

Regulatory Language

Subsection 360(d), Title 14, CCR is amended to read:

(d) Fund-raising License Tags.

Fund-raising license tags (Golden Opportunity and Open Zone) for the taking of buck deer (as defined in subsection 351(a)) shall be offered for sale to raise funds for the management of deer through the Deer Herd Management Plan Implementation Program. The department may conduct a random drawing to distribute fund-raising tags. Any resident or nonresident is eligible to purchase a fund-raising license tag. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. The sale price of a fund-raising license tag includes the fees for deer tag applications and for processing and issuing a hunting license. ~~The purchaser~~ purchasers shall be issued a hunting license and fund-raising license ~~tag~~ tags only after meeting the hunter education requirements for a hunting license.

(1) Golden Opportunity Tag.

(A) Area: Golden Opportunity tags shall be valid statewide.

(B) Season: Golden Opportunity tags shall be valid beginning on the second Saturday in July and extend through December 31.

(C) Bag and Possession Limit: One buck, forked horn (see subsection 351(a)) or better, per tag.

(D) Number of Tags: 5.

(E) Special Conditions:

1. The holder of a Golden Opportunity tag may take deer using methods authorized in sections 353 and 354.

2. Fund-raising license tagholders who receive a deer tag pursuant to Section 708(a)(2) shall be allowed to exchange that tag under the provisions of subsection 708(a)(2)(F). Tagholders shall not be entitled to obtain more than two (2) deer tags as described in subsection 708(a)(2).

3. Tagholders shall report to the Regional Patrol Chief at the appropriate Department of Fish and Game Regional Headquarters prior to hunting as to the time and area they intend to hunt.

(2) Open Zone Tag.

(A) Area: Open Zone tags shall be valid in the areas as described in sections 360 and 361.

(B) Season: Open Zone tags shall be valid during the authorized seasons described in sections 360 and 361.

(C) Bag and Possession Limit: One buck, forked horn (see subsection 351(a)) or better, per tag.

(D) Number of Tags: 5.

(E) Special Conditions:

1. The holder of an Open Zone tag shall meet any special conditions and take deer using the method of take described in sections 360 and 361.

2. Fund-raising license tagholders who receive a deer tag pursuant to Section 708(a)(2) shall be allowed to exchange that tag under the provisions of subsection 708(a)(2)(F).

Tagholders shall not be entitled to obtain more than two (2) deer tags as described in subsection 708(a)(2).

3. Tagholders shall report to the Regional Patrol Chief at the appropriate Department of Fish and Game Regional Headquarters prior to hunting as to the time and area they intend to hunt.

Note: Authority: Sections 200, 202, 203, 220, 460, 3452, 3453 and 4334, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3452, 3453 and 4334, Fish and Game Code.

Section 702, Title 14, CCR is amended to read:

§ 702. Hunting Applications, Tags, Seals, Permits, Reservations and Fees

(a) Private Wildlife Management Areas

(1) License Application Initial – (~~FG WPB 538 (Rev. 01/09)~~) (FG WPB 538 (Rev. 01/10)), Annual Renewal – (~~FG WPB 539 (Rev. 01/09)~~) (FG WPB 539 (Rev. 01/10)), 5-Year Renewal – (~~FG WPB 537 (Rev. 01/09)~~ incorporated by reference herein) (~~FG WPB 537 (Rev. 01/10)~~), incorporated by reference herein)

(A) less than 5000 acres	\$1,625.25 <u>\$1,639.25</u>
(B) 5,001 to 10,000 acres	\$2,340.75 <u>\$2,360.75</u>
(C) 10,001 to 15,000 acres	\$2,430.75 <u>\$2,754.25</u>
(D) greater than 15,001 acres	\$3,120.75 <u>\$3,147.50</u>

(2) Tags and Seals

(A) 2009 <u>2010</u> Antelope Tag (Buck)	\$ 194.75 <u>\$ 196.50</u>
(B) 2009 <u>2010</u> Antelope Tag (Doe)	\$ 117.00 <u>\$ 118.00</u>
(C) 2009 <u>2010</u> Bear Tag	\$ 54.75 <u>\$ 55.25</u>
(D) 2009 <u>2010</u> Deer Tag (Antlerless)	\$ 62.50 <u>\$ 63.00</u>
(E) 2009 <u>2010</u> Deer Tag (Buck)	\$ 62.50 <u>\$ 63.00</u>
(F) 2009 <u>2010</u> Deer Tag (Either-sex)	\$ 62.50 <u>\$ 63.00</u>
(G) 2009 <u>2010</u> Elk Tag (Antlerless)	\$ 390.25 <u>\$ 393.50</u>
(H) 2009 <u>2010</u> Elk Tag (Bull)	\$ 545.75 <u>\$ 550.50</u>
(I) 2009 <u>2010</u> Pig Tag	\$ 54.75 <u>\$ 55.25</u>
(J) 2009 <u>2010</u> Turkey Tag	\$ 23.75 <u>\$ 24.00</u>
(K) 2009/2010 <u>2010/2011</u> Upland Game seals	\$ 1.05 <u>\$ 1.05</u>

(b) Reservation Drawings and Permits to Hunt on State and Federal Areas

(1) Reservation Drawings

(A) 2009/2010 <u>2010/2011</u> Per Hunt Choice	\$ 1.25
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(2) Passes and Permits

(A) 2009/2010 <u>2010/2011</u> Type A Hunting Area Season Pass	\$ 132.25
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		<u>\$ 133.50</u>	
(B)	2009/2010 <u>2010/2011</u> Type B Hunting Area Season Pass	\$ 44.00	
		<u>\$ 44.50</u>	
(C)	2009/2010 <u>2010/2011</u> Type A Hunting Area Two-Day Pass	\$ 28.50	
		<u>\$ 28.75</u>	
(D)	2009/2010 <u>2010/2011</u> Type A Hunting Area One-Day Entry Permit	\$ 17.50	
		<u>\$ 17.75</u>	
(c)	Hunting Tags and Applications		
(1)		Tag/Application Fees	Processing Fees
(A)	2009/2010 <u>2010/2011</u> California Resident First-Deer Tag Application (LRB 1371A (rev. 4/2009), incorporated by reference herein) (<u>LRB 1371A, (4/2010), incorporated by reference herein</u>)	\$ 22.25 <u>\$ 22.50</u>	\$ 4.00 <u>\$ 4.00</u>
(B)	2009/2010 <u>2010/2011</u> California Nonresident First-Deer Tag Application (LRB 1371B (rev. 4/2009), incorporated by reference herein) (<u>LRB 1371B, (rev. 4/2010), incorporated by reference herein</u>)	\$ 227.25 <u>\$ 229.25</u>	\$ 4.00 <u>\$ 4.00</u>
(C)	2009/2010 <u>2010/2011</u> California Resident Second-Deer Tag Application (LRB 1371C, (rev. 4/2009), incorporated by reference herein) (<u>LRB 1371C, (rev. 4/2010), incorporated by reference herein</u>)	\$ 28.75 <u>\$ 29.00</u>	\$ 4.00 <u>\$ 4.00</u>
(D)	2009/2010 <u>2010/2011</u> California Nonresident Second-Deer Tag Application (LRB 1371D, (rev. 4/2009), incorporated by reference herein) (<u>LRB 1371D (rev. 4/2010), incorporated by reference herein</u>)	\$ 227.25 <u>\$ 229.25</u>	\$ 4.00 <u>\$ 4.00</u>
(E)	2009/2010 <u>2010/2011</u> California Resident Bear Tag Application (LRB 1365A, (rev. 4/2009), incorporated by reference herein) (<u>LRB 1365A, (rev. 4/2010), incorporated by reference herein</u>)	\$ 34.50 <u>\$ 34.75</u>	\$ 4.00 <u>\$ 4.00</u>
(F)	2009/2010 <u>2010/2011</u> Nonresident Bear Tag Application (LRB 1365B (rev. 4/2009), incorporated by reference herein) (<u>LRB 1365B, (rev. 4/2010), incorporated by reference herein</u>)	\$ 239.75 <u>\$ 241.75</u>	\$ 4.00 <u>\$ 4.00</u>
(G)	2009 <u>2010</u> California Antelope Tag Drawing Application (Per hunter) (LRB 1364 (Rev. 3/2009), incorporated by reference herein) (<u>LRB 1364, (Rev. 3/2010), incorporated by reference herein</u>)		\$ 7.50 <u>\$ 7.50</u>
(H)	2009 <u>2010</u> California Elk Tag Drawing Application (Per Hunter) (LRB 1364 (Rev. 3/2009), incorporated by reference herein) (<u>LRB 1364 (Rev. 3/2010), incorporated by reference herein</u>)		\$ 7.50 <u>\$ 7.50</u>
(I)	2009 <u>2010</u> California Nelson Bighorn Sheep Tag Drawing Application (Per Hunter) (LRB 1364 (Rev. 3/2009), incorporated by reference herein) (<u>LRB 1364 (Rev. 3/2010), incorporated by reference herein</u>)		\$ 7.50 <u>\$ 7.50</u>
(J)	2009 <u>2010</u> Resident Antelope Tag	\$ 125.25 <u>\$ 126.25</u>	
(K)	2009 <u>2010</u> Nonresident Antelope Tag	\$ 387.50 <u>\$ 390.75</u>	
(L)	2009 <u>2010</u> Resident Elk Tag	\$ 376.00 <u>\$ 379.25</u>	
(M)	2009 <u>2010</u> Nonresident Elk Tag	\$1,162.50 <u>\$1,172.50</u>	
(N)	2009 <u>2010</u> Resident Bighorn Sheep Tag	\$354.00 <u>\$357.50</u>	
(O)	2009 <u>2010</u> Nonresident Bighorn Sheep Tag	\$500.00	
(P)	2009 <u>2010</u> Bobcat Tags (Five)		\$ 14.00 <u>\$ 14.00</u>

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|---|----------------|
| (Q) <u>2009 2010 Deer Tag – Exchange</u> | \$ 8.75 |
| (R) <u>2010 Nonrefundable Processing Fee – Elk, Antelope, or Big Horn Sheep Tag Return</u> | <u>\$25.00</u> |
| (S) <u>20011 Fund-raising Big Game License Tag Opportunity Application (FG328 (New1/10)), incorporated by reference herein</u> | <u>\$ 5.00</u> |
- (d) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlement required by regulations set forth in this section.

NOTE: Authority cited: Sections 200, 202, 203, 215, 220, 331, 332, 713, 1050, 1055, 1055.1, 1572, 4331, 4336, and 10502, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 210, 215, 220, 331, 332, 713, 1050, 1055, 1570, 1571, 1572, 1573, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502, Fish and Game Code.

Subsections 708(a)(1); 708(a)(2)(A)1.c. through 708(a)(2)(C); 708(a)(2)(E) through 708(a)(8); 708(b)(2) through 708(c)(2); 708(c)(4); 708(d)(2) through 708(g)(1)(J); 708(g)(2) through 708(g)(5) Title 14, CCR remain unchanged.

Subsection 708(a)(2)(A), Title 14, CCR is amended to read:

(2) Deer License Tag Application and Distribution Procedures.

(A) Distribution of Deer License Tags:

1. Deer Tag Classification

a. Premium Deer Hunt Tags shall include all deer hunt tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year. ~~C, D12 and D17 tags shall not be classified as premium deer hunt tags regardless of the date the tag quota filled in the immediately preceding license year.~~

b. Restricted Deer Hunt Tags shall include all non-Premium deer hunt tags where the tag quota filled on or before the first business day after August 1 in the immediately preceding license year. ~~C, D12 and D17 tags shall be classified as restricted deer hunt tags regardless of the date the tag quota filled in the immediately preceding license year.~~

Subsection 708(a)(2)(D) , Title 14, CCR is amended to read:

(D) Application Fee: The department shall require that the specified fee for a deer tag, as specified in Section 4332 of the Fish and Game Code, be paid as a prerequisite to obtaining a deer tag application. In addition to the tag fee, the department shall also charge a ~~nonrefundable~~ processing fee, as specified in Section 702, for each deer tag application. Deer tag processing fees are not refundable. The department shall not refund the fees paid to obtain a deer tag application for Deer tag fees are not refundable once a deer tag application has been entered into the big game drawing or a deer tag has been issued regardless of closures of any zone or hunt due to fire, weather or other natural disasters.

The department may only refund deer tag fees under the following provisions:

1. The deer tag application was not entered into the big game drawing and a deer tag was not issued for the deer tag application.
2. The difference between the fee paid for a nonresident deer tag application and a resident deer tag application may be refunded for any nonresident deer tag application for which a deer tag was not issued.
3. The department may refund the difference between the fee paid for a nonresident deer tag application and a resident deer tag application for any nonresident tag issued if all of the following conditions are met:
 - a. The deer tag is not a premium tag.
 - b. The deer tag is returned prior to the earliest opening date for the hunt.
 - c. The tag quota has not filled for the hunt.

Subsection 708(b)(1), Title 14, CCR is amended to read:

(b) Distribution of Bighorn Sheep License Tags:

(1) Fund-raising Nelson bighorn ram license tags: Fund-raising license tags for the taking of mature Nelson bighorn rams shall be sold for the purpose of raising funds to manage bighorn sheep. The department may designate a nonprofit organization to sell this fund-raising tag. The department may conduct a random drawing to distribute fund-raising tags. Any resident or nonresident is eligible to buy the tag. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. ~~The purchaser~~ purchasers of a fund-raising license tag ~~tags~~ shall complete a required hunter orientation program conducted by the department and meet the hunter education requirements for a hunting license. The fund-raising license tags are defined as follows:

(A) Open-zone fund-raising license tags: These fund-raising license tags are valid in any of the areas described in subsection 362(a).

Subsection 708(c)(3), Title 14, CCR is amended to read:

(3) Fund-raising License Tags: Fund-raising license tags for the taking of buck pronghorn antelope shall be offered for sale to raise funds for the management of pronghorn antelope. The department may conduct a random drawing to distribute fund-raising tags. Any resident or nonresident is eligible to buy one of the fund-raising license tags. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. ~~The purchaser~~ purchasers shall be issued the fund-raising license tag only after meeting the hunter education requirements for a hunting license.

Subsection 708(d)(1), Title 14, CCR is amended to read:

(d) Distribution of Elk License Tags:

(1) Three fund-raising license tags for the taking of elk bulls shall be offered for sale to raise funds for the management of elk. The department may designate a nonprofit

organization or organizations to sell the fund-raising tags. The department may conduct a random drawing to distribute fund-raising tags.

Any resident or nonresident is eligible to obtain one of the fund-raising license tags. The sale price of a fund-raising license tag sold through a nonprofit organization includes the fee for processing and issuing a hunting license. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. The purchaser purchasers of fund-raising tags shall complete required hunter orientation programs conducted by the department and meet the hunter safety requirements for a hunting license.

Subsection 708(g)(1)(K), Title 14, CCR is amended to read:

(K) Any person may appeal incomplete, late and ineligible applications or applications submitted without the appropriate processing fee that were not included in the department's big game drawing and the hunter did not earn a preference point. The appeal must be in writing and describe the basis for the appeal. The appeal shall be received by the department's License and Revenue Branch in Sacramento, or if mailed, postmarked on or before May 31 of the following year. The department, upon consideration of the appeal, may grant the appeal and award one preference point to the appellant. If the department grants the appeal for a preference point, the appellant shall pay all the applicable fees. The department shall not award a preference point unless the appellant pays all the applicable fees.

Subsection 708(g)(1)(L), Title 14, CCR is added to read:

(L) Any applicant who was drawn for the applicant's first deer tag choice in the big game drawing and can not hunt for any reason may submit a written request to retain the accumulated preference point total and earn one preference point for deer for that year. Applicants must return the tag to the department's License and Revenue Branch before the season starts for which the tag is valid for the department to consider the request. If the request is granted the applicant shall retain the preference point total the applicant accumulated prior to the big game drawing and earn one preference point for deer. The department shall not refund the fees paid for a resident deer tag application. The department may refund the difference between the fee paid for a nonresident deer tag application and a resident deer tag application for any nonresident tag.

Option 1

Subsection 708(g)(1)(M), Title 14, CCR is added to read:

(M) Any applicant who was awarded an elk, antelope, or big horn sheep tag in the big game drawing and can not attend the hunt may submit a written appeal to retain the accumulated preference point total and earn one preference point for that species for that year. Appellants must contact the department prior to the earliest date of the hunt for the appeal to be considered. The hunt tag must be returned to the department's License and Revenue Branch before the season starts for which the tag is valid for.

The appeal with supporting documentation must be submitted to the department's License and Revenue Branch. If the appeal is granted the applicant shall retain the preference point total the applicant accumulated prior to the big game drawing and earn one preference point for that species. The department may refund the tag fee if the department is successful in awarding the tag to an alternate.

This subsection shall apply when the applicant can not participate in the hunt due to:

1. The death of a family member.
2. Illness or injury to the applicant or family member.
3. The applicant is called to active military duty.
4. Other unforeseen documented hardship.

Option 2

Subsection 708(g)(1)(M), Title 14, CCR is added to read:

(M) Any applicant who was awarded an elk, antelope, or big horn sheep tag in the big game drawing and can not hunt for any reason may submit a written request to retain the accumulated preference point total and earn one preference point for elk, antelope or big horn sheep for that year. Applicants must return the tag to the department's License and Revenue Branch before the season starts for which the tag is valid for the department to consider the request. The applicant shall submit the nonrefundable processing fee specified in Section 702 with the request. If the request is granted the applicant shall retain the preference point total the applicant accumulated prior to the big game drawing and earn one preference point for elk, antelope or big horn sheep. The department may refund the tag fee.

Subsection 708(h), Title 14, CCR is added to read:

(h) Fund-raising Tags Random Drawings

(1) General Conditions

(A) Commencing January 1, 2011, except as otherwise provided, the department may award license tags for fund-raising hunts for deer, bighorn sheep, elk and pronghorn antelope hunts, as described in sections 360(b) and (c), 361, 362, 363, and 364, using a random drawing system.

1. Applicants for a deer, elk, or antelope license tag must be 12 years of age on or before July 1 of the license year for which they are applying.
2. Applicants for a big horn sheep license tag must be 16 years of age on or before July 1 of the license year for which they are applying.
4. Applications for deer, bighorn sheep, pronghorn antelope and elk hunts must include the appropriate nonrefundable fee in Section 702.
5. Applications must be received by the department's License and Revenue Branch in Sacramento by 5:00 p.m. on the first business day after June 1.
6. Any resident or nonresident applicant may submit one or more fund-raising tag random drawing applications for each species during the same license year.
7. No applicant shall earn a preference point in any fund-raising tag random drawings.
8. Accumulated preference points shall not be considered in any the fund-raising tag random drawings.

9. Fund-raising tags shall not be transferred to another person.

10. Successful applicants and a list of alternates for each fund-raising license 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.

11. Unsuccessful applicants shall not be notified.

12. Successful applicants will be mailed notification as soon as practical.

13. Upon receipt of the notification, the applicant shall submit evidence that he or she possess a valid California hunting license is valid for the hunting season to to the department's License and Revenue Branch in Sacramento by 5:00 p.m. on the third Monday in July. 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 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code. Reference: Sections 200, 201, 202, 203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4902, 10500 and 10502, Fish and Game Code.