

Section 601 is amended as follows:

§601. Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands.

(a) Definition and Scope: A Private Lands Wildlife Habitat Enhancement and Management Area, (~~H~~herein-after referred to as a ~~Private Wildlife Management Area~~ PLM) is an area of private lands for which the landowner or their designee (~~H~~hereafter referred to as licensee) has completed and implemented a wildlife habitat enhancement and management plan that actively encourages the propagation, conservation and wise use of the fish and wildlife populations on their land. ~~Such areas shall be licensed annually by the commission. Licenses for such areas may be granted by the~~ commission for a period of five (5) years following department review and approval of the management plan.

(b) Application Process:

(1) Application Form and Management Plan: The applicant for a license to operate a ~~Private Wildlife Management Area~~ PLM shall submit ~~the appropriate~~ a completed initial application, as specified in Section 702, and any accompanying additional documentation to the department, at the appropriate regional office ~~as listed on the application~~. An initial applicant shall include three copies of a general management plan containing at least the following information:

(A) A legal description of the land to be included in the ~~Private Wildlife Management Area~~ PLM. ~~Four~~ Three original USGS quadrangle maps or equivalent maps showing the boundaries of the ~~Private Wildlife Management Area~~ PLM, access roads, any public lands within and/or adjacent to the ~~Private Wildlife Management Area~~ PLM and all structures and facilities, shall be submitted with the ~~original~~ initial application;

(B) An estimate of the wildlife and habitats present within the ~~Private Wildlife Management Area~~ PLM, including an indication of animal distribution and habitat condition based on the California Wildlife Habitat Relationships Database System;

(C) A statement of management objectives;

(D) A detailed description of proposed management actions that are intended to achieve the management objectives;

(E) The county General Plan land use designation for the ~~Private Wildlife Management Area~~ PLM.

(2) Applicants shall be individuals or corporate landowners or their designee.

(3) Applications ~~submitted by person(s) other than the landowner~~ shall be approved and signed by the landowner(s).

(4) License Fees: A nonrefundable fee for the purposes of management plan review by the department shall be submitted with the application ~~for a revocable Private Wildlife Management Area license~~. The fee as specified in Section 702 will be based on the size of the ~~Area~~ PLM as follows:

(A) less than ~~5000~~ 5,000 acres

(B) 5,001 to 10,000 acres

- (C) 10,001 to 15,000 acres
- (D) greater than 15,001 acres

~~This~~The application fees ~~is~~are established pursuant to Section 3402(b) of the Fish and Game Code. Payment of the application fee does not constitute acceptance into the program. The ~~Private Wildlife Management Area~~ PLM license shall be valid for five years during the period from July 1 through June 30, and subject to annual review and ~~renewal~~ by the commission. The application fee covers ~~the initial~~ each five-year license period. ~~A fee shall be submitted, based on the size of the area, with the license renewal application at the beginning of each subsequent five year period. This license shall be in place of any other license that may be required of private landowners by the Fish and Game Code or regulations made pursuant thereto. This section shall not, however, be construed to exempt anyone from any requirement pertaining to hunting and sport fishing licenses and stamps.~~

~~The department will screen each application for compliance with these regulations. Applications that do not provide the information required, will be rejected and returned to the applicant with an explanation for the rejection. Revised applications may be resubmitted under the original application fee. Any individual whose final application has been rejected by the department may appeal that decision to the commission. Applications accepted by the department will be forwarded for commission review and approval.~~

(5) Issuance of ~~Area~~ PLM License: Upon approval of the general management plan, ~~the department, with approval of the commission, by the commission, the department shall issue a~~ PLM license for the taking of any fish, game bird or game mammal in said ~~Private Wildlife Management Area~~ PLM pursuant to the regulations of the commission ~~and the terms and conditions of the permit, which, pursuant to Fish and Game Code section 3406(a),~~ may supersede Fish and Game Code sections 331(a) and (b) as it pertains to ~~resident~~ hunters and license tag fees for antelope, sections 332(a), (b) and (c) as it pertains to ~~resident~~ hunters and license tag fees for elk, and sections 457-459, related to antlerless and either sex deer.

(A) During the initial license year, ~~the take of antelope or, elk, will not be authorized, nor shall or deer shall not be taken except during the general open season, consistent with the bag and possession limits for the deer-hunting zone(s) in which the Area-PLM is located, unless otherwise stipulated by the commission. This provision does not apply to renewed licenses provided that the Private Wildlife Management Area has been continuously licensed in the Private Lands Wildlife Habitat Enhancement and Management Program. Upon satisfactory completion of the first year management actions identified in the plan for the Private Wildlife Management Area-PLM, the commission may authorize seasons and bag limits which differ from those established for the general seasons. Hunting must be consistent with the management plans prepared for that area or herd and should not result in an overall negative effect on the species population or herd being hunted as determined by the department.~~

(6) Annual Review: The licensee shall submit an annual renewal applications report ~~must be submitted~~ to the department no later than ~~March~~ February 1. The annual

~~renewal application report~~ shall contain a summary of habitat enhancement and management activities, and harvest totals, and full payment of fees for the preceding year. The department shall review each plan to determine that the licensee has fulfilled the obligations as prescribed in the management plan. The annual ~~review~~ report shall evaluate the following:

~~(A) R~~ results of activities carried out during the preceding year, including habitat improvement, wildlife production and population levels, hunter use and harvest of wildlife, including an accurate account of all hunting permits, seals and big game tags PLM tags and seals. Recommended changes in the general management plan shall also be identified in the annual report.

(A) During the initial five (5) year license period, the PLM shall be subject to annual inspections by department personnel to verify the accuracy of the information provided in the annual report.

(B) Recommended changes in the general management plan. PLM properties renewing their license following the initial five (5) year license period shall be subject to a minimum of two (2) site inspections within the new five (5) year license period. Such inspections shall be scheduled at the discretion of the department.

(C) The department shall provide the commission with annual recommendations for each PLM regarding the continuation of the PLM license. This recommendation shall be based on information provided in the annual report and annual inspections, when conducted.

(c) Tags and Seals:

(1) Possession of Tags and Seals: Every person hunting on a ~~Private Wildlife Management Area~~ PLM shall have in their immediate possession a valid California hunting license and the appropriate tag or seal issued by a licensee or their authorized agent. ~~Tags shall be filled out by hunters before hunting. Licensees shall enter the hunter's name and Get Outdoors Identification number (GO ID) on each tag and seal before distributing to the hunter.~~ The tags or seals shall permit hunting for the period specified in the management plan, or until revoked by the licensee or the department. ~~Hunting permittees~~ Hunters shall only take or possess those species and number of each species as specified by their hunting tags or seals as approved in the management plan. This does not apply to species not included in the management plan which may only be taken in accordance with the provisions of ~~Part Subdivision 2, Chapters 1-7, and 9 of these regulations and sections 4331 and 4332 of the Fish and Game Code.~~ Hunting permittees ~~Hunters~~ while on the ~~Private Wildlife Management Area~~ PLM shall be subject to all terms and conditions of the license, tag or seal.

(2) Tag and Seal Procedures:

(A) The department shall furnish each licensee with the appropriate tags or seals ~~required by each authorized under their management plan. With landowner approval and payment of the additional tag or seal fees, tags or seals issued by the licensee may be exchanged for a tag or seal for the same species for use on any other licensed Private Wildlife Management Area for the take of the same species.~~ The licensee shall require an unfilled deer tag or PLM voucher valid for the current license year in

exchange for issuing a PLM deer tag to any hunter. PLM tags can only be used on the PLM for which they are issued.

~~(B) Any deer hunter who has been issued a deer tag or deer tag application by the department and wishes to hunt on a Private Wildlife Management Area shall exchange an unfilled tag(s) or tag application(s) of the current license year for a Private Wildlife Management Area deer tag(s). These tags can only be used on a Private Wildlife Management Area. In no event shall any hunting permittee~~ No hunter shall take more than two deer each year anywhere in California on either public or private lands. No person shall take more than one buck deer in the X-zones, as defined in Section 360(b), Title 14, CCR.

~~(C) Any pronghorn antelope hunter who has been issued a buck pronghorn antelope tag by the department and wishes to hunt on a Private Wildlife Management Area within the zone specified on the tag shall exchange an unfilled public buck pronghorn antelope tag of the current license year for a Private Wildlife Management Area buck pronghorn antelope tag. Any pronghorn antelope hunter who has been issued a doe pronghorn antelope tag by the department and wishes to hunt on a Private Wildlife Management Area within the zone specified on the tag shall exchange an unfilled public doe pronghorn antelope tag of the current license year for a Private Wildlife Management Area doe pronghorn antelope tag. In no case shall an exchange occur to allow pronghorn antelope hunting outside the geographic zone or prescribed dates of the original tag, as contained in Section 363, Title 14. No hunter shall exchange a Private Wildlife Management Area pronghorn antelope tag for a public tag.~~

~~(D) Immediately upon killing any animal under the authority of the tag or seal issued to them by the licensee, the hunter shall completely fill out the tag or seal and attach it to the antler or horn of the male animal, or to the ear of the female animal, or the leg of the upland game species. Prior to transporting the carcass from the Private Wildlife Management Area, the hunter shall surrender the report card portion of the tag to the licensee or their designee. The hunter shall have the license tag validated pursuant to the provisions of Section 4341 of the Fish and Game Code and Section 708(a)(8)-708.6, Title 14, CCR. The completed report card portion of the deer tag or any other species tag shall be returned to the department by the licensee on or before January 1. Hunters shall report their hunt results to the licensee within 2 days of harvesting the authorized species and surrender their tag to the licensee within 5 days of their hunt. The licensee shall submit completed report cards to the department's Wildlife Branch, 1812 Ninth St, Sacramento, CA 95811 on or before January 5 each year. The license tag shall remain with the animal pursuant to sections 708(a)(3) 708.5, 708(c)(4), and 708(d)(4), Title 14, CCR.~~

(3) Tag and Seal Fees: The licensee shall pay the department the fees specified in Section 702 for each tag and seal authorized annually.

(d) Operation of a Private Lands Wildlife Habitat Enhancement and Management Area PLM:

(1) Posting: ~~Private Wildlife Management Areas~~ Each PLM shall be posted by the licensee by placing with signs which have been approved by the department and that

forbid trespass. Signs shall be placed at intervals not less than three to the mile along exterior boundaries and at all roads and trails entering such lands. Where the ~~area~~ PLM is bounded by land open to public hunting, posting shall be required with signs posted at intervals not less than eight to the mile. These signs shall identify both ingress ~~to the Area~~ and egress ~~from the Area~~ of the PLM. Posting shall be completed no later than fourteen days prior to hunting within either the ~~Area~~ PLM or adjacent public deer hunting zone, and maintained for the life of the license. Posting shall ensure that all boundaries are clearly marked and that no public access roads or areas appear to be closed.

(2) Records: The licensee shall maintain accurate records of all tags and seals and make such records available to the department upon request. The licensee shall ~~provide the department with~~ identify the location ~~of~~ where records will be retained ~~kept~~ and available for inspection. An accurate accounting of all hunting tags and seals authorized along with any unissued or unfilled tags or seals, shall be submitted to the ~~Licenses and Revenue~~ department's Wildlife Branch, ~~3211 S~~ 1812 Ninth Street, in Sacramento, CA ~~95846~~ 95811, by ~~March 4~~ January 5 of each year. Such accounting shall include the actual exchanged tags or ~~applications~~ PLM vouchers provided by the individual hunters on each area. ~~Each licensee shall pay for all the previous year's authorized tags and seals by March 1.~~ Fees for all authorized tags and seals shall be paid in full before the department furnishes tags and seals to the licensee. Licensee shall purchase all tags and seals that were authorized per the PLM agreement each year. Refunds shall not be issued for any unissued or unfilled tags or seals. In the event a licensee fails to remit all fees by March 1, the department may require full payment of all tags and seals prior to the next license year. Tag and seal fees which have not been paid in full by March 1 will be subject to a 10% late payment fee. All fees must be paid in full before the department forwards any renewal application to the commission for consideration and approval.

(3) Access: During the PLM hunting seasons, PLM licensees shall provide access to department wildlife officers to ensure compliance with hunting laws and regulations. Access to wildlife officers may be in the form of providing a combination lock, keys to gates, or by allowing the department to place a lock on the gate during the PLM hunting season.

(e) Revocation of Licenses, Tags, and Seals:

(1) License: ~~A Private Lands Wildlife Habitat Enhancement and Management Area~~ PLM license may be suspended temporarily suspended by the Director, ~~upon their verification of the facts,~~ for a any breach or violation of the terms of the license, ~~by the holder thereof, or by any person acting under their direction or control or in cooperation with them.~~ The department shall notify the commission shall be notified of following any such suspension. The commission may and subsequently may revoke or reinstate the license, or fix the period of suspension, after written notice has been provided to the licensee. The commission shall consider the suspension, revocation or reinstatement and a hearing at the next scheduled commission meeting has been provided following written notice to the licensee by the commission. Any licensee convicted of a violation of the Fish and Game Code or regulations made pursuant thereto ~~or a violation of the~~

~~terms and conditions of their license~~ must appear before the commission prior to the issuance of a new license.

(2) Tags and Seals: The licensee, their designee, or any employee of the department may revoke a ~~Private Wildlife Management Area~~ hunter's PLM hunting tag ~~or tags(s)~~, ~~seal or seal(s)~~ for a violation of any Fish and Game law or regulation or the terms and conditions of the ~~Private Wildlife Management Area~~ PLM license.

(f) Termination of License: a licensee may elect to terminate involvement with the ~~Private Lands Wildlife Habitat Enhancement and Management~~ PLM Program ~~only after giving the commission and~~ by submitting to the department ten days written notice of their intent to withdraw. ~~The licensee must submit a certified letter of intent to the commission and the nearest regional office of the department along with~~ This written notice shall include a full accounting of all tags and seals used, exchanged tags or PLM vouchers received, ~~and all fees due the department~~. Prior to the department receiving this notice and full accounting ~~with fees due~~, the licensee must abide by the terms and conditions of the license issued pursuant to Section 3402 of the Fish and Game Code.

(g) No person shall violate any of the provisions of this section or any license issued pursuant thereto. Failure to comply therewith may result in:

- (1) denial of application
- (2) revocation of license and/or tags and seals
- (3) citation under the provisions of the Fish and Game Code.

Note: Authority cited: Sections 200, 202, 203, 713, 3402, 3404 and 3406, Fish and Game Code.

Reference: Sections ~~3400-3404~~, 3400, 3401, 3402, 3403, 3404, 3406-3409, 3406, 3407, 3408, 3409, 4331, 4332, 4331-4332 and 4341, Fish and Game Code; Betchart v. Department of Fish and Game (1984) 158 Cal.App.3d 1104; Oliver v. United States (1984) 466 U.S. 170, 177, 178; United States v. Dunn (1987) 480 U.S. 294, 303.

Subsection 702(a)(1) is amended as follows:

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

(a) Private Wildlife Management Areas

(1) License Application (~~Initial - FG WPB 538 (Rev. 01/11), Annual Renewal - FG WPB 539 (Rev. 01/11), 5-Year Renewal - FG WPB 537 (Rev. 01/11), incorporated by reference herein~~) (DFW 537 (Rev. 09/13), incorporated by reference herein)

[No changes proposed to remaining subsections 702(a)(1)(A) – 702(d)]

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, 219, 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.