

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: December 21, 2006

II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: February 2, 2007
 Location: Monterey, California

- (b) Discussion Hearing: Date: March 2, 2007
 Location: Arcata, California

- (c) Discussion Hearing: Date: April 13, 2007
 Location: Bodega Bay, California

- (d) Adoption Hearing: Date: April 25, 2007
 Location: Teleconference

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. Modify/Clarify Bag Definition for Hunt A-32

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.

2. Establish New Area-Specific Archery Hunt A-33

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.

3. Number of Tags

Existing regulations provide for the number of hunting tags for area-specific archery hunts. This proposed regulatory action would change the number of tags for all existing hunts to a series of ranges as indicated in the table presented in the Informative Digest.

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. These ranges are necessary, as 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 bucks available 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.

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 effect herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed tag range.

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

Authority: Fish and Game Code sections 200, 202, 203, 220, and 4370.
Reference: Fish and Game Code sections 200, 202, 203, 203.1, 207, and 4370.

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

None.

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

2007 Draft Environmental Document Regarding Deer Hunting.

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

The Department conducted a public scoping session in Sacramento on October 11, 2006. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

Additionally, in 2000, the Department of Fish and Game held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the State. The meetings were open to the public and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit

(zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The Department also conducted four public meetings at which regulation change concepts and specific proposals for mammals, furbearers, including deer were discussed, and additional public comment was received.

While these meetings were conducted prior to the establishment of current and proposed regulations, the concepts and proposals which were derived through these meetings are still being implemented as part of the current year regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Modify/Clarify Bag Definition for Hunt A-32

There is no reasonable alternative to the proposed action.

2. Establish New Area-Specific Archery Hunt A-33

Modify the area description to include all of Monterey County. This proposal was considered and rejected because it would directly overlap with existing Hunt A-24, be inconsistent with the current harvest management of deer herds in Monterey County, and not meet the desired harvest goals specific to the Base.

3. Number of Tags

There is no reasonable alternative to the proposed action.

4. Establish New Late Season Area-Specific Archery Hunts in Zones D-3, D-4, and D-5

This alternative, requested for consideration by the Fish and Game Commission, would create late season archery buck hunts within the D3-5 zone complex. No late season archery deer hunting opportunities currently exist in these zones and this alternative was requested by the Fish and Game Commission in order to meet public demand for increased archery hunter opportunity.

This alternative consists of creating zone specific hunts in which the harvest is limited to remain within the harvest buffer for each zone contained within the proposed project. Season alternatives include a two-week season beginning one week following the close of the general

season. Based on 2005 population models (2006 population modeling is on-going at this time), the tag quota for each hunt would be as follows:

D-3 = 25-100 tags; D-4 = 10-50 tags; D-5 = 25-100 tags.

The season timing, length, and tag ranges presented above are suggested such that the harvest remains within the harvest buffers presented for the proposed project. Shifting the season later, lengthening the season, and/or increasing the tag quota may require the Commission alter other zone alternatives in order to accommodate this additional harvest.

The Department of Fish and Game did not include this alternative as part of its proposal due to the current hunting management system for this zone complex. Zones D3-5 are currently managed to maximize hunter opportunity; tags are sold "over-the-counter" (up to a maximum of 33,000) to provide hunting opportunity whenever a hunter wants to take advantage of it. The implementation of additional hunts such as this reduce the number of bucks available for the general season hunts and may result in a substantial decrease in the tag quota for the general season, thereby negating the intent of the current hunting management system for the zone complex area.

(b) No Change Alternative:

1. Modify/Clarify Bag Definition for Hunt A-32

The no change alternative was considered and found inadequate to attain the project objectives, because it would create an inconsistency in the regulations, resulting in confusion regarding appropriate bag possession.

2. Establish New Area-Specific Archery Hunt A-33

The no change alternative was considered and found inadequate to attain the project objectives, because opportunities for late season archery hunting are limited, and a specific demand for these hunt opportunities would remain unmet.

3. Number of Tags

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 purposes for which the regulation is proposed, or would be as effective and less burdensome to the affected private persons than the proposed regulation.

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 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 Businessmen 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 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.

(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 Private Persons:

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

INFORMATIVE DIGEST
(Policy Statement Overview)

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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
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

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
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.*