



**(b) Pierre Camsuzou, letter received September 11, 2007.  
Susan LaGrande, representing the California Cattleman's Association,  
letter dated October 26, 2007.**

Mr. Camsuzou and Ms. LaGrande expressed concerns that removing the warning from the regulation would cause problems between ranchers and enforcement. Their main concern is that a rancher who inadvertently feeds wildlife as part of farming or ranching would be in violation of the statute and not know it. They are opposed to taking the warning requirement from the current statute.

Commission Response

The intent of the proposed regulation is to stop the intentional feeding of big game. This regulation is not intended to interfere with current agricultural or ranching practices. Wildlife that feed in or on ranches or agricultural fields or property are not being "intentionally fed." The purpose of the ranching or farming is to raise livestock or grow crops for profit, not to feed big game.

**(c) Ms Virginia Handley, representing Animal Switchboard, oral testimony  
at the October 12, 2007, Commission meeting.**

Ms. Handley stated that she was not opposed to the proposed regulations but expressed concerns for animals displaced by fires and other catastrophic events that displace wildlife and the need to feed the wildlife to assist in their survival due to the event.

Commission Response

It is unlawful for the general public to feed big game even during catastrophic events; however, the Department has the authority to feed wildlife if it feels it would be beneficial.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No other reasonable alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected due to the wording of the current section involving non sworn personnel as well as the loop holes available to circumvent the regulation.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant impact to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs Mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

## Updated Informative Digest/Policy Statement Overview

Section 251.3 was originally adopted in 1996 because existing regulations did not specifically prohibit feeding of big game mammals. The change was intended to reduce unnatural concentrations of mammals (thereby reducing the potential for disease), damage to private property, and public safety problems. The addition of language requiring certified mail and a seven day waiting period was proposed by the department and adopted by the commission and is inconsistent with all other requirements of public compliance with resource laws.

Currently Section 251.3 of Title 14, CCR, requires that prior to a Department enforcement officer taking criminal action against a person for unlawfully feeding big game mammals, the regional manager of the area must first give official notice through certified mail to the person that they are in violation of the regulation. If the person does not stop feeding the big game mammal within seven days after he/she receives the certified mail notice, the enforcement officer can then take criminal action on the person for the violation. Prior to taking enforcement action, an officer must be able to document the person has knowingly fed the big game mammal and the person has received the certified letter from the regional manager. If the person unlawfully feeding the big game mammal does not accept the certified written notice from the mail carrier or post office, the violation can conceivably continue without the enforcement officer being able to take any criminal action. This process is cumbersome and inefficient for the field enforcement officer and could delay action to protect the safety of the public.

The proposed wording for this section would make it illegal to feed big game. There would be no requirement for either sworn or non sworn department personnel to give a written warning informing a person they are in violation of the section. The enforcement officer will have the ability to use the discretion necessary to stop the illegal feeding of the big game species.

**The Fish and Game Commission adopted the proposed regulatory language at its meeting November 2, 2007.**

## Regulatory Language

Section 251.3, Title 14, CCR is added as follows:

### **§251.3. Prohibition Against Feeding Big Game Mammals.**

No person shall knowingly feed big game mammals, as defined in Section 350 of these regulations. ~~Persons who fail to cease feeding big game mammals within seven days of receiving official notice by a Department of Fish and Game Regional Manager, through certified mail, shall be in violation of this section.~~

Note: Authority cited: Sections 200, 202 and 203, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 215 and 220, Fish and Game Code.