

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 361
Title 14, California Code of Regulations (CCR)
Re: Archery Deer Hunting

I. Date of Initial Statement of Reasons: September 15, 2014

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 3, 2014
 Location: Van Nuys, CA

(b) Discussion Hearing: Date: February 12, 2015
 Location: Sacramento, CA

(c) Adoption Hearing: Date: April 9, 2015
 Location: Santa Rosa, CA

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags

Existing regulations provide for the number of deer hunting tags for area-specific archery hunts. This proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. Ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of available bucks next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus bucks will exist over and above the number required to maintain the desired buck ratio objectives stated in the approved deer herd management plans.

This proposed regulatory action would change the number of tags for all existing hunts to a series of ranges as indicated in the following table:

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
(2)	A-3 (Zone X-1 Archery Hunt)	130	50-1,000
(3)	A-4 (Zone X-2 Archery Hunt)	10	5-100
(4)	A-5 (Zone X-3a Archery Hunt)	30	10-300
(5)	A-6 (Zone X-3b Archery Hunt)	70	25-400
(6)	A-7 (Zone X-4 Archery Hunt)	110	25-400
(7)	A-8 (Zone X-5a Archery Hunt)	10	15-100
(8)	A-9 (Zone X-5b Archery Hunt)	5	5-100
(9)	A-11 (Zone X-6a Archery Hunt)	50	10-200
(10)	A-12 (Zone X-6b Archery Hunt)	90	10-200
(11)	A-13 (Zone X-7a Archery Hunt)	45	10-200
(12)	A-14 (Zone X-7b Archery Hunt)	25	5-100
(13)	A-15 (Zone X-8 Archery Hunt)	40	5-100
(14)	A-16 (Zone X-9a Archery Hunt)	140	50-500
(15)	A-17 (Zone X-9b Archery Hunt)	300	50-500
(16)	A-18 (Zone X-9c Archery Hunt)	350	50-500
(17)	A-19 (Zone X-10 Archery Hunt)	100	25-200
(18)	A-20 (Zone X-12 Archery Hunt)	100	50-500

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	10-100
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	5-75
(25)	A-30 (Covelo Archery Buck Hunt)	40	20-100
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

The actual tag numbers for each affected hunt will be reflected in the Final Statement of Reasons and will be selected from the range of values provided by this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks in the population, while achieving or maintaining the buck ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where severe winter conditions adversely affect herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed tag range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, and 4370, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, and 4370, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None

- (d) Identification of Reports or Documents Supporting Regulation Change:

2007 Final Environmental Document Regarding Deer Hunting Economic Impact Assessment.

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department's regulation change concepts for the 2015-16 big game hunting seasons were presented and discussed at the Fish and Game Commission Wildlife Resources Committee meeting held in Sacramento on September 17, 2014.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

There is no reasonable alternative to the proposed action.

- (b) No Change Alternative:

The "No Change Alternative" was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The "No Change Alternative" would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the newly proposed range is at or below the number of tags analyzed in the most recent Final Environmental Document Regarding Deer Hunting and related documents.

VI. 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 initial 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 action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

- (c) Cost Impacts on Private Persons:

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

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

None

(e) Other 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

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INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
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(4)	A-5 (Zone X-3a Archery Hunt)	30	10-300
(5)	A-6 (Zone X-3b Archery Hunt)	70	25-400
(6)	A-7 (Zone X-4 Archery Hunt)	110	25-400
(7)	A-8 (Zone X-5a Archery Hunt)	10	15-100
(8)	A-9 (Zone X-5b Archery Hunt)	5	5-100
(9)	A-11 (Zone X-6a Archery Hunt)	50	10-200
(10)	A-12 (Zone X-6b Archery Hunt)	90	10-200
(11)	A-13 (Zone X-7a Archery Hunt)	45	10-200
(12)	A-14 (Zone X-7b Archery Hunt)	25	5-100
(13)	A-15 (Zone X-8 Archery Hunt)	40	5-100

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(14)	A-16 (Zone X-9a Archery Hunt)	140	50-500
(15)	A-17 (Zone X-9b Archery Hunt)	300	50-500
(16)	A-18 (Zone X-9c Archery Hunt)	350	50-500
(17)	A-19 (Zone X-10 Archery Hunt)	100	25-200
(18)	A-20 (Zone X-12 Archery Hunt)	100	50-500
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	10-100
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	5-75
(25)	A-30 (Covelo Archery Buck Hunt)	40	20-100
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

Benefits of the regulations

The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate archery deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to archery deer tag allocations are consistent with Sections 360, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

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REGULATORY TEXT

Section 361 is amended to read:

§ 361. Archery Deer Hunting.

[No changes to subsection 361(a)]

(b) Archery Hunting With Area-specific Archery Tags. Deer may be taken only with archery equipment specified in Section 354, only during the archery seasons as follows:
(1) A-1 (C Zones Archery Only Hunt).

[No changes to subsections 361(b)(1)(A) through (C)]

(D) Number of Tags: ~~1,945~~ [150-3,000] A-1 (C Zones Archery Only Hunt) tags are valid in Zones C-1, C-2, C-3, and C-4 only during the archery season as specified above in subsections 361(b)(1)(B)1 through 4.
(2) A-3 (Zone X-1 Archery Hunt)

[No changes to subsections 361(b)(2)(A) through (C)]

(D) Number of Tags: ~~130~~ [50-1,000].
(3) A-4 (Zone X-2 Archery Hunt)

[No changes to subsections 361(b)(3)(A) through (C)]

(D) Number of Tags: ~~40~~ [5-100].
(4) A-5 (Zone X-3a Archery Hunt).

[No changes to subsections 361(b)(4)(A) through (C)]

(D) Number of Tags: ~~30~~ [10-300].
(5) A-6 (Zone X-3b Archery Hunt).

[No changes to subsections 361(b)(5)(A) through (C)]

(D) Number of Tags: ~~70~~ [25-400].
(6) A-7 (Zone X-4 Archery Hunt).

[No changes to subsections 361(b)(6)(A) through (C)]

(D) Number of Tags: ~~110~~ [25-400].
(7) A-8 (Zone X-5a Archery Hunt).

[No changes to subsections 361(b)(7)(A) through (C)]

- (D) Number of Tags: ~~40~~ [15-100].
(8) A-9 (Zone X-5b Archery Hunt).

[No changes to subsections 361(b)(8)(A) through (C)]

- (D) Number of Tags: 5 [5-100].
(9) A-11 (Zone X-6a Archery Hunt).

[No changes to subsections 361(b)(9)(A) through (C)]

- (D) Number of Tags: ~~50~~ [10-200].
(10) A-12 (Zone X-6b Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

- (D) Number of Tags: ~~90~~ [10-200].
(11) A-13 (Zone X-7a Archery Hunt).

[No changes to subsections 361(b)(11)(A) through (C)]

- (D) Number of Tags: ~~45~~ [10-200].
(12) A-14 (Zone X-7b Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

- (D) Number of Tags: 25 [5-100].
(13) A-15 (Zone X-8 Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

- (D) Number of Tags: ~~40~~ [5-100].
(14) A-16 (Zone X-9a Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

- (D) Number of Tags: ~~440~~ [50-500].
(15) A-17 (Zone X-9b Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

- (D) Number of Tags: ~~300~~ [50-500].
(16) A-18 (Zone X-9c Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

- (D) Number of Tags: ~~350~~ [50-500].

(17) A-19 (Zone X-10 Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~400~~ [25-200].

(18) A-20 (Zone X-12 Archery Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~400~~ [50-500].

(19) A-21 (Anderson Flat Archery Buck Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~25~~ [25-100].

(20) A-22 (San Diego Archery Either-Sex Deer Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~4,000~~ [200-1500].

(21) A-24 (Monterey Archery Either-Sex Deer Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~400~~ [25-200].

(22) A-25 (Lake Sonoma Archery Either-Sex Deer Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~35~~ [20-75].

(E) Special Conditions:

1. The use of dogs is prohibited.
2. Boats are required for all areas west of Cherry Creek (some 2/3 of the hunt area). Only cartop boats are allowed to launch from the Yorty Creek access.

(23) A-26 (Bass Hill Archery Buck Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~30~~ [10-100].

(24) A-27 (Devil's Garden Archery Buck Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: ~~5~~ [5-75].

(25) A-30 (Covelo Archery Buck Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: 40 [20-100].

(26) A-31 (Los Angeles Archery Either-Sex Deer Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: 4,000 [200-1500].

(27) A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt).

[No changes to subsections 361(b)(10)(A) through (C)]

(D) Number of Tags: 250 [50-300].

[No changes to subsection 361(b)(28)]

[No changes to subsections 361(c) through (e)]

Note: Authority cited: Sections 200, 202, 203, 220 and 4370, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207 and 4370, Fish and Game Code.

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