

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 360, 361, 362, 363, 364, 702 and 708, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2007-2008 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 2, 2007, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2007-2008 seasons: proposes to amend sections 360, 361, 362, 363, 364, 702 and 708, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2007-2008 Mammal Hunting Regulations.

Informative Digest/Policy Statement Overview

Amend Subsection 360(a), Title 14, CCR, Re: Deer: A, B, C and D Zone Hunts

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(a) A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	9,025	5,000-15,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500

Deer: § 360(a) A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

Amend Subsection 360(b), Title 14, CCR, Re: Deer: X-Zone Hunts

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-1	2,325	1,000-6,000
X-2	180	50-500
X-3a	295	100-1,200
X-3b	840	200-3,000
X-4	435	100-1,200
X-5a	70	25-200
X-5b	155	50-500
X-6a	325	100-1,200
X-6b	415	100-1,200
X-7a	220	50-500
X-7b	100	25-200
X-8	300	100-750
X-9a	750	100-1,200
X-9b	325	100-600
X-9c	325	100-600
X-10	400	100-600
X-12	805	100-1,200

Amend Subsection 360(c), Title 14, CCR, Re: Deer: Additional Hunts

Existing regulations for Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for hunting on Saturdays, Sundays, and the Columbus Day holiday only beginning the first Saturday in October and extending for two consecutive weekends. The Base has specifically requested the season be modified to begin on the Thursday preceding the Columbus Day weekend and run for five consecutive days to accommodate Base operations and other hunt opportunities. The proposal would modify the season by consolidating a hunt season consisting of two weekends and a holiday into a five consecutive day season in order to accommodate other hunts and Base operations. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

Existing regulations for Additional Hunt G-10 (Camp Pendleton Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays, Columbus and Veteran’s Day, and the day after Thanksgiving, beginning the third Saturday in September and continuing through the Thanksgiving Day weekend. Certain federal holidays occur on weekdays when the Base is normally closed and additional hunter opportunity has been lost. The Base has specifically requested: the season be lengthened by adding two weeks to the beginning of the season; one week to the end of the season; include all holidays and the day after Thanksgiving, in order to provide additional hunter opportunity. In addition, the Base has requested that additional weekdays be included at the discretion of the Commanding Officer for those days when military operations have been suspended or reduced. The proposal would modify the season to begin on the first Saturday in September and extend through the first Sunday in December; specifically include all holidays; and allow the Commanding Officer discretion, with Department concurrence, to provide additional hunt days on weekdays during the season should military operations be suspended. Special conditions are also adjusted to account for the additional three weeks added to the season. These actions would provide an increase in hunter opportunity as requested by the Base, while maintaining consistency with existing deer herd management plan recommendations.

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays, and the Columbus Day holiday only beginning the first Saturday in October and extending for two consecutive weekends. The Base has specifically requested the season be modified by adding two days to the beginning of the season in order to provide additional junior hunting opportunity. The proposal would modify the season by adding two days to the beginning of the season (Thursday and Friday). These actions would result in increased hunter opportunity, and are consistent with existing deer herd management plan recommendations.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	2,850	500-5,000	M-11	20	20-200
G-3	35	5-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	10 Military *	10 Military * and	J-3	15	15-30

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
	10 Public	10 Public			
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	300 Military *	400 Military *	J-7	15	10-50
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10-20
G-12	30	10-50	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 50 Public	10 Military * 75 Public
G-19	25	10-50	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
G-39	5	5-150	J-15	10	5-30
M-3	20	10-75	J-16	75	10-75
M-4	5	5-50	J-17	25	5-25
M-5	15	5-50	J-18	75	10-75
M-6	80	25-100	J-19	25	10-40
M-7	150	50-150	J-20	20	5-20
M-8	20	5-50	J-21	50	20-80
M-9	15	5-100			

* *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.*

** *DOD = Department of Defense*

Amend Section 361, Title 14, CCR, Re: Archery Deer Hunting

Existing regulations provide for a bag and possession limit for Hunt A-32 of one either-sex deer per tag. The current verbatim references the incorrect Title 14, CCR, subsection describing either-sex deer and is inconsistent and misleading. The proposal would correct the error by changing the subsection reference from subsection 351(b), Title 14, CCR; to the correct subsection reference, 351(c), Title 14, CCR thereby eliminating any conflict or confusion.

Existing regulations provide deer hunting area descriptions, seasons, bag and possession limits, and number of tags for Zone A. The zone currently provides limited late season archery deer hunting opportunities in the zone, Hunt A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt). In an effort to increase opportunity for archery method hunters, provide a higher expectation of success,

and meet public demand for increased hunter opportunity while meeting approved deer herd plan objectives, the proposal would establish a new late season archery hunt opportunity in Zone A on the Fort Hunter Liggett Military Base. The proposal creates a new Area-Specific Archery Hunt, A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt). The area would include that portion of Monterey County lying within the exterior boundaries of the Hunter Liggett Military Reservation, except as restricted by the Commanding Officer. The season would be open on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through the Veteran's Day holiday in November, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The bag and possession limit would be one, either-sex deer with a recommended tag quota range of 20-100 tags to be split between military only personnel, distributed by the Base; and the general public, distributed through Department drawing. Special conditions would include a tag refund exchange policies in case of hunt cancellation by the Commanding Officer. This proposal would meet an expressed public demand for increased late season and archery hunting opportunity, maintain appropriate harvest levels within the Hunter Liggett Military Reservation and Zone A deer herds, and be consistent with existing deer herd management plan recommendations.

Existing regulations provide for the number of 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 following table. These ranges are necessary, as 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	2,045	150-3,000
A-3 (Zone X-1 Archery)	265	50-1,000
A-4 (Zone X-2 Archery)	10	5-100
A-5 (Zone X-3a Archery)	35	10-300
A-6 (Zone X-3b Archery)	90	25-400
A-7 (Zone X-4 Archery)	105	25-400
A-8 (Zone X-5a Archery)	20	15-100
A-9 (Zone X-5b Archery)	5	5-100
A-11 (Zone X-6a Archery)	55	10-200
A-12 (Zone X-6b Archery)	175	10-300
A-13 (Zone X-7a Archery)	30	10-200
A-14 (Zone X-7b Archery)	20	5-100
A-15 (Zone X-8 Archery)	25	5-100
A-16 (Zone X-9a Archery)	130	50-500
A-17 (Zone X-9b Archery)	300	50-500
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	115	50-500

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

Amend Section 362, Title 14, CCR, Re: Nelson Bighorn Sheep

Existing regulations provide for limited hunting of Nelson bighorn rams in seven hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	4
Zone 2 - Kelso Peak/Old Dad Mountains	5
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	0
Zone 5 - San Geronio Wilderness	1
Zone 6 - Sheep Hole Mountains	2
Zone 7 - White Mountains	5
Open Zone Fund-Raising Tags	2
TOTAL	21

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's

2005 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone.

Amend Section 363, Title 14, CCR, Re: Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2007. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for the hunt zones are as set forth below.

Pronghorn Antelope Tag Allocation Ranges - 2007						
<i>Hunt Area</i>	<i>Archery-Only Season</i>		<i>General Season</i>			
			<i>Period 1</i>		<i>Period 2</i>	
	<i>Buck</i>	<i>Doe</i>	<i>Buck</i>	<i>Doe</i>	<i>Buck</i>	<i>Doe</i>
Zone 1 – Mount Dome	1-10	0-3	3-60	0-20	0	0
Zone 2 – Clear Lake	1-10	0-3	5-80	0-25	0	0
Zone 3 – Likely Tables	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4 – Lassen	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5 – Big Valley	1-15	0-5	3-150	0-50	0	0
Zone 6 – Surprise Valley	1-10	0	3-25	0-7	0	0
Big Valley Junior Hunt	N/A		1-15 Either-Sex		0	
Lassen Junior Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Junior Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

Existing regulations allow Lassen junior antelope hunters to access the Honey Lake Wildlife Area. The proposed change for the closure of Honey Lake Wildlife Area to junior antelope hunters is necessary because of the substantial commitment of Department staff time and closure of the Wildlife Area to the public when antelope hunting occurs. Within the last three years no antelope have been taken at Honey Lake Wildlife Area.

Existing regulations stipulate when applications are due for the special hunt on the Peninsula “U” portion of the Clear Lake National Wildlife Refuge. The proposed change shifts the deadline for the application forward one week from the second Friday in August to the first Friday in August will provide significantly more time for the Department to notify successful applicants and provide sufficient time for those applicants to plan their hunt.

Amend Section 364, Title 14, CCR, Re: Elk

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2007 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Roosevelt Elk										
Siskiyou	0-30	0-30								
Del Norte	0-20		0-10							
Marble Mountains		0-80								
Marble Mtns Junior		0-4								
Klamath	0-20		0-20							
Big Lagoon		0-10								
NW California (new)		0-25								
Rocky Mountain Elk										
Rocky Mtn Elk										
Northeastern		0-20						0-10		
Northeastern Junior		0-4								
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Junior-New			0-2							
La Panza										
Period 1	0-12		0-10							
Period 1 (Junior)			0-2							
Period 2	0-12		0-12							
Owens Valley										
Bishop										
Period 1 (new) Muzzleloader					0-10	0-30	0-10			
Period 2 (new) Junior	0-30	0-10	0-10							
Period 3 (new dates)	0-30	0-10	0-10							
Period 4 (old per 1)	0-30	0-10	0-10							
Period 5 (old per 3)	0-30	0-10	0-10							
Independence										
Period 1 (new) Archery								0-10	0-30	0-10
Period 2 (new)	0-30	0-10	0-10							
Period 3 (new dates)	0-30	0-10	0-10							
Period 4 (old per 1)	0-30	0-10	0-10							

2007 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Period 5 (old per 3)	0-30	0-10	0-10							
Lone Pine										
Period 1 (new) Muzzleloader					0-10	0-30	0-10			
Period 2 (new)	0-30	0-10	0-10							
Period 3 (new dates)	0-30	0-10	0-10							
Period 4 (old per 1)	0-30	0-10	0-10							
Period 5 (old per 3)	0-30	0-10	0-10							
Tinemaha & W. Tinemaha										
Period 1 (new) Archery								0-10	0-30	0-10
Period 2 (new)	0-30	0-10	0-10							
Period 3 (new dates)	0-30	0-10	0-10							
Period 4 (old per 1)	0-30	0-10	0-10							
Period 5 (old per 3)	0-30	0-10	0-10							
Grizzly Island										
Period 1	0-12			0-6						
Period 1 Junior	0-2			0-2						
Period 2	0-12		0-2	0-6						
Period 2 Junior				0-2						
Period 3	0-12		0-2	0-4						
Period 4	0-10									
Period 5	0-10									
Fort Hunter Liggett										
Archery Only								0-6	0-10	
Period 1	0-14									
Period 1 Junior	0-4									
Period 2	0-14									
Period 3			0-14							
Period 3 Junior Elk			0-2							
East Park Reservoir										
Period 1			0-2							
Period 2			0-2							
Period 3	0-10									
San Luis Reservoir (new)	0-5	0-10	0-10							

Existing regulations specify boundaries for the Big Lagoon Roosevelt Elk Hunt and La Panza Tule Elk Hunt. The proposed change expands the Big Lagoon zone southeast to encompass additional Green Diamond Inc. property. The proposal expands the La Panza boundaries, consistent with the natural range expansion of tule elk which has occurred since this hunt was established in 1993. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for tule elk in the area.

Existing regulations specify boundaries for the Owens Valley Tule Elk Hunt (Independence, Lone Pine, and West Tinemaha zones). The proposed changes adjust the boundaries for the Independence, Lone Pine, and West Tinemaha zones. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for tule elk in the area.

Existing regulations specify hunt periods for the Owens Valley tule elk hunts. The proposed changes add two additional hunt periods prior to the existing hunt periods. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for tule elk in the area.

Existing regulations authorize an Owens Valley archery only tule elk hunt. The proposed action eliminates this hunt. These tags are not area or sex specific and therefore do not allow DFG to manage sex and location of elk being harvested.

Existing regulations do not authorize any muzzleloader only elk hunts. The proposed regulation would authorize muzzleloader only hunts for the Bishop and Lone Pine tule elk hunts during the new second period.

Existing regulations require a mandatory orientation for the Owens Valley tule elk hunts. The proposed regulation would eliminate this orientation. All information would be supplied to the hunter in a written format. Orientations require substantial time from employees and the same information can be supplied in a written format.

Existing regulations do not authorize a junior elk hunt in the Owens Valley and Cache Creek. The proposed regulatory action is made to enhance junior big-game hunting opportunity. Junior hunters can apply for and receive an elk tag through the big-game drawing process, but they must compete with adult hunters to do so. The proposal authorizes junior elk tags in the Bishop zone during the new period 2 and at Cache Creek during the general bull hunt. The proposal is necessary to improve junior elk hunter opportunity and is consistent with management objectives for tule elk in the area.

Existing regulations do not provide for public tule elk hunting in western Merced County and adjacent areas in Santa Clara, San Benito, and Fresno Counties near San Luis Reservoir. The proposal will establish a new tule elk hunt in the vicinity of San Luis Reservoir with either-sex elk tags (range 0-10) during a season beginning on the first Saturday in October and extending for 23 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Public opportunities to hunt elk in Humboldt and Del Norte counties are limited to three hunts that occur on private lands owned by Green Diamond Resource Company and the Marble Mountains Elk Hunt that occurs in a small portion of Humboldt County. Sufficient numbers of elk occur outside of existing hunt boundaries in those counties to provide additional opportunity for the public to hunt elk. Add a new hunt for elk in Humboldt and Del Norte counties, excluding lands open to elk hunting contained within existing elk hunts (Del Norte Roosevelt Elk Hunt, Klamath Roosevelt Elk Hunt, Big Lagoon Roosevelt Elk Hunt, and Marble Mountains Roosevelt Elk Hunt). Either-sex tags (range 0 to 25) would be available to the public during a season beginning on the first Wednesday in September and extending for 12 consecutive days.

Existing regulations establish season dates for the East Park Reservoir antlerless tule elk hunt and Fort Hunter Liggett tule elk hunts. The proposed regulation increases the length of the antlerless hunt for East Park Reservoir from 4 days to 27 days. The proposed regulations for Fort Hunter Liggett decreases the number of days for archery from 11 to 5 days and changes the antlerless archery hunt to run concurrently with the Period 1 antlerless rifle hunt. These regulations modify the season dates for period 1 antlerless hunt (including the junior hunt) from late November to early October. In addition the regulations also modify the period 2 antlerless hunt from mid-December to late November.

Amend Sections 702 and 708, Title 14, CCR, Re: Big Game Hunting Tags

- 1) This change will amend regulations to allow hunters to apply for a C-zone tag using only a first-deer tag application. Currently, Section 708 allows hunters to apply for C-zone tags, leftover as of August 2, using a second-deer tag application. C-zone tags have filled on first-deer applications prior to August 2 for many years; therefore, C-zone tags have not been issued to hunters applying on second-deer tag applications and will not be in the foreseeable future. This change will make it clear that C-zone tags are only available using a first deer tag application and it will allow the Department to process applications more efficiently.
- 2) Currently, there is no deadline for hunters to dispute preference point changes as a result of a specific year's drawing. This change will set a deadline to apply for preference point appeals and allows hunters to appeal their preference points in a timely manner.
- 3) Currently, regulations prohibit nonresidents from applying for antelope and elk tags. SB 1032 amended Sections 331 and 332 of the Fish and Game Code, allowing the Department to issue not more than one elk and not more than one antelope tag to nonresident hunters annually. This change will amend Section 708 to comply with Fish and Game Code Sections 331 and 332, allowing nonresidents to apply for elk and antelope tags. This change sets a maximum of one nonresident elk and one nonresident antelope tag per year.
- 4) This amendment is needed to comply with Section 713 of the Fish and Game Code which requires the Department to adjust license fees for changes in the cost of goods and services using the Implicit Price Deflator for State and Local Government Purchases of Goods and Services. The fees for big game hunting tags are found in Section 702. Fish and Game Code, Section 331 authorizes the Commission to set the fee for a nonresident antelope tag at not less than \$350. Fish and Game Code, Section 332 authorizes the Commission to set the fee for a nonresident elk tag at not less than \$1,050. Administrative corrections to the fee columns in Section 702 are included in this amendment.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Humboldt State University, Nelson Hall West, Goodwin Forum, 1 Harpst Street, Arcata, California on Friday, March 2, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay, California on Friday, April 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 9, 2007. All comments must be received no later than April 13, 2007, at the hearing in Bodega Bay, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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:

Sections 360(a) and 360(b)

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.

Sections 360(c) and 360(d)

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 modifies three seasons and 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.

Section 361

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 corrects an error in verbatim, creates a new hunt, and 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.

Section 362

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas and moves specific tag procedures and requirements to another section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

Section 363

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. Considering the small number of tags issued over the entire state, this proposal is

economically neutral to business.

Section 364

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. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Sections 702 and 708

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. These changes will allow for the automation of the current manual processes involved with the selling/issuing of licenses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:

A private person or business will be required to pay a new fee pursuant to proposed regulations geared to recover the department's cost of administering the program.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John Carlson, Jr.
Executive Director

Dated: February 6, 2007