

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1792

Introduced by Assembly Member Wood

February 4, 2016

An act to amend Section 332 of the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1792, as amended, Wood. Elk tags: *federally recognized* Indian tribes.

Existing law authorizes the Fish and Game Commission to determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the number of elk that may be taken under rules and regulations that the commission may adopt from time to time. *Existing law authorizes the Department of Fish and Wildlife to issue an elk tag upon payment of a fee and to deposit that fee into the Big Game Management Account.*

~~This bill would require the commission to allocate a specific number of elk tags to federally recognized Indian tribes in California for the purpose of cultural or religious ceremonies or celebrations.~~

This bill would require the commission, upon request, to engage in consultation with individual federally recognized Indian tribes in California regarding elk management issues. The bill would authorize the commission to allocate a specific number of elk tags to such an Indian tribe for the purpose of harvesting elk located within the defined territory of that tribe for purposes of subsistence, cultural or religious ceremonies, or tribal celebrations. The bill would require the department, prior to an allocation of elk tags to an Indian tribe, to work

collaboratively with that tribe on the development of a science-based elk management strategy that includes tribal harvest for cultural, ceremonial, and subsistence purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 332 of the Fish and Game Code is
2 amended to read:

3 332. (a) The commission may determine and fix the area or
4 areas, the seasons and hours, the bag and possession limit, and the
5 number of elk that may be taken under rules and regulations that
6 the commission may adopt from time to time. The commission
7 may authorize the taking of tule elk if the average of the
8 department's statewide tule elk population estimates exceeds 2,000
9 animals, or the Legislature determines, pursuant to the reports
10 required by Section 3951, that suitable areas cannot be found in
11 the state to accommodate that population in a healthy condition.

12 (b) Only a person possessing a valid hunting license may obtain
13 a tag for the taking of elk.

14 (c) The department may issue an elk tag upon payment of a fee.
15 The fee for a tag shall be one hundred sixty-five dollars (\$165) for
16 a resident of the state, as adjusted under Section 713. On or before
17 July 1, 2007, the commission shall, by regulation, fix the fee for
18 a nonresident of the state at not less than one thousand fifty dollars
19 (\$1,050), as adjusted under Section 713. The fees shall be deposited
20 in the Big Game Management Account established in Section 3953
21 and, upon appropriation by the Legislature, shall be expended, in
22 addition to moneys budgeted for salaries of the department as set
23 forth in Section 3953.

24 (d) The commission shall annually direct the department to
25 authorize not more than three elk hunting tags for the purpose of
26 raising funds for programs and projects to benefit elk. These tags
27 may be sold at auction to residents or nonresidents of the state or
28 by another method and are not subject to the fee limitation
29 prescribed in subdivision (c). All revenues from sales pursuant to
30 this subdivision shall be deposited in the Big Game Management
31 Account established in Section 3953 and, upon appropriation by
32 the Legislature, shall be expended as set forth in that section.

1 (e) The commission shall direct the department to annually
2 authorize one elk tag of the total number of tags available for
3 issuance to nonresidents of the state.

4 ~~(f) The commission shall allocate a specific number of elk tags~~
5 ~~to federally-recognized Indian tribes in California for the purpose~~
6 ~~of cultural or religious ceremonies or celebrations.~~

7 *(f) Upon request, the commission shall engage in consultation*
8 *with individual federally recognized Indian tribes in California*
9 *regarding elk management issues and may allocate a specific*
10 *number of elk tags to a federally recognized Indian tribe for the*
11 *purpose of harvesting elk located within the defined territory of*
12 *that tribe for purposes of subsistence, cultural or religious*
13 *ceremonies, or tribal celebrations. Prior to an allocation of elk*
14 *tags to a tribe pursuant to this section, the department shall work*
15 *collaboratively with the tribe on the development of a*
16 *science-based elk management strategy that includes tribal harvest*
17 *for cultural, ceremonial, and subsistence purposes.*