with federal fishery managers, state representatives from Oregon and Washington, Tribes, and stakeholders.

Pursuant to Section 8589.7(b) the Department must maintain internal accounts that ensure these fees are disbursed only for the following purposes:

1. For research, including field work and statistical modeling, and management of nearshore fish stocks and nearshore habitat;

2. For supplementary funding of allocations for the enforcement of statutes and regulations applicable to nearshore fish stocks, including, but not limited to, the acquisition of special equipment and the production and dissemination of printed material, such as pamphlets, booklets, and posters aimed at compliance with the nearshore fishing regulations; and,

3. For the direction of volunteer groups assisting with nearshore fish stocks and nearshore habitat management, for presentations of related matters at scientific conferences and educational institutions, and for publication of related material.

The following primary activities were completed during the 2015-2016 fiscal year:

Inseason monitoring of commercial and recreational fisheries continued on a regular basis for nearshore species in the NFMP (cabezon, California scorpionfish, California sheephead, kelp and rock greenlings, monkeyface prickleback, and black, black-and-yellow, blue, brown, calico, China, copper, gopher, grass, kelp, olive, quillback and treefish rockfishes). Inseason adjustments were analyzed as necessary to increase opportunities where possible or to prevent exceeding harvest limits. The commercial industry submitted a single inseason action request: to adjust the commercial take of black rockfish in California north of 40°10' N. latitude to 7,000 pounds per two months for the last two periods of 2016. The request was analyzed by Staff, recommended by the Council, and subsequently accepted by NOAA Fisheries for implementation. Staff prepared and submitted two inseason monitoring status reports to the Council (September 2015 and June 2016), for inclusion in its briefing books.

Staff continued to work closely with Oregon Department of Fish and Wildlife staff, Council staff, the Council's Groundfish Management Team (GMT), and West Coast Observer Program staff on improvements to the commercial nearshore bycatch model used to estimate impacts on overfished species taken in the state's nearshore fishery. The improvements are designed to provide additional commercial nearshore fishing opportunities without increased conservation risk to overfished species[1].

Numerous requests were received from Council staff for information or analyses related to the 2017-2018 regulation development process many of which pertained to NFMP species. Examples of analyses performed and information provided included: 1) commercial trip limit adjustments for black rockfish for northern California, for the shallow and deeper nearshore rockfish complexes south of 40°10' N. latitude, and for California scorpionfish; 2) adjustment to the California scorpionfish annual catch limit by increasing it to 150 mt; 3) new stock assessments for blue rockfish and California scorpionfish; and 4) adjustments to recreational fishery seasons and bag limits.

Staff involvement in 2017-2018 harvest specifications and management measures development included participation in a one-week meeting of the GMT in October 2015 in Portland, Oregon to begin the planning process for the 2017-2018 management cycle, as well as submission of seven reports to the Council between August and June:

- September 2015: Range of Management Measures for California's 2017-2018 Commercial and Recreational Groundfish Fisheries
- September 2015: CDFW Report on Mid-Water Recreational Fishing Regulations
- November 2015: CDFW to Host Public Meetings Regarding the Groundfish Management for 2017-2018
- April 2016: CDFW Report on 2017-2018 Biennial Harvest Specifications
- April 2016: CDFW Reports on 2017-2018 Management Measures – Part 1 and Part 2

[1] Overfished groundfish species that constrain other fisheries include: bocaccio, cowcod, darkblotched rockfish, Pacific Ocean perch, and yelloweye rockfish.

- June 2016: CDFW Report on 2017-2018 Recreational Management Measures
- June 2016: CDFW Report on Commercial Trip Limit Increases for the Nearshore Fishery South of 40°10' N. Latitude and Changes to Non-trawl RCA Boundaries

In addition, staff provided significant contributions to the completion of the environmental document Amendment 27 to the Federal Groundfish Fishery Management Plan: 2017-2018 Harvest Specifications and Management Measures submitted in June 2016.

Staff conducted five public meetings throughout the state to solicit the public's ideas and recommendations for changes to management of nearshore stocks during the 2017-2018 management cycle. These meetings addressed both commercial and recreational topics. Meetings were held in Eureka, Fort Bragg, Sausalito, Monterey, and Los Alamitos.

Staff distributed current regulation booklets, barotrauma information, and answered angler questions on nearshore fishery management during recreational groundfish season openers in central and northern California. Staff continued to update the Department's website and regulations hotline with current nearshore species angling regulations. Staff also fielded numerous phone inquiries and e-mails from the public regarding a wide range of questions related to commercial and recreational nearshore fisheries throughout the state.

Staff began working with National Marine Fisheries Service (NMFS) scientists to assemble and integrate time series of rockfish young-of-the-year (YOY) survey data from state, federal, industry, and non-profit sources. Integrating multiple YOY survey datasets will increase our understanding of nearshore rockfish recruitment dynamics in response to variable oceanographic conditions. In addition, this analysis should support calculation of an improved recruitment index for the 2017 blue rockfish stock assessment. Preliminary work to date has also included at-sea participation in the May 2016 NMFS Rockfish Recruitment and Ecosystem Assessment midwater trawl survey.

The Department anticipates that management of the nearshore fishery will require the expenditure of monies for additional management of and research on nearshore stocks and habitats during the 2016-2017 and subsequent fiscal years.

CDFW News

CRAB, DOMOIC ACID, FISHERIES, FISHING (COMMERCIAL)

More of Commercial Dungeness Crab Fishery to Open; Some Areas Will Remain Closed

NOVEMBER 23, 2016 | KMACINTY

A roughly 120-mile portion of the commercial Dungeness crab fishery in northern California that was scheduled to open Dec. 1 will remain closed at the recommendation of state health agencies (http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=134657), the California Department of Fish and Wildlife (CDFW) announced today. But the fishery will open Dec. 1 north of Humboldt Bay to the Oregon state line and remains open from Point Reyes southward. The closed portions of the coast may open once testing by state agencies shows that the area is safe with regard to domoic acid levels.

On Dec. 1, commercial Dungeness crab season will open as scheduled from the north jetty at the Humboldt Bay entrance (40° 46.15′ N. lat.) north to the Oregon/California state line (District 6). The opener will be preceded by a 64 hour pre-soak period commencing at 8 a.m. on Nov. 28. The area between the north jetty at the Humboldt Bay entrance south to Point Reyes (38° 00′ N. lat.) in Marin County will remain closed until the CDFW Director receives a recommendation from the state health agencies that levels of domoic acid – a naturally occurring toxin – do not pose a public health risk. Last fall and winter, domoic acid along the West Coast interrupted Dungeness and rock crab fisheries from Santa Barbara to the Oregon state line.

Under an emergency rulemaking, the area between Point Reyes and the Mendocino/Sonoma county line has been closed since Nov. 15 and remains closed due to elevated domoic acid levels, which can sicken people who consume crab.

At the recommendation of the state Office of Environmental Health Hazard Assessment (OEHHA), CDFW Director Charlton H. Bonham submitted to the Office of Administrative Law an emergency rulemaking to keep the commercial Dungeness crab fishery closed north of Point Reyes (38° 00′ N. lat.) and to close the commercial rock crab fishery north of Pigeon Point (37° 11′ N. lat.). State and federal laws prohibit the commercial distribution of seafood products that contain domoic acid levels above the federal action level of 30 parts per million in the viscera. Because of this, on Nov. 8, OEHHA in consultation with the California Department of Public Health (CDPH) recommended to CDFW (http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133854) to close or delay the start of the commercial Dungeness crab season north of Point Reyes and close the commercial rock crab fishery north of Pigeon Point.

The recreational season for Dungeness crab opened on Nov. 5 and remains open with a warning from CDPH to recreational anglers to avoid consuming the viscera of Dungeness crab caught north of Point Reyes.

Closure of the above-referenced commercial fisheries shall remain in effect until the Director of OEHHA, in consultation with the Director of CDPH, determines that domoic acid levels no longer pose a significant risk to public health and recommends the fisheries be open, and the Director of CDFW provides notification to the commercial fisheries. Recreational fisheries will remain open under a warning to anglers not to eat the viscera of crab caught in the affected areas.

CDFW will continue to coordinate with CDPH and OEHHA to test domoic acid levels in crab along the coast to determine when the fisheries can safely be opened. CDPH, in conjunction with CDFW, has been actively testing crabs

since early September and results from the most recent tests showed that select crabs from the closed areas had elevated levels of domoic acid in their viscera. Domoic acid is a potent neurotoxin that can accumulate in shellfish, other invertebrates and sometimes fish. It causes illness and sometimes death in a variety of birds and marine mammals that consume affected organisms. At low levels, domoic acid exposure can cause nausea, diarrhea and dizziness in humans. At higher levels, it can cause persistent short-term memory loss, seizures and can in some cases be fatal.

The states of Washington and Oregon have acted to delay their respective 2016 Dungeness crab seasons. For more information:

Memo from Office of Environmental Health Hazard Assessment (11/23/2016) (http://nrm.dfg.ca.gov/FileHan--dler.ashx?DocumentID=134657)

www.wildlife.ca.gov/Conservation/Marine/Invertebrates/Crabs#315201115-links-to-the-latest-information(http://ww /Conservation/Marine/Invertebrates/Crabs#315201115-links-to-the-latest-information)

www.dfw.state.or.us/news/2016/index.asp (http://www.dfw.state.or.us/news/2016/index.asp)

www.wdfw.wa.gov/news/nov2216b/ (http://www.wdfw.wa.gov/news/nov2216b/)

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CRAB **CRAB SEASON** **DOMOIC ACID** **FISHERY**

CDFW News

ENDANGERED SPECIES, WOLF

Two Gray Wolves Confirmed Present in Lassen County

NOVEMBER 2, 2016 | KMACINTY

The California Department of Fish and Wildlife (CDFW) has confirmed the presence of two gray wolves in western Lassen County.

After a wolf-like canid was photographed by trail cameras in Lassen County in fall 2015 and spring 2016, CDFW began operating additional trail cameras in the area and regularly searching for wolf scat and tracks. This summer, photographs, tracks and eyewitness sightings suggested the presence of two canids frequently traveling together.

Numerous scat samples were collected by CDFW scientists and submitted to the University of Idaho's Laboratory for Ecological, Evolutionary and Conservation Genetics. Genetic analysis of the samples confirmed the presence of a male and a female gray wolf. There is no current evidence — such as trail camera images, tracks, scat or reported observations — suggesting the wolves produced pups this year.

Analysis of scat indicates that the male wolf was born into the Rogue Pack in 2014, and most likely dispersed to Lassen County in late 2015 or 2016. The founder of the Rogue Pack is the well-known gray wolf OR7 (collared in Oregon by the Oregon Department of Fish and Wildlife) who dispersed from northeast Oregon and traveled around northern California in 2011 and 2012 before eventually finding a mate and establishing a territory in southern Oregon in 2013.

The DNA of the female wolf does not match that of any known individual wolves from Oregon, and initial analyses indicates she is not a close relative of current Oregon wolves. Dispersing wolves have commonly been documented to travel great distances, and it is possible that she dispersed from another western state. The collection of higher-quality genetic samples may eventually lead to a better understanding of her origin.

Gray wolves were eliminated from California more than 100 years ago, until the return of OR7 in 2011. In May and July 2015, a trail camera in Siskiyou County captured images of a single adult, black wolf. Additional cameras were placed in the vicinity and in August 2015 images of two separate adult black wolves and five pups were captured. CDFW designated these animals the Shasta Pack. Until confirmation of the pair of wolves in Lassen County, these were the only wolves known to occur in California.

According to strategies identified within CDFW's draft Conservation Plan for Gray Wolves in California, CDFW will continue to assess and monitor gray wolves in California. If the pair documented in Lassen County continues to stay in the region, monitoring may include capturing at least one of the two and fitting it with a satellite-based GPS transmitter.

"The purpose of collaring gray wolves is to understand some key biological parameters such as habitat use, prey preferences and reproduction, as well as to potentially minimize wolf-livestock conflicts" said Karen Kovacs, a CDFW Wildlife Program Manager who has studied the wolves. "Due to concerns for the welfare of wolves, capturing them is generally not feasible in cold weather. Therefore, we would not attempt to capture and collar the wolves until late spring at the earliest."

Gray wolves are currently listed as endangered both federally and within the state of California. The U.S. Fish and Wildlife Service and CDFW have no plans to reintroduce gray wolves into California. CDFW's draft Conservation Plan for Gray Wolves is available at www.wildlife.ca.gov/conservation/mammals/gray-wolf (http://www.wildlife.ca.gov/conservation/mammals/gray-wolf).

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GRAY WOLF **WOLF**

CDFW News

HABITAT CONSERVATION, HUNTING, WATERFOWL, WILDLIFE

Habitat Restoration Projects to Help California's Wintering Waterfowl

OCTOBER 21, 2016 | KMACINTY

State Duck Stamp Dollars Support Waterfowl Population at Beginning of Their Life Cycle

It might seem incongruous for the California Department of Fish and Wildlife (CDFW) to fund a habitat restoration project located somewhere outside of California. Yet, doing so is a very important part of biologists' efforts to protect and manage the approximately 5 million waterfowl that winter in our state annually – and is a very important use of the conservation dollars provided by waterfowl hunters.

"The goal is to ensure the long-term security of the northern pintail and other duck species that winter in the Central Valley of California," said Craig Stowers, CDFW's Game Species Program Manager. "In order to do that, we need to consider their entire life cycle, and trace their migration all the way back to their origin. That's why legislation and the best available science both support the use of California Duck Stamp dollars and funding through the North American Wetland Conservation Act to secure and restore additional habitat for breeding waterfowl in Canada."

In an average year, CDFW sells almost 70,000 state duck stamps, generating about $1.3 million for waterfowl-related projects. The number of stamps sold has been relatively consistent since 1991. The majority of wetland enhancement and restoration projects supported through the state Duck Stamp Fund occur here in California, on public lands open to hunting. For the 2016-2017 fiscal year, that includes more than $1 million allocated for habitat restoration and enhancement projects at Honey Lake Wildlife Area, Butte Valley Wildlife Area, Modoc National Wildlife Refuge, Upper Butte Wildlife Area, Gray Lodge Wildlife Area, Sacramento National Wildlife Refuge, Napa-Sonoma Marshes Wildlife Area, Kern National Wildlife Refuge, Imperial Wildlife Area and Morro Bay Estuary.

But few hunters realize $2.25 of every duck stamp sold is allocated by law (California Fish and Game Code, section 3704) for the purposes of restoring habitat in those areas of Canada from which come substantial numbers of water-

fowl migrating to, or through, California.

In 1972, the State Legislature implemented a mandate to use duck stamp funds in Canada in order to conserve critical waterfowl habitat in North America's breeding grounds. This legislation looked to the future of waterfowl populations and directed CDFW (then known as the California Department of Fish and Game) to spend these moneys wisely and seek out matching funds to get as much conservation work done as possible. Those matching funds come both from CDFW's conservation partners and the federal government via the North American Wetlands Conservation Act.

This year, duck stamp dollars marked for Canadian wetland and upland conservation projects will go to the King Conservation Easement in Alberta. This is a key breeding area for pintail and is in need of wetland and upland habitat protection. The Duck Stamp Fund will contribute $155,000, with the rest provided via federal match, to protect approximately 48 acres of wetlands and 592 acres of uplands. This particular easement is key because it is adjacent to other conservation easements that together form a habitat range of more than 15,000 acres.

In addition to wetland restoration projects, duck stamp funds also support species-specific projects. For the 2016-2017 fiscal year, these projects will include:

- A pintail banding project that will help biologists study harvest and survival rates ($35,000)
- A mallard banding project that will provide data critical to the establishment of annual duck hunting regulations ($23,000)
- A tule greater white-fronted goose study that will use radio transmitters to collect data about this special-status species' population, habitat use and distribution ($7,000)
- A waterfowl food study to determine the amount of calories provided by post-harvest rice and corn, and how these food sources affect waterfowl ($51,890)

Any projects that are supported by duck stamp funds are approved only with the input and analysis of waterfowl conservation groups such as the California Waterfowl Association and Ducks Unlimited. And, unlike nearly all other hunter-generated funds, state duck stamp projects must be first approved by the California Fish and Game Commission, which adds another important layer of accountability and transparency.

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DUCK STAMP **HABITAT RESTORATION** **WATERFOWL HUNTING**

CDFW News

PUBLIC PARTICIPATION, **VOLUNTEERS**, **WILDLIFE**

CDFW Seeks Assistance From Private Land Owners for Tule Elk Study

OCTOBER 14, 2016 | KORR2013

The California Department of Fish and Wildlife (CDFW) is partnering with researchers at the University of California, Davis on an innovative multi-year study of tule elk herds in Colusa and Lake counties.

CDFW and UC Davis researchers plan to collect elk pellets and study DNA extracted from the pellets during a two-part study scheduled to begin later this month. While fecal DNA approaches have been used to estimate abundance and other population data in several deer populations in California since 2011, this study will be the first application of the technique on free-ranging tule elk. The effort will help CDFW staff determine the population, distribution, movement and habitat use of tule elk within the study area, and the results will guide conservation planning efforts.

The Cache Creek, Lake Pillsbury, and East Park Reservoir tule elk herds often roam public land, offering viewing and hunting opportunities for the public, and the herds also frequent private land. This presents an opportunity for landowners to aid CDFW's elk conservation goals by facilitating research activities on their property. Landowners willing to provide access can contact CDFW Wildlife Biologist Josh Bush at (916) 374-9137, or at Joshua.Bush@wildlife.ca.gov (mailto:Joshua.Bush@wildlife.ca.gov).

In the opening phase of the study, biologists will use helicopter net-gunning and ground-based tranquilizer darting to capture and place satellite collars on 56 tule elk in the Cache Creek, Lake Pillsbury, Bear Valley and East Park Reservoir herds. The collars will log GPS coordinates for an elk's location every 13 hours and the locations will be stored in an online database accessible to CDFW biologists. Collar data will also guide site selection for the second phase of the study, a DNA-based survey to estimate numbers of individuals in the population and measure gene flow among herds. This phase is scheduled to begin in late summer of next year.

DNA profiles will be obtained from elk fecal pellets collected by CDFW and UC Davis personnel. The pellets will be analyzed at the Mammalian Ecology and Conservation Unit of the Veterinary Genetics Laboratory at the UC Davis School of Veterinary Medicine and the DNA used to identify individuals, their sex and familial relationships to other elk.

The use of DNA extracted from fecal pellets to estimate the size of wildlife populations is a recently developed technique that has become more favorable among wildlife researchers over the past decade. This safe, non-invasive approach minimally disturbs animals, enables surveys in low-visibility habitats where sight-based surveys may be relatively ineffective, and can be implemented more frequently than other costlier survey methods.

Tule elk are a native subspecies of elk unique to California. Prior to the arrival of European settlers, they numbered more than half a million statewide. The population rapidly declined in the mid-1800s due to unregulated market hunting and habitat loss. Tule elk dropped to such low numbers that they were once thought to be extinct. In 1875, an estimated two to 10 tule elk were discovered on a ranch near Lake Buena Vista in Kern County. The ranch owner, Henry Miller, is credited with protecting the last remaining tule elk and allowing them to multiply on his property.

Tule elk have since been closely managed. Beginning in the early 1900s, they were captured and relocated to reestablish herds throughout their historical range in California. The Cache Creek herd was established in 1922, and is the oldest free-ranging tule elk herd in the state. The Lake Pillsbury herd was released in 1978 and many of those elk dispersed throughout the Mendocino National Forest and into surrounding areas. By the early 1990s, some settled near Stonyford and established the East Park Reservoir herd. Since 1975, CDFW has captured and relocated more than 1,500 elk and currently it is estimated that there are more than 5,100 tule elk distributed in 22 herds throughout California.

Become a local partner in tule elk conservation by contacting Wildlife Biologist Josh Bush at (916) 374-9137 or Joshua.Bush@wildlife.ca.gov (mailto:Joshua.Bush@wildlife.ca.gov). For more information about tule elk, please visit: www.wildlife.ca.gov/conservation/mammals/elk/tule-elk (http://www.wildlife.ca.gov/conservation/mammals/elk/tule-elk).

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