

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

Amend Sections 702, 708.5, 708.11, and 713
Title 14, California Code of Regulations
Re: Big Game Tags, Deer Reporting & Fee

I. Date of Initial Statement of Reasons: October 22, 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. AMEND SECTION 702: FEES

The proposed amendment establishes in subsection 702(c)(1)(W) a new \$20.00 Deer Harvest Non-reporting Fee, to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who fail to report their hunting results by the established deadline as required in amended Section 708.5.

Cost Estimate for Non-Reporting of Deer Harvest per Year										
Estimated Average 168 hour per month				Benefit Rate = 46.79%		28,000				
Task	Hourly Rate	# of Hours	Salaries Cost	Benefits 46.79%	Total Salaries + Benefits	STD OE&E	Unit Cost	Units*	Postage	Total
Meat Locker Booklets							\$5.00	250	\$0	\$1,250
Meat Locker Data Entry (1 Scientific Aid for 2 months)	\$13	336	\$4,368	\$2,044	\$6,412	\$4,667			\$0	\$11,078
Meat Locker Data Validation (1 Environmental Scientist for 1 month)	\$26	168	\$4,368	\$2,044	\$6,412	\$2,333			\$0	\$8,745
Report Preparation (1 Environmental Scientist for 1 month)	\$26	168	\$4,368	\$2,044	\$6,412	\$2,333			\$0	\$8,745
Data Entry for mailed in report cards (3 Sci. Aides, 2 months each)	\$13	1008	\$13,104	\$6,131	\$19,235	\$14,000			\$0	\$33,235
LRB costs to implement and manage non-return fee (1 AGPA for 2 months; postage for non-report mailing notifications)	\$30	336	\$10,080	\$4,716	\$14,796	\$4,667	\$0.42	183,997	\$81,945	\$96,742
		2016								\$159,796
					5% Est of Non-reporting Tag Holders:				9200	\$17.37
					Based on the Proposed Rate of \$20.00 for the non-reporting fee, it covers the projected costs and a small buffer for misc. and unanticipated costs.					\$20.00
										\$184,000

*Line 10 is average number of tags sold.

2. AMEND SECTION 708.5: DEER TAGGING AND REPORTING REQUIREMENTS.

According to the current regulations in Section 708.5, deer tag holders are required to fill out harvest report cards and return them to the Department within 30 days of harvesting a deer. Hunters unsuccessful in taking a deer are not required to report.

Report cards are an important tool to collect deer harvest information and provide an enforcement mechanism for limiting deer harvest to within acceptable levels established by population surveys and analyses. However, harvest report cards for deer currently have very poor return rates, historically less than 25% overall (although they are variable depending upon zone). Such low return rates may potentially lead to proposed management actions without adequate data to justify them. In addition, existing regulations do not incorporate new procedures for electronic reporting via the Department's website and utilizing the Department's

Automated License Data System (ALDS) in the collection of this important harvest data.

The low rate of return for report cards results in increased effort by the Department for managing the hunting programs through additional data collection and analysis to fill data gaps, outreach to remind hunters to return report cards, and other enforcement activities. The cost of this additional effort will be offset by the proposed Deer Harvest Non-reporting Fee. The objectives of the amendments are to:

- ensure continued hunting opportunities for hunters in California by providing the Department with more accurate and comprehensive data on deer hunter success and harvest levels by zone;
- establish a process and specify a date by which all harvest reports, including those where no deer was taken, must be made; and
- recover the increased cost of management of deer due to the non-reporting of harvest data.

Proposed Amendments to Regulations

- Amend Section 708.5 to require all deer tag holders to report within 30 days of harvest or by January 31, whichever date is first, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to require that all deer tag holders that are unsuccessful, whether they hunted or not, report their 'no harvest' results by January 31, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to establish a Deer Harvest Non-reporting Fee (set at \$20.00 in Section 702(c)(1)(W)) to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who fail to report their hunting results by the established deadline.

3. AMEND SECTION 708.11: ELK LICENSE TAGS, APPLICATIONS, DISTRIBUTION AND REPORTING PROCEDURES

Existing regulations specify license tags shall be attached to the antler of an antlered elk, or to the ear of an antlerless elk immediately after killing. However, it can be difficult to transport the elk carcass from the harvest location when the head, with ear, is required to be attached along with the useable parts of the kill. Many hunters bone out the meat or quarter the animal to reduce the amount of

weight that must be transported from the harvest location. Allowing a new option for the tag to be attached to the leg, or remain with the largest portion of meat provides flexibility during transport while still implementing tagging requirements.

The current regulations do not specify evidence of sex for antlerless elk, only that the tag be attached to the ear (and therefore the head). Modifying the regulation to allow a new option to maintain evidence of sex attached to the kill will result in a reliable means to identify sex of the animal.

Additionally, the regulations for elk do not currently specify the length of time an elk tag must be retained. Regulations for Antelope, Bear, and Deer all specify the tag must be retained for 15 days after the close of the season. In order to clarify regulations and maintain consistency among species, the proposed regulation implements a tag retention requirement of 15 days after the close of the season.

Hunting is no longer permitted on Santa Rosa Island. The property is now a National Monument administered by the National Park Service and should therefore be removed from §708.11.

Proposed Regulations

- Amend subsection 708.11(c) to optionally allow elk tags to be attached to the leg, or largest portion of meat; and, provide evidence of the sex of the animal when the head of an antlerless elk is not retained.
- Amend subsection 708.11(c) to require that elk tags be kept for 15 days after the close of the season.
- Delete subsection 708.11(d) removing the reference to Santa Rosa Island.

4. AMEND SECTION 713: TAG REPLACEMENT FOR CARCASS CONDEMNATION

Existing regulations identify a process by which a hunter can have a diseased, injured, or chemically immobilized big game carcass condemned. Following the condemnation by a department employee, the hunter currently has the following options under subsection 713(c):

- (1) Purchase and use a duplicate tag subject to the fees established in Section 702 for the remainder of the current season under which the animal was taken;

- (2) Upon payment of duplicate tag fee, receive the same tag for the next approved hunting season;
- (3) Participate in the next big game drawing for that species with one additional point added to the number of preference points the hunter had when they obtained the original tag, or;
- (4) Receive a refund for the tag and have their preference point total for that species restored to the amount they had when the tag was awarded.

Under the department's Automated License Data System (ALDS), big game tags are issued annually using "quota splits", with a portion of the available tags issued based on the applicant's point total and the remainder issued on a random basis. Unfortunately, the ALDS system is unable to reserve a tag for the next year as provided in option (2); and option (4) does not create an advantage in the drawing system that would assure receiving a tag in the following hunting season. Eliminating options #2 and #4 will streamline the programming process for ALDS and the remaining options (1) and (3) will assure a simple process to provide a hunter who has had a big-game carcass condemned in one year a tag in the same zone/hunt in the following year.

Proposed Regulations

Delete from subsection 713(c) subparagraphs (2) and (4).

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

Section 702

Authority: Sections 200, 202, 203, 215, 220, 331, 332, 713, 1050, 1055, 1055.1, 1572, 4331, 4336 and 10502, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 215, 219, 220, 331, 332, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502, Fish and Game Code.

Section 708.5

Authority: Sections 200, 202, 203, 215, 219, 220, 1050, 1572, 4336, 4340 and 10502, Fish and Game Code.

Reference: Sections 200, ~~201~~, 202, 203, 203.1, 207, 210, 215, 219, 220, 1050, 1570, 1571, 1572, 3950, 4336, 10500 and 10502, Fish and Game Code.

Section 708.11

Authority: Fish and Game Code sections 200, 202, 203, 215, 219, 220, 332, 1050, 1572, and 10502.

Reference: Fish and Game Code sections 200, 203, 203.1, 207, 210, 215, 219, 220, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 10500, and 10502.

Section 713

Authority: Sections 200, 202, 203, 220, 4304, 4336, 4657 and 4753, Fish and Game Code.

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

(c) Specific Technology or Equipment Required by Regulatory Change: None

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

- 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:

No alternatives to the proposed regulations were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because implementation of the recommended regulations improves the quality of the sporting experience for hunters.

(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.

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 regulations generally benefit big game hunters; these provisions do not affect any businesses.

- (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 benefits to the State's environment because the proposed regulations will assist the Department in the sustainable management of California's big game populations.

The proposed action will not impact jobs, business, or worker safety, because the regulations merely establish mandatory reporting requirements for all deer hunters and an administrative fee for non-reporting.

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

The agency is not aware of any cost impacts that a representative private person

or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

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INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Sections 702, 708.5, 708.11, 713
 Title 14, California Code of Regulations
 Re: Big Game Tags, Deer Reporting & Fees

1. AMEND SECTION 702: FEES

The proposed amendment establishes in subsection 702(c)(1)(W) a new \$20.00 Deer Harvest Non-reporting Fee, to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who fail to report their hunting results by the established deadline as required in amended Section 708.5.

Cost Estimate for Non-Reporting of Deer Harvest per Year											
Estimated Average 168 hour per month				Benefit Rate = 46.79%		28,000					
Task	Hourly Rate	# of Hours	Salaries Cost	Benefits 46.79%	Total Salaries + Benefits	STD OE&E	Unit Cost	Units*	Postage	Total	
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									5% Est of Non-reporting Tag Holders:	9200	\$17.37
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*Line 10 is average number of tags sold.

2. AMEND SECTION 708.5: DEER TAGGING AND REPORTING REQUIREMENTS.

According to the current regulations in Section 708.5, deer tag holders are required to fill out harvest report cards and return them to the Department within 30 days of harvesting a deer. Hunters unsuccessful in taking a deer are not required to report.

Report cards are an important tool to collect deer harvest information and provide an enforcement mechanism for limiting deer harvest to within acceptable levels established by population surveys and analyses. However, harvest report cards for deer currently have very poor return rates, historically less than 25% overall (although they are variable depending upon zone). Such low return rates may potentially lead to proposed management actions without adequate data to justify them. In addition, existing regulations do not incorporate new procedures for electronic reporting via the Department's website and utilizing the Department's Automated License Data System (ALDS) in the collection of this important harvest data.

The low rate of return for report cards results in increased effort by the Department for managing the hunting programs through additional data collection and analysis to fill data gaps, outreach to remind hunters to return report cards, and other enforcement activities. The cost of this additional effort will be offset by the proposed Deer Harvest Non-reporting Fee.

Proposed Regulations

The proposed amendments will require deer tag holders to report the harvest result, whether successful or unsuccessful, either through ALDS or by mail, or be subject to a fee applied at the time of later purchases of licenses or tags. The objectives of the proposed regulations are to:

- ensure continued hunting opportunities for hunters in California by providing the Department with more accurate and comprehensive data on deer hunter success and harvest levels by zone;
- establish a process and specify a date by which all harvest reports, including those where no deer was taken, must be made; and
- recover the increased cost of management of deer due to the non-reporting of harvest data regardless of success.

These objectives are proposed to be achieved through the following amendments:

- Amend Section 708.5 to require all deer tag holders to report within 30 days of harvest or by January 31, whichever date is first, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to require all deer tag holders that are unsuccessful, whether they hunted or not, to report their 'no harvest' results by January 31, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to establish a Deer Harvest Non-reporting Fee (set at \$20.00 in Section 702(c)(1)(W)) to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who failed to report their hunting results by the established deadline.

3. AMEND SECTION 708.11: ELK LICENSE TAGS, APPLICATIONS, DISTRIBUTION AND REPORTING PROCEDURES

Existing regulations specify license tags shall be attached to the antler of an antlered elk, or to the ear of an antlerless elk immediately after killing. However, it can be difficult to transport the elk carcass from the harvest location when the head, with ear, is required to be attached along with the useable parts of the kill. Many hunters bone out the meat or quarter the animal to reduce the amount of weight that must be transported from the harvest location. Allowing a new option for the tag to be attached to the leg, or remain with the largest portion of meat provides flexibility during transport while still implementing tagging requirements.

The current regulations do not specify evidence of sex for antlerless elk, only that the tag be attached to the ear (and therefore the head). Modifying the regulation to allow a new option to maintain evidence of sex attached to the kill will result in a reliable means to identify sex of the animal.

Additionally, the regulations for elk do not currently specify the length of time an elk tag must be retained. Antelope, Bear, and Deer all specify the tag must be retained for 15 days after the close of the season. In order to clarify regulations and maintain consistency among species, the proposed regulation implements a tag retention requirement of 15 days after the close of the season.

Hunting is no longer permitted on Santa Rosa Island. The property is now a National Monument administered by the National Park Service.

Proposed Regulations

- Amend subsection 708.11(c) to optionally allow elk tags to be attached to the leg, or largest portion of meat; and, provide evidence of the sex of the animal when the head of an antlerless elk is not retained.
- Amend subsection 708.11(c) to require that elk tags be kept for 15 days after the close of the season.
- Delete subsection 708.11(d) removing the reference to Santa Rosa Island.

4. AMEND SECTION 713: TAG REPLACEMENT FOR CARCASS CONDEMNATION

Existing regulations identify a process by which a hunter can have a diseased, injured, or chemically immobilized big-game carcass condemned. Following the condemnation by a department employee, the hunter currently has the following options under subsection 713(c):

- (1) Purchase and use a duplicate tag subject to the fees established in Section 702 for the remainder of the current season under which the animal was taken;
- (2) Upon payment of duplicate tag fee, receive the same tag for the next approved hunting season;
- (3) Participate in the next big-game drawing for that species with one additional point added to the number of preference points the hunter had when they obtained the original tag, or;
- (4) Receive a refund for the tag and have their preference point total for that species restored to the amount they had when the tag was awarded.

Under the department's Automated License Data System (ALDS), big-game tags are issued annually using "quota splits", with a portion of the available tags issued based on the applicant's point total and the remainder issued on a random basis. Unfortunately, the ALDS system is unable to reserve a tag for the next year as provided in option (2); and option (4) does not create an advantage in the drawing system that would assure receiving a tag in the following hunting season. Eliminating options #2 and #4 will streamline the programming process for ALDS and the remaining options (1) and (3) will assure a simple process to provide a hunter who has had a big-game carcass condemned in one year a tag in the same zone/hunt in the following year.

Proposed Regulations

Delete from subsection 713(c) subparagraphs (2) and (4).

BENEFITS OF THE REGULATIONS

The Commission anticipates benefits to the health and welfare of California residents and benefits to the State's environment because each of the proposed regulations assist the Department in the sustainable management of California's big game populations.

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 hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes are consistent with 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 702 is amended to read:

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

. . . [No changes to subsections (a) and (b)]

(c) Hunting Tags

(1)	<i>Tag/Application</i>	<i>Processing Fees</i>	<i>Fees</i>
(A)	2011/2012 California Resident First-Deer Tag	\$ 23.00	\$4.00
(B)	2011/2012 California Nonresident First-Deer Tag Application	\$ 233.00	\$4.00
(C)	2011/2012 California Resident Second-Deer Tag	\$ 29.50	\$4.00
(D)	2011/2012 California Nonresident Second-Deer Tag	\$ 233.00	\$4.00
(E)	2011/2012 California Resident Bear Tag	\$ 35.25	\$4.00
(F)	2011/2012 Nonresident Bear Tag	\$ 245.75	\$4.00
(G)	2011 California Antelope Tag Drawing (Per Hunter)		\$7.50
(H)	2011 California Elk Tag Drawing		\$7.50
(I)	2011 California Nelson Bighorn Sheep Tag Drawing (Per Hunter)		\$7.50
(J)	2011 Resident Antelope Tag	\$ 128.25	
(K)	2011 Nonresident Antelope Tag	\$ 397.25	
(L)	2011 Resident Elk Tag	\$ 385.50	
(M)	2011 Nonresident Elk Tag	\$1,192.25	
(N)	2011 Resident Bighorn Sheep Tag	\$ 363.50	
(O)	2011 Nonresident Bighorn Sheep Tag	\$ 500.00	
(P)	2011 Bobcat Tags (Five)	\$ 14.25	
(Q)	2011 Deer Tag - Exchange	\$ 9.00	

(R)	2011 Nonrefundable Processing Fee - Elk, Antelope, or Big Horn Sheep Tag Return	\$ 25.50
(S)	2011 Fund-Raising Tags Random Drawing Entry Form	\$5.00
(T)	2011 Disabled Archer Permit Application Form (FG 537 (Rev. 01/11), incorporated by reference herein)	No Fee
(U)	2011 Disabled Muzzleloader Scope Permit Application Form (FG 539 (Rev. 01/11) incorporated by reference herein)	No Fee
(V)	2011 Duplicate Big Game Tag Affidavit (FG 301 (New 01/11) incorporated by reference herein)	\$9.00
(W)	<u>Deer Harvest Non-reporting Fee (refer to Section 708.5)</u>	<u>\$20.00</u>

(d) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlement required by regulations set forth in this section.

Note: Authority cited: Sections 200, 202, 203, 215, 220, 331, 332, 713, 1050, 1055, 1055.1, 1572, 4331, 4336 and 10502, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 215, 219, 220, 331, 332, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502, Fish and Game Code.

Section 708.5 is amended to read:

§ 708.5. Deer Tagging and Reporting Requirements.

(a) Upon the killing of any deer the tag holder shall immediately fill out all portions of the tag including the report card completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill.

The deer license tag shall be attached to the antlers of an antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. Except as otherwise provided, possession of any untagged deer shall be a violation. (Refer to Fish and Game Code, Section 4336).

(b) Every person to whom a deer license tag is issued shall ~~return the completed report card portion to the department within thirty days of taking a deer.~~ report to the Department their deer harvest.

(1) Successful deer tag holders are required to report deer harvested within 30 days of the date of harvest or by January 31, whichever date is first.

(2) Unsuccessful deer tag holders, whether they hunted or not, are required to report no harvest by January 31 annually.

(c) Harvest Report Card Return and Reporting Mechanisms.

(1) By mail or in person at the address specified on the harvest report card. A harvest report card returned by mail shall be postmarked by the date applicable to that card as specified in this section.

(2) Online through the department's internet license sales service website by the date specified in the section. Tag holders reporting online will be provided a confirmation number upon successful submission. The tag holder must record the provided confirmation number in the space provided on the harvest report card and retain the harvest report card until March 1 annually. Tags reported online must be surrendered to the department upon demand.

(d) Deer tag holders, whether successful or unsuccessful, who fail to report by the date specified in this section shall be subject to a Deer Harvest Non-reporting Fee. The fee specified in Section 702 shall be charged prior to the issuance of a deer tag or deer tag drawing application in the following year.

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 1050, 1572, 4336, 4340 and 10502, Fish and Game Code. Reference: Sections 200, ~~201~~, 202, 203, 203.1, 207, 210, 215, 219, 220, 1050, 1570, 1571, 1572, 3950, 4336, 10500 and 10502, Fish and Game Code.

Section 708.11 is amended to read:

§ 708.11. Elk License Tags, Application, Distribution and Reporting Procedures.

. . . [No changes to subsections (a) and (b)]

(c) Tagholder Responsibilities:

(1) All tag holders shall return their license tags to the department within one week after the close of the elk season, even though the tagholder may not have killed an elk.

(2) Upon the killing of any elk, the tag holder shall immediately fill out all portions of the tag including the report card completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill. (A) License tags shall be attached to the antler of an antlered elk, or to the ear of antlerless elk immediately after killing. The license tag shall be kept attached to the antler of an antlered elk and retained for 15 days after the close of the season.

(B) License tags shall be attached to the ear, leg, or largest portion of meat of antlerless elk immediately after killing. If the head is removed and not retained, evidence of sex in the form of udder or vulva must remain naturally attached. Boned out or quartered animals shall have evidence of sex naturally attached to a portion of the meat. The license tag shall be kept attached to the ear, leg, or largest portion of meat of an antlerless elk until processed and then shall be retained for 15 days after the close of the season.

(3) Persons authorized to validate or countersign elk tags are listed in subsection 708.6(c). Elk tags shall be countersigned before transporting such elk, except for the purpose of taking it to the nearest person authorized to countersign the license tag on the route being followed from the point where the elk is taken.

(4) Only persons possessing valid elk license tags are entitled to take elk. Tags are not transferable and are valid only for the area and period specified.

(5) The tagholder shall surrender his tag to an employee of the department for any or all of the following reasons:

(A) Any act on the part of the tagholder which violates any of the provisions of the Fish and Game Code, or any regulations of the commission made pursuant thereto.

(B) Any act on the part of the tagholder which endangers the person or property of others. The decision of the department shall be final.

~~(d) Elk may be taken on Santa Rosa Island pursuant to a permit issued by the department. For methods of take, see sections 353 and 354.~~

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 332, 1050, 1572 and 10502, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 210, 215, 219, 220, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 10500 and 10502, Fish and Game Code.

Section 713 is amended to read:

§ 713. Carcass Condemnation for Diseased, Injured, or Chemically Immobilized Big-Game Species.

. . . [No changes to subsections (a) and (b)]

(c) After condemnation and surrender or verification of the appropriate disposal of the carcass as instructed by ~~the Department~~ a department employee, the ~~Department~~ department employee shall provide written authorization to the ~~individual~~ tag holder who took the animal to, at their discretion, choose one of the following options:

- (1) Purchase and use a duplicate tag subject to the fees established in Section 702 for the remainder of the current season under which the animal was taken; or,
- (2) ~~Upon payment of duplicate tag fee, receive the same tag for the next approved hunting season;~~
- (3) ~~Participate in the next big-game drawing for that species with one additional preference point added to the number of preference points the hunter~~ tag holder had when they obtained the original tag, ~~or,~~
- (4) ~~Receive a refund for the tag and have their preference point total for that species restored to the amount they had when the tag was awarded.~~

Note: Authority cited: Sections 200, 202, 203, 220, 4304, 4336, 4657 and 4753, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1 and 207, Fish and Game Code.