

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

Amends Section 702 and 708
Title 14, California Code of Regulations
Re: Big Game Hunting Tags

- I. Date of Initial Statement of Reasons: January 18, 2007
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: February 2, 2007
Location: Monterey, California
 - (b) Discussion Date: March 2, 2007
Location: Arcata, California
 - (b) Discussion Date: April 13, 2007
Location: Bodega Bay, California
 - (b) 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) Currently, Section 708 allows hunters to apply for C-zone tags, leftover as of August 2, using a second-deer tag application. This is misleading to hunters. 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. The Department currently must hold second-deer tag C Zone applications until the zone fills and then process the applications for the hunter's second choice or issue a refund. This change will amend regulations to allow hunters to apply for a C-zone tag using only a first-deer tag application. 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. As a result of disputes, the Department often must research point inquiries/discrepancies back to 2002, the beginning of the accrual of big game preference points. Amending the regulations to set a deadline to appeal preference point totals will allow for timely appeals and eliminate time-consuming research that has been unfruitful.
 - 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. Section 708 needs to be amended to comply with SB 1032 and allow nonresident hunters to apply for antelope and elk tags. Also, because no

more than one antelope and one elk tag may be issued to nonresident hunters annually, regulations prohibiting nonresidents from applying as a party are needed.

4) The fees for big game hunting tags are found in Section 702. Section 713 of the Fish and Game Code 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. This change is needed to comply with Section 713, of the Fish and Game Code. 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.

(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.

Section 702 Reference: Sections 200, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1055, 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, 10502, Fish and Game Code.

Section 708 Authority: Sections 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341, and 10502, Fish and Game Code.

Section 708 Reference: Sections 200-203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570-1572, 3950, 3951, 4302, 4330-4333, 4336, 4340, 4341, 4652-4655, 4657, 4750-4756, 4902, 10500 and 10502, Fish and Game Code.

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

None.

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

None.

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

No public meetings are being held prior to notice publication.

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:

1) Hunters will continue to submit second deer tag applications for C-zone tags even though C-zone tags will not be available on second deer tag applications.

2) The Department will continue to research point inquiries/discrepancies from 2002, the beginning of the accrual of big game preference points.

3) Section 708 will conflict with Fish and Game Code, Sections 331 and 332, which allow nonresidents to apply for antelope tags and elk tags.

4) Fees listed in regulation for hunting licenses and tags will not reflect the adjustment for the change in cost of goods and services, as required by Section 713 of the Fish and Game Code.

(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 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. 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:

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.

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

None.

(d) Nondiscretionary Costs/Savings to Local Agencies:

None.

(e) 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

- 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.