

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:11 PM
To: Randall, Mike@Wildlife
Subject: FW: 712.5 STD399 request

Commenter No. 1

-----Original Message-----

From: Michael Sherman <[REDACTED]>
Sent: Friday, October 15, 2021 9:44 AM
To: Wildlife Regulations <Regulations@wildlife.ca.gov>
a. Subject: 712.5 STD399 request

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Please stop trying to monitor everything the public does! This isnt your job! There is no good reason to stick your nose into the business of hunters! [b. I oppose this regulation because it is useless] and [c. will cause added expense] and [d.the unnecessary growth of the department!]

More Liberty and less government!

Regards,
Michael Sherman

[REDACTED]
[REDACTED]
Chino, CA 91710

Sent from my iPhone

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:24 PM
To: Randall, Mike@Wildlife
Subject: FW: DFW 901

Comment No. 2

-----Original Message-----

From: Scott Lencioni <~~XXXXXXXXXX@XXXXXX~~>
Sent: Friday, October 15, 2021 1:38 PM
To: Wildlife Regulations <Regulations@wildlife.ca.gov>
Subject: DFW 901

[What is the purpose of DFW 901?]

Sent from my iPhone

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:20 PM
To: Randall, Mike@Wildlife
Subject: FW: Declaration of Importation

Commentor No. 3

From: Steve Naylor <xxxxx580xxxxxxx>
Sent: Tuesday, October 19, 2021 7:44 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Declaration of Importation

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[a. I am opposed to the new regulation requiring the Declaration of Importation form for out of state hunting and fishing. The stated reason for the new form refers many times to "provide proof of legal take and possession". I think it is the state's responsibility where the animal or fish was taken to determine the legality of take.] [b. If I legally take an animal or fish in another state I don't think California should be able to stop or monitor importation] [c. unless there is a real danger to health or the environment.] [d. California currently has Chronic Wasting Disease rules in place.] {e. I don't believe a form is going to improve compliance with rules and regulations.]

Steve Naylor
PO Box 945
Twain Harte, CA 95383

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Thursday, November 18, 2021 8:28 AM
To: Randall, Mike@Wildlife
Subject: FW: Public Hearing/Modified Regulations

Comment 4

From: Steve Simmons <zekes1223@gmail.com>
Sent: Tuesday, October 26, 2021 2:47 PM
To: Wildlife Regulations <Regulations@wildlife.ca.gov>
Subject: 712.5 STD399 request

Comment 4A

From: Steve Simmons <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Thursday, November 4, 2021 10:28 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Public Hearing/Modified Regulations

Chris Stoots,

I would like to make a request for a Public Hearing regarding the proposed action of section 712.5, in addition to a request for copies of any modified regulations.

Thank you,

Stephen Roy Simmons
4164 Altair Way
Shingle Springs, CA
530-672-1767
Zekes1223@gmail.com

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:22 PM
To: Randall, Mike@Wildlife
Subject: FW: PROPOSED NEW LAW FOR REPORTING OUT OF STSTE TAKEN FISH AND GAME

Commentor No. 5

From: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Sent: Monday, October 18, 2021 11:07 PM
To: Wildlife Regulations <Regulations@wildlife.ca.gov>
Subject: FW: PROPOSED NEW LAW FOR REPORTING OUT OF STSTE TAKEN FISH AND GAME

From: Kevin Strain <~~Kevin.Strain@wildlife.ca.gov~~>
Sent: Monday, October 18, 2021 1:58 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: PROPOSED NEW LAW FOR REPORTING OUT OF STSTE TAKEN FISH AND GAME

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

To Whom it May Concern;

[a. DFW 901 is a new law that California DOES NOT NEED. California passes 700-900 bills into law every year, that it does not have the people to enforce.]

[b. The hunting and fishing community is just a fraction of what it was in years past. This new law will further burden the Tax paying hunters and fishermen of the state.]

[c. PLEASE DO NOT PASS THIS PROPOSED LAW!!]

Respectfully

Kevin Strain

strain.kevin@gmail.com

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:37 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed Changes to Declaration of Importation of Fish and Wildlife

Comment No. 6

From: Shannon Webb <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 4:40 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Fwd: Proposed Changes to Declaration of Importation of Fish and Wildlife

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Hi-

This looks like a request for comment. I am commenting. Hope it helps. but on the pets question, if it does impact that it would be nice to know. ;-)

I appreciate this is for hunting and fishing, but the proposed regulation text/language is very broad. [a. Will this broad language impact people with pets? Will this be some form pet owners will have to have when they get a .. say a fish, or a lizard- like tropical fish and so forth? Perhaps some verbiage specifying game animals?]

[b. A little context in the proposed regulation text/language to avoid that confusion might be good: Something about tags, something about who the signer or responsible party is defined as.]

c. [~~X~~ The form is fine- in the sense A) I have no comparison, and having an easy form coming in state is a good thing. Language making it clear it is related to tags or permits is on there.]

[d. Maybe a who needs to sign- the vehicle owner or importer? The Hunter the tags are registered too? (similar to proposed text).]

[e. The text should help guide implementation to some degree. (when in doubt read the regs... ie. the regs should provide some answers to those moments of confusion. Devil is in the details stuff)]

Hope that was useful.

Live! Laugh! Love!
Shannon Webb

" We will not know the power of our love until we let it draw us out. "

-- Maeanna Welti. 2020, "Summer Solstice" excerpt. We'Moon 2021, Mother Tongue Ink. 2020. pg 102

----- Forwarded message -----

From: **California Department of Fish and Wildlife** <noreply@mail.ca.wildlifelicense.com>

Date: Fri, Oct 15, 2021 at 8:39 AM

Subject: Proposed Changes to Declaration of Importation of Fish and Wildlife

To:



Proposed Regulation Change for Importation of Fish and Wildlife

Section 2353 of the Fish and Game Code has required out of state hunters to declare imported fish or game brought into California since 2008.

The Department of Fish and Wildlife (Department) proposes to adopt a new form DFW 901 (New 11/2021) in section 712.5 of title 14, CCR. This “Declaration of Importation of Fish and Wildlife” form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon

entry into the state. The proposed addition of this form to Section 712.5 will undergo a public comment period commencing October 15, 2021 through November 29, 2021. The new form will be adopted after considering all comments regarding the proposed action.

The Notice, how to comment, proposed form DFW 901 and all other associated documents can be viewed here: <https://wildlife.ca.gov/Notices/Regulations/Import>.

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CDFW Headquarters

1416 9th Street, 12th Floor, Sacramento, CA 95814
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Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:54 PM
To: Randall, Mike@Wildlife
Subject: FW: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Comment No. 8

From: Leo Eickhoff <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 5:00 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

This is stupid. [a. There is no reason for anyone to fill out a form that states they are doing legal activities.] [b. There IS a cost to this] and [c. any other stupid regulation that creates confusion and potential for **breaking the law** if you are simply ignorant of the proper form to fill out.] This is typical bureaucratic nonsense and make-work jibberish to justify someone's existence or job...

[d. The section on goals and benefits is almost self-contradictory in stating that it is a "benefit" to fill out a form and do extra paperwork.] [b. There is a definite cost of having to mail in a form for someone paid by the taxpayers to review and file said form and then to store the forms indefinitely]. [a. There is no need to demonstrate that you are doing nothing wrong if you are doing nothing wrong by filling out a form to say so.] Compliance with any state laws is assumed if you are in that state. Once again, a needless action on the part of any US citizen who happens to have a residence in California. As far as I am aware, California has not yet seceded from the union.

Sincerely,
Leo Eickhoff MD
~~XXXXXXXXXXXXXXXXXXXX~~
Redding California 96001

" (b) Goals and Benefits of the Regulation The proposed regulations will prescribe the form and its contents for use by the public in satisfying the requirements of Section 2353, Fish and Game Code. The public is required by statute to declare the legal take and possession of animals taken out of state and imported to California. The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon entry into the state. The form will provide the specific benefit of providing a simple method for the public to declare their legal take, identifying the species, license/tags and out of state location of their hunting and fishing, that demonstrate compliance with other state hunting and fishing laws and that they may legally import such animals, parts, and may possess them in California. The illegal take of animals and fish is detrimental to the environment, it is prohibited in California and enforced by the Department. The form provides the individual declarant a record for the purpose of demonstrating their legal take and possession of the listed items. 3 The regulation and form do not have significant direct or indirect non-monetary benefits including the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in transparency in business and government. The state's environment may have a slight benefit from prohibiting the importation of illegal take."

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:56 PM
To: Randall, Mike@Wildlife
Subject: [c. 712.5 STD399 request]

Comment No. 9

-----Original Message-----

From: John Amador <~~XUSX0310@XXXXXX~~>
Sent: Friday, October 15, 2021 5:29 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Cc: John Amador <~~XUSX0310@XXXXXX~~>
Subject: 712.5 STD399 request

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Mr Soots,

[a. Would it be possible to include some kind of article or provision that can be written in to the DFG declaration; allowing for animals to be brought in and declared that are legally harvested or obtained in another state] [b. including banned species that can not be hunted in California. Bob cat for example can not be hunted anymore in Ca but can I posses one legally taken in another state and declare it?]

Thank you for clarification and for reaching out to the hunting public for feed back.

Respectfully,

John Amador

~~XUSX0310@XXXXXX~~

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:57 PM
To: Randall, Mike@Wildlife
Subject: FW:

Comment No. 10

From: Cole Bradford <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 5:40 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject:

[California should not allow the convenient declaration of out of state species of fish into California.]

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:58 PM
To: Randall, Mike@Wildlife
Subject: FW: DFW901

Comment No. 11

From: Joseph Raymundo <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 5:53 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: DFW901

Captain Stoots-

In re: to the form changes for the out of state fish and wildlife form (DFW901) [would it be possible to make this stuff all web accessible?] It seems like more of a hassle and much slower to process than having these submitted online.

Respectfully,
Joe Raymundo

Joseph Raymundo
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
Fire-Rescue Department

~~XXXXXXXXXX~~
~~XXXXXXXXXXXX~~

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Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 3:00 PM
To: Randall, Mike@Wildlife
Subject: FW: Question re Form DFW 901

Comment No. 12

From: bill.gainesandassociates.net <bill@gainesandassociates.net>
Sent: Saturday, October 16, 2021 10:13 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Question re Form DFW 901

Chris:

Hope all is well with you and yours.

Question regarding the new DFW Form 901.... [a. does this form also apply to taxidermy animals being brought in to the state?] [b. What about African species that are legally being brought in that already have a massive paper-trail?]

Bill

Bill Gaines, Principal



GAINES & ASSOCIATES
GOVERNMENT RELATIONS

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Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:05 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed form to declare fish and game in CA

Comment No. 13

From: John Medina <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Saturday, October 16, 2021 5:42 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Proposed form to declare fish and game in CA

[a. There is no need for this information capturing deceptive “form”.]Once again the Governmental powers at be are making the “free” people, hunters over come another obstacle to continue the sport of hunting. [b. Every State in our Union does plenty to ensure fish and or game is legally taken].[c. Any nonresident out aide of CA must already show legal proof he or she can legally hunt or fish.] The same legal take rules that exist in CA also exist in the other union states. When i last entered CA from CO i had no issue sharing verbal information to the CA inspection border official. [d. A form was not need then, no form has been needed since CA was established.] I do not want to be forced to document all the required information in the proposed form. The meat, game already is packed to show it was legally taken from the state it was taken in. This form is just another reason that exemplifies the difficulty of trying to hunt in 2021 and especially and specifically the CA Legislature at work to make living in CA so hard and growing want to leave CA!!

John B. Medina

~~7208 West 16th St, RR1, Ranchos Cucamonga, CA 91739~~

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:08 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed regulation Change for importation fo fish and wildlife

Comment No. 14

From: Harold Bryan <~~XXXXXXXXXXXX~~>
Sent: Sunday, October 17, 2021 11:58 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Proposed regulation Change for importation fo fish and wildlife

Dear honorable Chris,

[a. This is another unnecessary law that will added additional burden to hunters and fisherman.] [b. Most hunters and fisherman are law-abiding citizens A lost of a tag or license will make these law-abiding citizens]criminals. Your proposal says

1. [c. The state's environment may have a slight benefit from prohibiting the importation of illegal take.]

[d. Why do we need another unnecessary law for a slight benefit for another state. Why is California enforcing other state game laws.] We don't need any more laws on the books especially when they are covered by other states that which the person is hunting and fishing in! This is an added burden and unnecessary law.

Please do not make this proposal into law.

Sincerely, Harold

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:10 PM
To: Randall, Mike@Wildlife
Subject: FW: Comment regarding Declaration Form

Comment No. 15

From: jeremy camacho <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Sunday, October 17, 2021 1:49 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Comment regarding Declaration Form

Sir,
After review of the proposed regulation and being one that has used the form. I would like to suggest the following.
[a. 1: 24hrs is not enough time, considering holidays, weekends and other factors. 72 hours is much more appropriate and doable.]
[b. 2: Training for the personnel at the port of entry's. I have printed and submitted the form on entry and they have no idea what it is and what to do with it.]
[c. 3: Instead of mailing it , a email address or online submittal page would be more efficient and timely.]

Thanks for your time.

Jeremy Camacho
~~XXXXXXXXXXXX~~
Lompoc Ca
93436

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:12 PM
To: Randall, Mike@Wildlife
Subject: FW:

Comment No. 16

From: Brant Stedman <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Sunday, October 17, 2021 8:37 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject:

Hi my name is brant stedman my address [REDACTED] [this new proposal 901 inpot forme thing is crap we are not bringing animals from a different country] this is more government control don't forget us hunters pay your salary! Ps California is going down hill fast! Don't add to the bull crap!

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:13 PM
To: mike_randall319@msn.com
Subject: FW: Against Adding Section 712.5 for "Declaration of Importation of Fish and Wildlife"

Comment No. 17

From: Larry Bocock <XXXXXXXXXXXXXXXXXXXXX>
Sent: Monday, October 18, 2021 11:51 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Cc: 'Larry Bocock' <XXXXXXXXXXXXXXXXXXXXX>
Subject: Against Adding Section 712.5 for "Declaration of Importation of Fish and Wildlife"

Dear Sirs,

- a. [I am **AGAINST** the Department of Fish & Game adding a new section 712.5 to Title 14, California Code of Regulations (CCR) which will require a new Form DFW 901 Declaration of Importation of Fish and Wildlife.]

- b. [This form requirement now would impose addition cost & time to hunters and fishermen re-entering California. In addition it will increase the current bureaucracy of the California Department of Fish and Wildlife which in turn will increase its budget requirements, then forcing additional costs that will ultimately be passed down to hunters and fishermen and tax payers.]

I am vehemently opposed to adding this new requirement.

Sincerely,

Lawrence E. Bocock
~~XXXXXXXXXXXXXXXXXXXXX~~
Torrance, California 90505

Code (FGC) section 2353:

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:15 PM
To: Randall, Mike@Wildlife
Subject: FW: COMMENTS - Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Comment No. 18

From: Michael Mashburn <~~huntsalot@nashell.net~~>
Sent: Friday, October 15, 2021 1:56 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: COMMENTS - Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Chris Stoots, Captain
CA Department of Fish and Wildlife
Law Enforcement Division
PO Box 944209, Sacramento CA 94244-2090
Email: Chris.Stoots@wildlife.ca.gov

[a. Having reviewed the form, the form does not provide options for documenting adequate clarity for bringing processed and packaged meat back into the state. The form is focused on unprocessed meat and does not allow for the distinction of the meat processed by a butcher (sealed and frozen) in contrast with someone with a quartered animal in the back of a truck.]

[b. This type of transport applies to fish, as well. As the normal form of transport for fish taken in places like Alaska is to have it processed, sealed, and frozen.]

[c. Additionally, we know that the risk for spreading CWD is nullified when the meat has been properly processed and packaged. Being able to clearly document this should be an important distinction.]

Description of fish or wildlife (species, quantity, sex and antler points when applicable, etc.)	Entire Carcass? (if not, specify which parts)	Out of State Fishing or Hunting License #	Out Hunti

Michael Mashburn
~~4801 Crest Drive~~
Sacramento, CA 95835

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:34 PM
To: Randall, Mike@Wildlife
Subject: FW: Comments on New Form (DFW 901)

Comment No. 19

From: Eric Stimmann <XXXXXXXXXXXXXXXXXXXX>
Sent: Monday, October 18, 2021 12:44 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Comments on New Form (DFW 901)

Hi Chris,

One comment on the new form... [a. what if come back to California on a plane from Alaska with frozen salmon, halibut, rockfish, etc? The 'vehicle license #' section of the form will not be filled out? Or I need the tail number of the aircraft? Or, it can be "N/A"? A lot of hunters and fishermen go up there every year as there is plentiful wildlife]

c [b. Also, what is the motivation for this form? Is it to catch poachers where DFW is unsure of the origin of things they find while doing searches, or keep track of out of state hunting, or what?]

d [c. On a broad note, I do appreciate all that the DFW does to preserve and enhance wildlife in California!]

Best,
Eric Stimmann

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:17 PM
To: Randall, Mike@Wildlife
Subject: FW: Comments on new form DFW 901

Comment No. 20

From: Erick Sturm ~~xxxxxxx@xxxxxxx~~
Sent: Friday, October 15, 2021 2:11 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Comments on new form DFW 901

Captain Stoots,

[I have a comment on the new form DFW 901. The new form requests the out of state hunting license number and out of state tag number. If hunting feral hogs in Texas on private property a Texas hunting license is not needed so would the appropriate response be "N/A" and would this draw an inquiry from CDFW to the hunter since there is no out of state license number or tag number?]

Cheers,
Erick Sturm

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:21 PM
To: Randall, Mike@Wildlife
Subject: FW: § 712.5. Declaration of Importation of Fish and Wildlife Form.

Comment No. 22

From: M S ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: Friday, October 15, 2021 2:33 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: § 712.5. Declaration of Importation of Fish and Wildlife Form.

Hi Chris,

[a. I fish often out of commercial boats out of San Diego. will this impact the local fisherman or will the reporting stay at the boat level.]

[b. I am just curious as to how they deal with fish caught in Mexico for example.]

thanks

Mike

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:23 PM
To: Randall, Mike@Wildlife
Subject: FW: DFW 901

Comment No. 23

-----Original Message-----

~~From: B HOWELL <Bryan.Howell@yepmail.com>
Sent: Friday, October 15, 2021 1:44 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: DFW 901~~

Hey Chris,

[I looked at the DFW 901 form. Please tell me that it will be formatted so you could fill it in on a smart phone or online and not required to print out? I don't carry a printer with me] when driving to Wyoming, LOL.,

Thanks a lot, Bryan Howell.

Sent from my iPhone

B

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:27 PM
To: Randall, Mike@Wildlife
Subject: FW: Feedback: Proposed Regulation Change for Importation of Fish and Wildlife

Comment No. 24

From: Mike Oxford <~~XXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 12:47 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Feedback: Proposed Regulation Change for Importation of Fish and Wildlife

Good afternoon Mr Stoots.

My question regarding this proposal: [a. Why are California residents presumed guilty until they state their innocence?

Further, as with all of these type of "laws and regulations" is that anyone who is breaking the law is not going to file anything to start with. And anyone 'not sure" is not going to take the chance.]

Thus, you have a presumption of guilt upon the vast majority of out of state hunters and anglers, which will only require more paperwork (irrespective of any fluff comments about "to conveniently declare"), and which will actually serve no purpose and add zero value to the proposed

[b. Additionally, the documentation provided on the website is riddled with massive government overreach, and logic holes, and requirements which are onerous enough to dissuade compliance.]

[c. The hunting and fishing community is already very heavily burdened with laws and regulations - further loss of these licenses and purchase of sporting gear is going to remove funding for many wildlife programs.]

Please kill this regulation change. It is a terrible idea and an absolutely atrocious implementation.

Thank you,

Mike

~~(408) 394-1845~~

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:28 PM
To: Randall, Mike@Wildlife
Subject: FW: new regulations email

Comment No. 25

From: Sang H. Yi <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 12:33 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: new regulations email

hello mister Stoots,

[i just wanted to touch base and ask you what this new regulation meant for out of state animals?]

sang yi

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:30 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed Regulations regarding declaration of fish and game entering California

Comment No. 26

From: Mike McGuirk <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 11:11 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Proposed Regulations regarding declaration of fish and game entering California

Hi Chris,

I just received an email blast stating that [a. there may be a new form required to declare fish or game entering California.]

I have 2 questions (specific to fish)

1. [b. Does this apply to fish legally taken in Cabo San Lucas Mexico and flown to Los Angeles California]
2. [c. And how is this fish and form declared upon arrival at LAX]

Thank you,

Michael McGuirk
~~XXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:31 PM
To: Randall, Mike@Wildlife
Subject: FW: Section 712.5 to Title 14

Comment No. 27

From: dustin braico <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 11:53 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Section 712.5 to Title 14

Chris,

My opinion regarding the proposed addition of 712.5:

[a. I don't see how this curbs actual illegal importation of game or wildlife. This only ensures that the people who have a current CA license and read the regulations will not be penalized for following the laws they most likely are already following. The ones who are committing the wildlife crimes aren't going to self report and therefore this additional form won't stop them from importing illegally.]

[b. Also, if someone legally takes game in another state (including fish) and return to CA, but don't have a CA license they most likely won't even know about this requirement. So by default, they are in violation.]

[c. This seems like another item that money will be wasted on with no real benefit other than to add more burden to law abiding anglers and hunters in order to prove they are committing with the law. And yes this costs money. someone needs to review, interpret, and compile the information in a database which will need to be maintained.]

Thank you for taking the time to read my public input on this notice.

Dustin Braico
San Juan Capistrano, CA

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:32 PM
To: Randall, Mike@Wildlife
Subject: FW: Out of state game declaration

Comment No. 28

From: JASON P RIDER <~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 11:05 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Out of state game declaration

Hello,

[a. I think this is a very bad idea, 99% of the time if a harvest from another state comes into California it will have been processed and packaged into its cuts of meat and Frozen and brought in,] [b. at what point does California need to know about this?] It's very concerning our privacy is being assaulted in every way shape and form In this country and now this is just another one for the books, please do not do this.

Jason Rider
~~XXXXXXXXXXXXXXXXXXXX~~
~~5238 Verdura Ave~~
Lakewood CA 90712

[Sent from AT&T Yahoo Mail on Android](#)

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:36 PM
To: Randall, Mike@Wildlife
Subject: FW: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Comment No. 29

From: Greg Smith ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: Friday, October 15, 2021 11:33 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

RE: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Dear Mr. Stoots,

[a. It was not at fully clear what the intent of the current requirement was, or how people were to originally comply with the current requirement. The notice seems deficient in this regard, because it is very difficult to understand fully the impact of the change or what the true intentions are. It also seems that the new rules would effectively create new requirements that did not previously actually exist and possibly were never intended.]

Based on my understanding, while this references “convenience” this creates effectively new workload, bureaucracy and burden both on the department and on the residents of the state of California. [b. Filing forms and retaining additional documents every time someone hunts or fishes outside of California seems like one more burden of being a resident of California. This does not appear convenient at all.] [c. It seems like it also sets up a new way to cite people for failing to file the obscure, newly required papers, creating an enforcement trap for an inconvenient requirement.]

[d. Further, it seems impractical for people who may be coming out of remote areas to complete such a form before or at time of entry. They should have their tags and other information to support the legal take, but filing a form adds burden without significant additional benefit to the state of California.]

I have family roots in California going back to the 1850’s. They came in covered wagons, migrating west towards opportunity and away from the problems of the east. I am seeing day by day, why many are now choosing to migrate back east. We now have negative population growth in our state. This should be telling us we need to make some changes to reduce the penalties of being a Californian. [e. This is one more example of government over-reach and additional requirements that make being a Californian an excessive burden.]

[f. Rather than requiring another form to be filed, it seems that the Californian should be required to declare if asked or an appropriate opportunity exists (such as agriculture checkpoints), and retain the original tags, licenses and details about the take to provide if requested. Illegal take would still be illegal, and a self-certified form does not change that.]

Sincerely,
Greg Smith
~~XXXXXXXXXXXXXX~~
~~6649 E. Colorado Ave~~
Fresno, CA 93727

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:37 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed Changes to Declaration of Importation of Fish and Wildlife

Comment No. 30

From: Marc Letourneau <~~xxxxxx@xxxxxx~~>
Sent: Friday, October 15, 2021 11:01 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: FW: Proposed Changes to Declaration of Importation of Fish and Wildlife

[Regulators make regulations until the world is unlivable... No wonder people live California!]

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:39 PM
To: Randall, Mike@Wildlife
Subject: FW: Wildlife from other states

Comment No. 31

From: Tom Krauel <~~xxxxxx@xxxxxx~~>
Sent: Friday, October 15, 2021 6:45 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Wildlife from other states

Looking at the new form [a. we will now need to fill out to bring any wild game into our state, it appears we will have to fill out this form and submit it for ANY wildlife we bring into this state? So, for example, I go crabbing with my brother who lives in Oregon and bring home a couple Dungeness crab. I have to fill out this form, submit it, etc?]

[b. Can you please explain the purpose of doing this? I can understand efforts to control chronic wasting disease, but even this form would not help to prevent this (since it is submitted after the animal has already entered the state).]

[c. I live on the California/Oregon border and Crappie fish 30 miles from my house....in Oregon. It would be a huge inconvenience to do this].

I think I could discuss this with my friends in a positive manner if I understood the benefit and purpose. I just can't think of any.

Tom

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:42 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed Regulation Change for Importation of Fish and Wildlife

Comment No. 33

From: Steve Brothers <~~xxxxbrothers@gmail.com~~>
Sent: Friday, October 15, 2021 9:15 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Proposed Regulation Change for Importation of Fish and Wildlife

Chris Stoots, Captain
CA Department of Fish and Wildlife
Law Enforcement Division
PO Box 944209, Sacramento CA [94244-2090](tel:94244-2090)
Email: Chris.Stoots@wildlife.ca.gov

The Department of Fish and Wildlife (Department) proposes to adopt a new form DFW 901

Dear Chris: [a. If I understand DFW 901 correctly it is a method to satisfy the method of reporting the importation of Fish and Wildlife in Chapter 4 Article 1 section 2353 (3). How important can this be if it has taken the department 13 years to finally write the language and build a form to report the importation. All I see is another law to hold law abiding sportsmen accountable for errors in record keeping. People who break laws will never fill out form 901 just like criminals will never follow gun laws. This is just another attack on law abiding citizens. If you legally take fish and wildlife in another state you will have the tags or report cards issued by that state. What good is another layer of regulations.] [b. If you are concerned about CWD, address that problem specifically and don't just create overreaching laws that make law bidding sportsmen vulnerable to mistakes in paperwork.]

[c. Correct me if I am wrong but in the case of traveling to the Rogue River on a day trip to fish for springers I have to fill out form 901 and email or snail mail it before I cross back into California, which may be sometime in the middle of the night. Ridiculous!]

--
Steven Brothers
~~xxxxxx@xxxxxx~~
Red Bluff, CA 96080
~~530-736-6007~~

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 2:14 PM
To: Randall, Mike@Wildlife
Subject: FW: Comment against Declaration of Importation of Fish and Wildlife Form (DFW 901)

Commentor No. 34

From: ERIC OATES <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Wednesday, November 17, 2021 9:18 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Comment against Declaration of Importation of Fish and Wildlife Form (DFW 901)

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Good morning.

I would like to take this opportunity to provide my comment and position against the proposed

Declaration of Importation of Fish and Wildlife Form (DFW 901)

[I am not in favor of yet another requirement and infringement upon the hunting community in california.]

Eric Oates
~~6848 XXXXX XXXXXXX~~
Alta Loma, CA. 91701
~~909-483-8278~~

Sent from my iPhone
EJO

Randall, Mike@Wildlife

From: Randall, Mike@Wildlife
Sent: Wednesday, November 17, 2021 4:59 PM
To: Randall, Mike@Wildlife
Subject: FW: Importation

Comment No. 35

From: Bob Hauptman <~~XXXXXXXXXXXXXXXXXXXX~~>
Sent: Friday, October 15, 2021 10:57 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Importation

I got this email about fish and wildlife importation?

[a. My question would be about fishing per say out of state like flaming gorge and bring back fish to California?] [b. Does this apply to this Importation status?] [c. Or do you have some information which better describes the what this intel's.]

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:47 PM
To: Randall, Mike@Wildlife
Subject: FW: Section 712.5 to Title 14 amendment

Comment No. 36

From: Phil Goss <~~XXXXXXXXXX@USARK.org~~>
Sent: Friday, October 15, 2021 9:51 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Section 712.5 to Title 14 amendment

Captain Stoots,

I am contacting you seeking clarification on the proposed addition to Section 712.5 to Title 14. All of the supporting information reads as though it is directed at only hunting and fishing takes from other states being brought into California but the actual text reads below:

“Birds, mammals, fish, reptiles, or amphibians shall not be imported or possessed in this state unless...[a] declaration is submitted to the department or a designated state or federal agency at or immediately before the time of entry, in the form and manner prescribed by the department.”

[a. Does this mean that any animal being imported into California must be reported to CDFW or will this only apply to actual hunting and fishing take? If someone buys a captive-bred pet cornsnake, parrot, tropical fish, hamster, etc. in another state and either has it shipped overnight or drives it back, does he have to report that?]

[b. Essentially, I would like to know how broad this reaches (i.e. into the pet community) or will it only affect hunters and fishermen driving back into California with their take?]

I can be contacted at this email or at ~~317-431-3298~~. Thank you for your time and have a good day.

Phil Goss
President of USARK
United States Association of Reptile Keepers
Protecting Your Freedom to Responsibly Keep Reptiles and Amphibians as Pets
www.USARK.org
www.facebook.com/UnitedStatesAssociationOfReptileKeepers
President@USARK.org

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:50 PM
To: Randall, Mike@Wildlife
Subject: FW: Question on proposed rulemaking on declaration of importation of fish and wildlife form

Comment No. 37

From: Joshua Jones <josh@pijac.org>
Sent: Friday, October 15, 2021 10:15 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>; Randall, Mike@Wildlife <Mike.Randall@wildlife.ca.gov>
Subject: Question on proposed rulemaking on declaration of importation of fish and wildlife form

Hello, I am Director of Government Affairs for PIJAC and I'm reaching out to get clarity on the recently proposed rulemaking to adopt a new form DFW 901 in section 712.5 of title 14, CCR. [Can you confirm that this proposed regulation will not impact businesses dealing in animals for the pet trade and is focused solely on addressing the fishing and hunting public?] Thank you, Josh

Joshua Jones | Director, Government Affairs
Pet Industry Joint Advisory Council
1615 Duke Street, Suite 100 | Alexandria, VA 22314
202.452.1525 x1040

Tell Capitol Hill lawmakers that you support the power of pets during PIJAC's online virtual fly-in October 20. Register here: [PIJAC.org/dcflyin](https://pijac.org/dcflyin).

This electronic message, including attachments, may include information that is confidential, proprietary and/or legally privileged. It is intended solely for the use of the individual(s) named as recipients in the message. Any unauthorized use, disclosure, copying or distribution is prohibited. If you are not the intended recipient or have received this e-mail in error, please contact the sender by replying to the e-mail and delete all copies of the original message.

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Wednesday, November 17, 2021 4:50 PM
To: Randall, Mike@Wildlife
Subject: FW: Proposed Changes to Declaration of Importation of Fish and Wildlife

Comment No. 38

From: Daniel Gilbrech <~~dan.gilbrech@shgshel.net~~>
Sent: Friday, October 15, 2021 10:33 AM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: Fw: Proposed Changes to Declaration of Importation of Fish and Wildlife

Hello. I am a little confused about the focus of this requirement. Would you be willing to answer a couple of questions or point me to some FAQs?

1. [a. Is this requirement limited to Fish and Game caught in other states and brought into the state? Does this include both dead and alive game?]
2. [b. Does it apply to fish I purchase (at a market, etc)?]
3. [c. Does it apply to fish I purchase and have shipped for the purposes of keeping in an aquarium (such as tropical fish or other fish currently noted in the regulations that may be imported for the purposes of a hobby whereby the fish are kept captive in a manner that they cannot unintentionally be released into the wild)?]

Thanks, Dan

Randall, Mike@Wildlife

From: Randall, Mike@Wildlife
Sent: Wednesday, November 17, 2021 5:43 PM
To: Randall, Mike@Wildlife
Subject: FW: COVID regulations

Comment 39 - None provided.

-----Original Message-----

From: Curt Hirsche ~~xxxxhirsche@gmail.com~~
Sent: Friday, October 15, 2021 1:35 PM
To: Wildlife Regulations <Regulations@wildlife.ca.gov>
Subject: COVID regulations

Sent from my iPhone

Comment 40

Jacqueline Fenaroli

~~XXXXXXXXXXXXXXXXXXXX~~

Hemet, CA 92545

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

31st October 2021

Chris Stoots, Captain

California Department of Fish and Game

Law Enforcement Division

PO Box 944209

Sacramento, CA 94244-2090

Request for Public Hearing on Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901) October 15, 2021

Dear Captain Stoots,

Citizens would like to have a say in your proposed rulemaking noted above and so please schedule a hearing on this matter.

- a. I reviewed your proposed Form DFW 901 for declaring hunting take with growing alarm as it presumes criminality of the hunt instead of innocence, and asks the hunter to unknowingly incriminate themselves without warning that the information could be used against themselves. Further the State statute referenced does not give the Department enforcement authority.
- b. I have attached a list of interested parties that you should notify about the hearing date and time.

Sincerely,



Jacqueline Fenaroli

Cc: File

attachment



State of California – Department of Fish and Wildlife
DECLARATION OF IMPORTATION OF FISH AND WILDLIFE
 DFW 901 (NEW 11/01/21)

You can submit online at wildlife.ca.gov/hunting

This declaration form shall be completed by the person importing fish or wildlife prior to entry into the State of California, and it shall be either mailed to the Department of Fish and Wildlife, Law Enforcement Division, PO Box 944209, Sacramento CA 94244-2090, or submitted online at wildlife.ca.gov/hunting, within 24 hours of importation. A copy of this completed declaration form shall be retained with the fish or wildlife.

FIRST NAME <i>Voluntary?</i>	M.I.	LAST NAME	
GOVERNMENT ISSUED ID or DRIVER'S LICENSE NUMBER	DATE OF BIRTH	TELEPHONE	

PHYSICAL ADDRESS

CITY	STATE	ZIP	EMAIL ADDRESS (Voluntary)
------	-------	-----	---------------------------

IMPORTATION VEHICLE LICENSE #	LOCATION AND DATE OF IMPORTATION
-------------------------------	----------------------------------

Description of fish or wildlife (species, quantity, sex and antler points when applicable, etc.)	Entire Carcass? (if not, specify which parts)	Out of State Fishing or Hunting License #	Out of State Hunting Tag #	Harvest Location (County, State)

I certify under penalty of perjury that the information above is true and correct and that the fish or wildlife described above are legally possessed/imported by the undersigned.

Signature _____

Date _____

Information regarding Chronic Wasting Disease: The California Code of Regulations, title 14, section 712 governs the importation of hunter-harvested deer and elk (cervid) into California. Only some parts of a harvested deer or elk can be imported, and no portions of the brain or spinal cord may be imported. For more information go to:
<https://wildlife.ca.gov/Conservation/Laboratories/Wildlife-Health/Monitoring/CWD>

Randall, Mike@Wildlife

From: Wildlife Regulations
To: Stoots, Chris@Wildlife
Subject: RE: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Comment 41

From: Dermar Moses <~~stheoridxxxx2xxxx@xxxxxxxxxxxx~~>
Date: November 21, 2021 at 8:58:50 PM PST
To: Wildlife Regulations <Regulations@wildlife.ca.gov>, Wildlife LRB <LRB@wildlife.ca.gov>
Cc: "Stoots, Chris@Wildlife" <Chris.Stoots@wildlife.ca.gov>
Subject: Notice of Proposed Rulemaking: Declaration of Importation of Fish and Wildlife Form (DFW 901)

Dear Sir or Madaam,

This email is stated as a notice of proposal for the form DFW 901. If you do not want budgetary cuts that effect your individual jobs and accounts then I highly advise you implement the following guidelines to citizens or non-citizens residing in and around wildlife land and rivers as well as people who use, rent and utilizes the territory. Kindly implement the following:

1. Make ALL entities pay registration, tax, and licenses in the Mississippi River.
2. Make ALL entities pay registration, tax, and licenses whom have property, belongings, or reside 20 miles on either side of the Mississippi River. This means ALL entities that are adjacent to the Mississippi River.
3. It Does not matter if the entities or vessel is operating or not. Does not matter if it's boat or house. Does not matter if it's a canoe, any type of craft, driftwood, or whatever material. If it's in the river or near the vicinity of 20 miles of the river (which may include land) then ALL entities automatically pay registration, tax, and license. Those who refuse gets their property burned to extinction.
4. There is a \$100,000 fine if there is illegal transactions, if there is unlawful storage of goods or products or property, and if there is illegal and/or unlawful digging or dumping or drainage or pouring. Also, there's a \$200,000 fine for sheltering or storing or keeping Animals, meat, or any material on or around the territory. Anyone or any entities that do not cooperate and obey law will result in death.
5. Anyone or any entities that manipulate law, changes law, defies law, helps others defy or change law, and lie in regard to law then it's automatic death and that entities family lineages pays fine (which is \$500,000).
6. ALL crafts are banned in and around the territory.
7. No camping on, in and under the territory.
8. No Hunting anywhere in the United States of America no matter who owns land, water or air rights.
9. No shooting.
10. No trafficking. This includes the selling, exchange, or freebies of narcotics, products, and ANY or ALL material. It especially means no human trafficking of children and other people.
11. No Burning. No grilling. No fire starting. No usage of mechanism that heat.
12. No violent behavior. This includes no stabbing, no throwing items or throwing anything, no hanging, no lynching and no abusive language. All violations will result in a \$500,000 fine or death. In some

situations both may need to apply and fines and/or death will be filed against that entity's family lineages.

13. Everyone and everybody of ALL ages needs a fishing license and the new fee is \$20 a day. This shall be enforced immediately by all agencies in all states.

14. Territory known as Phil Bryant's land will no longer be private land, and shall be immediately public land operated by CDWF. All Wildlife, Fisheries and Hunting Regulations stated in this email shall immediately take into effect.

This email is a notice of proposed rulemaking. Once these rules are mandated it will be a conservation law to save everything by preserving all wildlife, our bodies of water, and entities across our great land. We have people and entities that believe and act like they are privileged to abuse land, water and air. It's time to take action and hold them responsible because it will cost each of us financially and will result in long term issues or effects in everyone's health.

Please confirm when you receive this email.

All the best,
Dermar Moses

Randall, Mike@Wildlife

From: Wildlife Regulations
Sent: Tuesday, November 30, 2021 10:01 AM
To: Randall, Mike@Wildlife
Subject: RE: 712.5

Comment 42 A

From: Steve Simmons <~~xxxxxx1233@gmail.com~~> **Date:**
November 28, 2021 at 1:05:00 PM PST
To: "Stoots, Chris@Wildlife" <Chris.Stoots@wildlife.ca.gov>
Subject: **Re: 712.5**

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California Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090

November 28, 2021

RE: Proposed Action Comments

To Legislation, Regulation, and Professional Standards Unit,

The following comments and opinions in opposition to the proposed action are based on my own experience as a State investigator in the enforcement of the California Code of Regulations, Business and Profession Code and Federal laws and regulations specific to a State regulatory agency. This also includes my personal experience with a Section 712 citation, which was addressed in a letter, dated January 13, 2020, to CDFW Director Charlton Bonham.

The following is from the Notice of Proposed Action, (underlined/bold for emphasis) dated October 15, 2021:

As directed by Fish and Game Code Section 2353, the Department of Fish and Wildlife (Department) proposes to adopt a new form DFW 901 (New 11/2021) in section 712.5 of title 14, California Code of Regulations (CCR). The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon entry into the state. The new regulations described below may be adopted after considering all comments, objections, and recommendations regarding the proposed action.

- a. Note: The new form (revision) referenced above states the form “*shall be completed...**prior to entry***” into the state, which is contrary to “*upon entry*” as stated above. Additionally, it contradicts Section 2353(a)(3) listed below that states “***at or immediately***” before entry into the state. Furthermore, the Notice stated that the proposed regulations “*are neither inconsistent nor incompatible with existing State Regulations.*” This is obviously false.

Section 2353(a)(3):

*A declaration is submitted to the department or a designated state or federal agency **at or immediately before** the time of entry, in the form and manner prescribed by the department.*

As evident above, Section 2353(a)(3) does allow for the type of form declaration and manner of submission prescribed by the department, such as the numerous past revisions of form 901. It does not, however, direct Fish and Game ("As directed...") to create a new section (712.5) to Title 14 of the CCRs. Additionally, the Informative Digest/Policy Statement Overview restates this as "necessary to implement the requirements of Section 2353(a)(3)". As stated, this new section (712.5) being added to Title 14 of the CCR is NOT necessary to implement another revision of form 901, such as FG 901 Rev. 2/94, 3/12

- b. and 1/2013. So why is this now "*necessary*" for the New 11/2021 revised form in comparison to the prior revisions?
- c. It should be noted that California Legislative Information lists the effective date for Section 2353 as January 1, 2008. How is it 13 years later CDFW now states it is *necessary to implement the requirements of Section 2353(a)(3)*? Did CDFW fail to comply for over 13 years for this alleged (*necessary/as directed*) requirement? I did attempt multiple times to find the reasons and background of this proposed action, however those questions were left unanswered, as are most of the items from my March of 2020 Public Records Act request related to Section 712.

On November 7, 1999, I filled out my first 901 form (FG 901 (Rev. 2/94) and again on October 13, 2019 (FG 901 Rev 3/12). I was not cited for filling out this form at the time of entry into the state. However, if this proposed section is passed, every California resident who enters the state with any fish or game legally taken in another state may be cited for not having the form filled out "*prior to entry*". I would assume that residents of other states, who are happily ignorant of this California regulation, may also be cited for entering our state with any fish or game from their state.

- e. I would like to point out that contrary to the expectations and beliefs of David Bess, Chief of Enforcement, not every hunter and fisherman is familiar with each and every regulation of the California Code of Regulation or reads the hunting and fishing regulations cover to cover. Even the warden that cited me for Section 712 initially stated having brain matter in the head was an infraction (it's a misdemeanor criminal citation) while providing me the wrong copy of the citation. Additionally, when someone successfully draws a prized tag in another state, the first reaction of what I consider a "reasonable person" (which many laws are based on) is not to immediately review California regulations. Who does that? Most people who hunt out of state are concerned about the laws and regulations of the state we are hunting in, not California. Very few of the hunters I have spoken with are aware of section 712, let alone the criminal charges.

It is very concerning the reasons why for this implementation of section 712.5 into the CCR. The proposed language states, "*It shall be unlawful...*", while referencing the new form that states "*prior to entry*", which makes everyone who hunts and fishes out of state vulnerable to being cited for not having the form completed prior to entering the state. The proposed action does not state how the new section will be enforced, however violations of section 712 result in a criminal misdemeanor charge and being arraigned in Superior Court facing a fine of up to \$1,000 and six months in jail. That does not include any attorney fees, such as the \$3,000

- f. proposed language states, "*It shall be unlawful...*", while referencing the new form that states "*prior to entry*", which makes everyone who hunts and fishes out of state vulnerable to being cited for not having the form completed prior to entering the state. The proposed action does not state how the new section will be enforced, however violations of section 712 result in a criminal misdemeanor charge and being arraigned in Superior Court facing a fine of up to \$1,000 and six months in jail. That does not include any attorney fees, such as the \$3,000

retainer my case cost in avoiding a misdemeanor conviction on my record (it reduced to an infraction).

It is noteworthy that one of the defense attorneys I interviewed who specializes in these type fish and game citations, called it “policing for profit” and “revenue generating citations”. With the loss in revenue from declining license sales (approx.. \$2.3 million less in resident hunting license fees alone from last year), this proposed section could generate significant revenue

- g. considering there are over ½ million hunting and fishing licensees who do not receive emails from CDFW, such as the proposed action. Even those who do would not be aware of the change unless they opened and/or printed the proposed the declaration as the Notice and section 712.5 regulation text did not specifically state “*prior to entry into the State of California*”. This is concerning as this significant change was not clearly stated anywhere else.
- h. As enforcement for section 712.5 may be similar to section 712, which is also referenced in the proposed new form, I want to point out that only a few states have a similar (712) regulation. Oregon simply states, “*Illegal parts brought into Oregon will be confiscated and persons may be liable for disposal expenses.*” Nevada passed their regulation in 2019, and the officer I spoke with stated their wardens have the discretion to give out warnings, but at some point they will issues citations. The biggest difference with Nevada is their law states “*knowingly bring into Nevada*” these prohibited parts. That is huge when it comes to intent (I say this an investigator) whereas CDFW could care less and have you arraigned in Superior Court facing criminal charges. Even the Nevada County’s District Attorney (C. Newell) stated he did not consider a lot of CDFW violations as crimes, such as my case. Generally speaking, he said most people facing these charges and good, law abiding citizens. Again, CDFW could care less. I was in the court room and stood before the same superior court judge as the multiple people in hand cuffs, chained and wearing orange jump suits, including one who went before me already facing murder charges in another county.
- i. Based on this experience, I wrote a letter to Director Bonham in hopes CDFW would reconsider the enforcement of section 712 violations. The following is a portion of the letter, dated January 13, 2020, which I believe would be relevant to the enforcement of the proposed section 712.5 should it be implemented:
- j. *Over my career as an investigator, we had the opportunity in many cases to prevent future violations without being punitive to those who have unknowingly violated the laws and regulations of our agency. A written or verbal warning with the understanding that there would be significant consequences for a repeat violation, or when appropriate, an education alternate would be either suggested or required. Our office did not feel the need to be punitive, such as a fine, in order to ensure that our licensee would not make the same mistake in the future. As such, I find it extremely heavy handed and punitive that I am to be arraigned on December 16, 2019, for a criminal offence in Nevada County Superior Court. There was certainly no intent on my part to violate any regulation.*
- k. *What adds to my frustration is that both Nevada and California have no documented cases of CWD, including all of California neighboring states. Also, per CDFW’s website, 4,500 deer have been tested over the last 20 years with not one case of CWD found. The website does not disclose how many of these deer were taken from out of state deer hunters. Nonetheless, what are the chances that the deer I harvested would be the first documented case of CWD from*

Nevada? Additionally, if I had chosen to mislead the person at the check point who asked me if I was returning from Reno instead of telling him I have been hunting in Mountain City, how would making it home or to the taxidermist with the brain matter possibly expose, infect and/or contaminate the deer population in California? From what I have read regarding the spread of CWD, the chances are slim to none. Lots of "what ifs..." in my opinion.

- l. *I am not undermining the intent of CDFW, however, those efforts appear to be a drop in the bucket compared to the thousands of free roaming deer that cross back and forth through neighboring states. Additionally, there are approximately 250,000 deer killed and eaten each year by the estimated 4,000 to 6,000 mountain lions in CA, in addition to all the scavengers that feed on deer carcasses, which also cross borders. So, based on the aforementioned, does CDFW really feel criminal convictions to CA deer hunters will "help keep risk" to a minimum? What documented support does CDFW have that the brain from a harvested deer taken by a hunter has infected other deer with CWD? The biggest issue is there has never been one case of chronic wasting disease ever discovered in Nevada (or California) after thousands and thousands of testing. So, the odds of actually shooting an infected deer in Nevada and somehow exposing the body parts and infecting a CA is pretty ridiculous. They won't even test the deer they cite you for, I guess they would not want to have to deal with the "no harm, no foul" defense.*
- m. Regarding "heavy handed" and my reference to the expectations and beliefs of the Chief of Enforcement, I received a copy (via PRA request) of the following David Bess email to Wurster, dated January 15, 2020, regarding myself:

"I would tell him the following. You were a career LEO. You should have known the law. Accept responsibility for your actions".
- n. I would guess accepting responsibility for one's actions wouldn't include those under his supervision, such as the warden that initially said it was an infraction, gave me the wrong copy of the citation, falsely stated I admitted to knowing it was against the law to bring a deer head into California, in addition to multiple violations by CDFW regarding my PRA request, such as Government Code Section 6253.1 that has delayed my PRA request for over 18 months.
- o. I do want to point out regarding the notice which states, *The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon entry into the state. "Conveniently" is used at least three times in the Notice and is pure fiction. What is convenient about State oversight and overreach that requires you to complete a form and submit it within 24 hours to CDFW, such as trying to bring home a couple of trout that you legally caught in Nevada? This proposed form is certainly more detailed and less "convenient" than the prior 901 forms (FG 901 Rev. 2/94 and FG 901 Rev. 3/12) that I filled out (upon entry) in 1999 and 2019. Additionally, the "will allow..." makes it sound like CDFW is actually doing the fishing and hunting public a favor with this annoying inconvenience. How is it convenient to have to print and fill out three to four pages of this form and have to take them with you on your out of state trip or having to find a computer and printer if you make a spontaneous decision to go fishing while camping in another state? And does anyone really receive "a specific benefit" by having to "demonstrate compliance" with other states law to CDFW, really? Clearly, whoever wrote "specific benefit" doesn't understand the frustration of the fishing and hunting public with our over regulated state and all the*

restrictions, including ammunition and firearm purchases. Can you blame the responses already received to the proposed action as overreach and mind your own.... business!

P. Lastly, I want to point out how inconsistently California enforcement is. Californians face criminal charges for violations of section 712 and possibly 712.5 if passed for bringing a deer head across state lines or for failing to complete a declaration prior to entry, yet how many people have broken the law by illegally entering into California, committing crimes such as DUIs that impact the health and safety of others, yet find protection in our Sanctuary State? Law enforcement can't even question whether they entered the state illegally (immigration status), yet CDFW requires us to provide proof we took fish and game legally from another state. David Bess's statement of *"You should have known the law. Accept responsibility for your actions"* certainly doesn't apply to everyone in this state.

q. Recommendations

- 1) Explain why it is now necessary to implement the requirements of Section 2353(a)(3), whereas the effective date was 13 years earlier on January 1, 2008. Did CDFW fail to comply for over 13 years for this alleged (*necessary/as directed*) requirement?
- 2) Eliminate proposed Section 712.5.
- 3) Eliminate "prior to entry" of the proposed form.
- 4) Disclose in the chronic wasting disease section of the proposed form that violations of Section 712 will result in a criminal misdemeanor citation and arraignment in Superior Court.
- 5) Rewrite the proposed action information, eliminating any false and misleading statements, including unrealistic favorable statements and expectations regarding the benefits to the California public.
- 6) Disclose how violations will be enforced, including any grace periods.
- 7) Following any changes to the proposed action, hold a public hearing that is actually open to the public and not just those who requested it.
- 8) Place announcements in local newspapers regarding the proposed action and public hearing, such as the Sac Bee.

Stephen Roy Simmons
~~4164 Alta Vista Way~~
Shingle Springs, CA 95682
~~530-672-1767~~ XXXXX
~~XXXX0006XXXXXXX~~
stephen@wildlife.ca.gov

From: Chris Stoots <Chris.Stoots@wildlife.ca.gov>
Date: Tuesday, November 23, 2021 at 11:42 AM

To: Steve Simmons <zekes1223@gmail.com>

Subject: RE: 712.5

Steve,

Thank you again for reaching out. We are in the process of scheduling the public hearing as you requested. We will notify you when that will be and hope to hear your concerns then.

Thank you,
Chris

From: Steve Simmons <zekes1223@gmail.com>

Comment 42B

Sent: Monday, November 22, 2021 9:16 AM

To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>

Subject: Re: 712.5

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Good morning Chris,

During our conversation, there were numerous times I was unable to hear what you were saying, including the background of this proposed actions and what prompted it. I need that prior to submitting my comments.]

[a. I want to point out that 2353 (3) specifically states that the declaration is submitted “at or immediately before the time of entry”. The proposed new form stated “shall be completed ... prior to entry”, which is contrary to “As directed by Fish and Game Code Section 2353”, which allows “at” the time of entry.]

[b. I also want to point out the that notice states at least three times “conveniently”. There is nothing convenient about having to fill out this form prior to entry and mailing or submitting within 24 hours online to Law Enforcement Division.]

Thanks for your time,

Steve

From: Chris Stoots <Chris.Stoots@wildlife.ca.gov>

Date: Friday, November 19, 2021 at 4:49 PM

To: Steve Simmons <zekes1223@gmail.com>

Subject: RE: 712.5

Thank you for your time and listening, as well as the opportunity for me to try to clarify the rulemaking.

Pleasure to chat with you and thanks for all the follow up information.

Take Care,
Chris

Chris Stoots- Captain #689

Legislation, Regulation, and Professional Standards Unit
LED Tribal Liaison/ Acting Department Tribal Liaison
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From: Steve Simmons <~~xxxxxx@xxxxxxx~~>
Sent: Friday, November 19, 2021 4:15 PM
To: Stoots, Chris@Wildlife <Chris.Stoots@wildlife.ca.gov>
Subject: 712.5

[Comment 42C](#)

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Hi Chris,

It was great talking to you and I appreciate you hearing me out with a lot of my concerns. Its been one of the more positive experiences with CDFW since I got cited. I'll forward my letter to the Director and my experience with legal counsel. After 60 days, they still have not provided one item of my revised PRA request.

If you do have the number of people that receive the email newsletters, update, notifications etc., and the number of fishing and hunting licenses sold this year, it would be greatly appreciated. I'll also forward my revised PRA if there is any of the questions you can answer.

Have a nice weekend,

Steve

California Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090

February 9, 2022

RE: Amended Rule Making Documents

To Legislation, Regulation, and Professional Standards Unit,

The following is from my November 28, 2021 comments regarding the false statements by CDFW that Section 2353(a)(3) requires a new regulation:

Section 2353(a)(3):

*A declaration is submitted to the department or a designated state or federal agency **at or immediately before** the time of entry, in the form and manner prescribed by the department.*

As evident above, Section 2353(a)(3) does allow for the type of form declaration and manner of submission prescribed by the department, such as the numerous past revisions of form 901. It does not, however, direct Fish and Game (“*As directed...*”) to create a new section (712.5) to Title 14 of the CCRs. Additionally, the Informative Digest/Policy Statement Overview restates this as “*necessary to implement the requirements of Section 2353(a)(3)*”. As stated, this new section (712.5) being added to Title 14 of the CCR is NOT necessary to implement another revision of form 901, such as FG 901 Rev. 2/94, 3/12 and 1/2013.

Subsequently, CDFW’s Amended Initial Statement of Reasons (ISOR), dated January 26, 2022, acknowledged that “***Fish and Game Code Section 2353 does not explicitly require the Department to adopt a regulation...***”

Contrary to this admission, CDFW once again stated in the Statement Overview (pg. 12), “*The proposed **regulation** is necessary to implement the requirements of FGC Section 2353...*” Furthermore, Under Regulatory Proposal it states, “*The Department finds that the most prudent interpretation of FGC would require adoption of the declaration form as a regulation...*” This once again is another self-serving interpretation using “*require*” to create a new regulation. And how is it that prior form 901s, such as FG 901 Rev. 2/94, not compliant with Section 2353 nearly 28 years ago?

Additionally, the Authority referenced for the *regulation* (pg. 9) was again stated as Section 2353. Also, listed below the Authority was the Reference of Sections 80 and 2353. It should be noted that Section 80 had not been referenced in any of the prior rule making documents. Unexplained, it may appear to add legal support to the proposed regulation, however, it does not as follows:

CA Fish & Game Code § 80 (2020)

Unless the provision or context otherwise requires, a provision of this code that applies to a whole animal also applies to a part of the animal.

As evident above and in addition to Section 2353, these referenced sections lend no support in justifying the creation of a new regulation.

Under the Section 712.5 (pg. 6), it is stated that the regulatory text of section 712.5 “*further explains the statutory requirements of FGC section 2353.*” What is inadequate in the existing Section 2353 that needs further explanation? Additionally, it states that the regulation (new Section 712.5) “*is necessary to formalize the declaration process required under FGC section 2353 and assist the public with fully complying with that statute.*” It should be noted that nowhere in Section 2353 does it state the formalization of the declaration process is “*necessary*”. It does state, “*in the form and manner prescribed by the department*” and NOT the creation of a new regulation.

The following is from the Background and Intent of Proposed Regulation and includes the prior admission:

Although Fish and Game Code section 2353 does not explicitly require the Department to adopt a regulation prescribing (sic) the form and manner of declaring imported wildlife, the Department has concluded that it would be most prudent for the declaration form, Form DFW 901, to be incorporated into the Department’s regulations in order to formalize the declaration form and promote compliance with the statutory declaration requirement.

Does this mean each and every time the form 901 is revised, a new regulation will have to be created such as DFW 901 (New 01/01/2022) being incorporated by reference in the new regulation?

There has been multiple revisions of Form 901, including the revision previously referenced from 1994, yet CDFW now concluded it would be “*most prudent*” to incorporate it into the regulations after all these years? What stands out and is most concerning is the “*promote compliance*” of the declaration requirement in relation to “*It shall be unlawful...*” of the proposed Section 712.5. This appears to be enforcement motivated, in addition to “*assist the public with fully complying with that statute.*” Does CDFW really believe “*it is also a beneficial tool for the public to keep records of their lawful importations of fish and wildlife.*” I wouldn’t expect a pat on the back or a “thank you” for assisting the public in “*fully complying*” with more regulations in an overregulated state. I would suggest, however, that CDFW focus on their own compliance and interpretations of existing regulations, including those related to Public Records Act requests.

It should be noted that the passage of the proposed regulation opens the door for game wardens to cross reference form 901 submissions with the records of taxidermists who mount fish and game taken from out of state, in addition to California outfitters who guide out of state. While bad for businesses with clients who are part of the ½ million hunting and fishing licensees who

do not receive emails from CDFW, such as the proposed action, it certainly has the potential to generate revenue for CDFW.

While stating that the Department does not expect the update to have any effect on the number of citations issued, it was not disclosed whether citations will be infractions or a criminal misdemeanor offense with fines up to \$1,000 and six months in jail. Additionally, will the citations list a violation of Section 2353(a)(3), Section 712.5 or both?

Lastly, it is very concerning that a State agency would submit false and misleading information regarding the creation and support of a new regulation such as “*as directed*” and “*necessary*”. Although CDFW’s Amended (ISOR) did acknowledge that Section 2353 did **not** require the adoption of a new regulation, CDFW continued with the same terminology and support of the new regulation. It is also concerning that the prior proposed form DFW (New 11/1/2021) actually contradicted Section 2353 by stating “*shall be completed...**prior to entry***” into the state, which is contrary to “*upon entry*” of Section 2353. It certainly does not inspire trust and confidence in this agency.

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