

**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 265, 353, 360, 361, 362, 363, 364, 555 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 2009-2010 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 5, 2009, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2009-2010 seasons: proposes to amend sections 265, 353, 360, 361, 362, 363, 364, 555, and 708, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2009-2010 Mammal Hunting Regulations.

Informative Digest/Policy Statement Overview

Section 265, Use of Dogs for Pursuit/Take of Mammals of for Dog Training

The dog control zone boundaries descriptions were last amended in 2002. Since that time, various roads and other map features used to delineate the dog control zone boundary have changed. This amendment seeks to update those dog control zone boundary descriptions to utilize current road alignments and designations. To the extent possible, the boundaries were retained in their same location. In some cases, the realignment of road resulted in minor location changes. It is not anticipated that dog handlers will have any unreasonable difficulty in understanding the new boundaries. The boundaries should be more accurate and easier comprehend using commonly available maps.

Throughout the years the dog tracking and electronic retrieval devices have changed with technology. Dog treeing switches (devices consisting of a switch mechanism which results in a change in the transmitted signals when the dog raises its head to a treed animal) used to be made with a mercury switch. These mercury switches are currently illegal to use. There are now treeing switches used that use magnetic devices to activate the treeing switch. The requirement for the switch to be a "mercury switch" needs to be removed and any treeing switch device needs to be illegal.

Treeing switches on dog collars are activated when a dog raises its head to bark at a treed animal. The activated switch sends a signal to the telemetry device the hunter carries. This activation lets the hunter know that an animal is treed. If the treeing switch were allowed, the hunter would have no need to follow the dogs on foot during the chase. The hunter could just wait until the treeing switch went off and walk to the tree and find the treed animal and dogs with telemetry equipment. Without the use of a treeing switch device, the hunter is required to follow the dogs on foot and be with the dogs when an animal is treed or be close enough to hear the barking of the dogs to determine if an animal is treed. The use of treeing switches on dog collars would limit the sporting aspect of fair chase.

Section 353, Methods Authorized for Taking Big Game

Subsection (f):

OPTION #1:

Existing regulations provide equipment restrictions to be used to take deer under the conditions of a muzzleloading rifle or muzzleloading rifle/archery deer tag. Currently, sight devices on muzzleloading rifles are restricted to open or "peep" type sights only. By limiting the sights to open or "peep" type sights,

a person's visual acuity becomes the primary factor in limiting the effective range of both modern (in-line) and traditional (flintlock, wheellock, matchlock and percussion) muzzleloading rifles.

Recent advances in muzzleloading rifles, propellants and projectiles have increased the power of muzzleloading rifles resulting in higher muzzle velocities and increased effective killing range. When combined with modern higher powered riflescopes the effective killing range of muzzleloading rifles has increased substantially, placing them on par with many modern centerfire rifles. Considering the increase in technological advances in the power of muzzleloading rifles and resulting effective downrange velocities, the primary intent of restricting the sight type was to maintain a semblance of "traditional" muzzleloading rifles by restricting their effective shooting distance through control of the sight mechanism.

The Department has received several requests from visually impaired hunters to allow the use of scopes on muzzleloading rifles under the conditions of a muzzleloading rifle or muzzleloading rifle/archery deer hunt tag as a reasonable accommodation under the Americans with Disabilities Act of 1990 (ADA). The primary concern of these entities is that various sight impairments prevent visually impaired hunters from participating in the muzzleloading rifle deer hunts, or preclude them from making accurate shots based on their inability to focus on either, the sights currently authorized, the target object, or both. A scope would provide the visually impaired with the ability to focus the scope, thus providing a clearer sight picture (generally a scope reticle), as well as a more well focused target object.

The Department believes that allowing the use of any riflescopes (especially scopes in excess of one power; 1X magnification) on muzzleloading rifle deer hunts would result in an increase in deer harvest and hunter success. By allowing scopes with unlimited power on muzzleloading rifles, the effective shooting range is substantially increased due to the increased resolution and power provided by the scope's additional magnification. The increased effective range would ultimately result in higher deer harvest and increased hunter success, thereby requiring a significant reduction in tag quotas, possible elimination of some muzzleloading rifle deer hunts, and a reduction in hunter opportunity.

However, the Department believes that allowing the use of riflescopes not exceeding one power (1X magnification) would be a reasonable alternative. By limiting the scope power to 1 power (1X magnification) or less, the effective range of muzzleloaders would remain unchanged and no significant change in deer harvest or hunter success would occur. A one power (1X) scope would provide the visually impaired with a mechanism that would allow adjustment of the focus on both the sight mechanism (scope reticle) and the target object, thereby providing visual relief and a reasonable accommodation per their request under the ADA.

The proposed regulation change would allow hunters, including those with visual impairments, to use rifle mounted scopes or other similar devices, not exceeding 1 power (1X) in magnification, while hunting deer under the conditions of a muzzleloading rifle or muzzleloading rifle/archery tag. No increase in deer harvest or loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

OPTION #2:

Allow disabled muzzleloading rifle hunters that have, and can provide upon request by law enforcement personnel, written medical documentation attesting to their inability to use conventional muzzleloading rifle equipment to use a muzzleloading rifle with a scope during the muzzleloading rifle only hunts. This will result in creating another application process which the Department will have to implement and monitor, and depending upon the level of increased hunter success, may lead to tag quota reductions, possible elimination of hunts and unnecessarily reduce hunter opportunity. This alternative was included for consideration at the specific request of the Fish and Game Commission (meeting held February 5, 2009 in Sacramento).

Subsection (j)

There are currently no Fish and Game Code laws or California Code of Regulations Title 14 regulations relating to the possession of a loaded muzzleloading firearm in a vehicle. There is a Penal Code section relating to the carrying of a loaded firearm in a public place, but this section does not cover some areas of the state where the Penal Code section is not applicable. These areas are commonly frequented by

hunters who travel these areas in vehicles. The Fish and Game Code addresses the carrying of both rifles and shotguns in vehicles but does not address muzzleloading firearms. The muzzleloading firearms do not fall under the Fish and Game Code laws at they relate to loaded firearms.

By not having laws or regulations regulating the carrying of loaded muzzleloading firearms in either the Fish and Game Code or the California Code of regulations Title 14, wardens in the field cannot enforce safety regulations relating to the carrying of loaded muzzleloading firearms in vehicles unless the situation falls under the authority of the Penal Code.

The popularity of Muzzleloader hunting has increased in recent years due to the increased technology in Muzzleloading firearms. Wardens have seen an increase in the public using muzzleloading firearms. Wardens have come across numerous hunters with loaded muzzleloading firearms in vehicles. The only thing a warden can do in these instances is explain the safety ramifications to the hunters. They have no authority to make the person unload the firearm. This is a safety to both the hunter and warden who is making the contact. With a regulation prohibiting the carrying of a loaded muzzleloading firearm in a vehicle, it will increase the safety for the hunter, public and wardens or others who contact hunters in public places.

Section 360, subsection (a), 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	8,575	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
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800

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

Section 360, subsection (b), 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.

Existing regulations provide area descriptions for zones X-7a and X-7b. The area description for each zone references a campground which is no longer in existence. The proposal would delete references to this campground, thereby eliminating any confusion on the part of hunters.

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-1	2,280	1,000-6,000
X-2	180	50-500
X-3a	250	100-1,200
X-3b	845	200-3,000
X-4	425	100-1,200
X-5a	60	25-200
X-5b	85	50-500
X-6a	325	100-1,200
X-6b	375	100-1,200
X-7a	205	50-500
X-7b	125	25-200
X-8	230	100-750
X-9a	775	100-1,200
X-9b	325	100-600
X-9c	325	100-600
X-10	400	100-600
X-12	850	100-1,200

Section 360, subsection (c), Additional Hunts

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The 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.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 4 and continue for two (2) consecutive days and reopen on October 11 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 3 and October 10, respectively, in order to accommodate for Base operations. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

Deer: § 360(c) Additional Hunts		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-1 (Late Season Buck Hunt for Zone C-4)	2,850	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military *	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military * and 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	15 Military * and 15 Public	15 Military * and 15 Public
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military * and DOD **	500 Military * and DOD **
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	10	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200

Deer: § 360(c) Additional Hunts		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military * and 75 Public	10 Military * and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

* *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*

Section 361, Archery Deer Hunts

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 table below. 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.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through November 9, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The proposal would modify the season to account for the annual calendar shift by changing the season closing date to November 8.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zones Archery Only Hunt)	2,045	150-3,000
A-3 (Zone X-1 Archery Hunt)	255	50-1,000
A-4 (Zone X-2 Archery Hunt)	15	5-100
A-5 (Zone X-3a Archery Hunt)	35	10-300
A-6 (Zone X-3b Archery Hunt)	95	25-400
A-7 (Zone X-4 Archery Hunt)	135	25-400
A-8 (Zone X-5a Archery Hunt)	25	15-100
A-9 (Zone X-5b Archery Hunt)	10	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	140	10-300
A-13 (Zone X-7a Archery Hunt)	60	10-200
A-14 (Zone X-7b Archery Hunt)	20	5-100
A-15 (Zone X-8 Archery Hunt)	55	5-100
A-16 (Zone X-9a Archery Hunt)	150	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	200	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
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)	25 Military* and 25 Public	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.*

Section 362, Nelson Big Horn Sheep

Existing regulations provide for the number of bighorn sheep hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocations for most hunt zones pending final tag quota determinations based on survey results that should be completed by February of 2009. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bighorn sheep. 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	6
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	0
Zone 5 - San Gorgonio Wilderness	0-2
Zone 6 - Sheep Hole Mountains	1
Zone 7 - White Mountains	3
Open Zone Fund-Raising Tags	2
TOTAL	18-20

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2008 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

Section 363, 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 2009. 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 - 2009						
<i>Hunt Area</i>	<i>Archery-Only Season</i>		<i>General Season</i>			
	Buck	Doe	Period 1		Period 2	
			Buck	Doe	Buck	Doe
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 Apprentice Hunt	N/A		1-15 either-sex		0	
Lassen Apprentice Hunt	N/A		1-15 either-sex		0	
Surprise Valley Apprentice Hunt	N/A		1-4 either-sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

Section 364, 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.

2009 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antlerless	Muzzle-loader Either-sex	Archery Either-Sex	Archery Antlerless	Archery Bull
Roosevelt Elk										
Siskiyou	0-30	0-30								
Del Norte	0-20		0-10							
Marble Mountains		0-80								
Marble Mtns Apprentice		0-4								
Klamath	0-20		0-20							
Big Lagoon		0-10								
Northwestern California		0-25								
Rocky Mountain Elk										
Rocky Mtn Elk										
Northeastern		0-20						0-10		
Northeastern Apprentice		0-4								
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-12		0-12							
Period 1 (Apprentice)	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Region wide								0-10		
Bishop										
Period 1 Muzzleloader					0-10	0-30	0-10			

2009 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antlerless	Muzzle-loader Either-sex	Archery Either-Sex	Archery Antlerless	Archery Bull
Period 2 Apprentice	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Independence										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Lone Pine										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Tinemaha & W. Tinemaha										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Grizzly Island										
Period 1	0-12			0-6						
Period 1 Apprentice	0-2			0-2						
Period 2	0-12		0-3	0-6						
Period 2 Apprentice				0-2						
Period 3	0-12		0-3	0-4						
Fort Hunter Liggett										
Archery Only								0-6	0-10	
Period 1	0-14									
Period 1 Apprentice	0-4									
Period 2	0-14									
Period 3			0-14							
Period 3 Apprentice			0-2							
East Park Reservoir										
Period 1			0-2							
Period 3	0-10									
San Luis Reservoir										
Period 1	0-5	0-10	0-10							

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett do not change the number of hunt days. The proposal slightly modifies the season dates for the period 3 bull hunt (including the apprentice hunt) from the fourth Saturday in December to the last Wednesday in December and the archery only either-sex hunt from the last Saturday in August to the first Thursday in September in order to accommodate military operations.

Existing regulation establish season dates for the East Park Reservoir tule elk hunts. The proposal for East Park Reservoir modifies the season dates for the bull elk hunt to match the dates for the antlerless elk hunts.

Existing regulation establishes the number of fund raising tags available. The proposal converts one Grizzly Island fund raising tag to be valid in five elk zones without increasing the overall of fund raising tags available. The proposal diversifies elk hunting opportunities in other areas of the state without increasing the overall number of fund raising tags available.

Section 365, Bear

Existing subsection 365(a)(4), Title 14, California Code of Regulations, provides a description of the bear hunting area for the Southern California bear hunting area. This hunt area includes several counties in Southern California, including Santa Barbara County, adjacent to San Luis Obispo County. Currently, bear hunting in San Luis Obispo County is not allowed. The proposed regulation change enlarges the Southern California bear hunting area to include San Luis Obispo County to provide additional hunting opportunity.

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

Section 555, Cooperative Elk Hunt Areas

Existing regulations specify that hunters who purchase an elk tag from a Cooperative Elk Hunting Area must be a resident of California. SB 1032 (Hollingsworth), signed by the Governor in September, 2006, eliminated the California residency requirement (beginning in 2007) for general season elk tag holders. California residency is also not required for the purchase of an elk tag under the Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands (PLM) Program or the Fund-Raising License Tag Program. To provide consistency among regulations, the proposed amendment eliminates the California residency requirements for hunters wishing to purchase an elk tag from a Cooperative Elk Hunting Area.

The proposed amendment makes a change to a sub-section reference for payment of tag fees. The new reference accurately identifies the correct sub-section for the fees.

Section 708, Big Game License Tag, Application, Distribution and Reporting

Existing regulations provide for the issuance of deer tags. This regulatory proposal would establish new definitions/classifications of deer hunts and the time frame that deer tags may be issued would be based on when the tag quota for the hunt or zone filled during the previous license year. This proposal would establish criteria for deer tag exchanges and eliminate most refunds for deer tag application fees under certain circumstances. Additionally, this proposed regulatory action would specify that the fee paid by the purchaser of a fund-raising elk or big horn sheep license tag would include the cost and processing fee of an annual hunting license.

ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
	PREMIUM HUNT ZONES	Premium Deer Hunt Tags shall include all deer hunt tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year.						
A3	A3 ARCHERY HUNT IN ZONE X1	255	* 6/18/2008	7-Sep-08	255		Y	First-Deer
A4	A4 ARCHERY HUNT IN ZONE X2	15	* 6/18/2008	7-Sep-08	15		Y	First-Deer
A5	A5 ARCHERY HUNT IN ZONE X3A	35	* 6/18/2008	7-Sep-08	35		Y	First-Deer
A6	A6 ARCHERY HUNT IN ZONE X3B	95	* 6/18/2008	7-Sep-08	95		Y	First-Deer
A7	A7 ARCHERY HUNT IN ZONE X4	135	* 6/18/2008	7-Sep-08	135		Y	First-Deer

A8	A8 ARCHERY HUNT IN ZONE X5A	25	* 6/18/2008	7-Sep-08	25		Y	First-Deer
A9	A9 ARCHERY HUNT IN ZONE X5B	10	* 6/18/2008	7-Sep-08	10		Y	First-Deer
A11	A11 ARCHERY HUNT IN ZONE X6A	55	* 6/18/2008	7-Sep-08	55		Y	First-Deer
A12	A12 ARCHERY HUNT IN ZONE X6B	140	* 6/18/2008	7-Sep-08	140		Y	First-Deer
A13	A13 ARCHERY HUNT IN ZONE X7A	60	* 6/18/2008	7-Sep-08	60		Y	First-Deer
A14	A14 ARCHERY HUNT IN ZONE X7B	20	* 6/18/2008	7-Sep-08	20		Y	First-Deer
A15	A15 ARCHERY HUNT IN ZONE X8	55	* 6/18/2008	7-Sep-08	55		Y	First-Deer
A16	A16 ARCHERY HUNT IN ZONE X9A	150	* 6/18/2008	7-Sep-08	150		Y	First-Deer
A20	A20 ARCHERY HUNT IN ZONE X12	200	* 6/18/2008	7-Sep-08	200		Y	First-Deer
A21	A21 ANDERSON FLAT HUNT	25	* 6/18/2008	21-Nov-08	25		Y	First-Deer
A24	A24 MONTEREY HUNT	100	* 6/18/2008	9-Nov-08	100		Y	First-Deer
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
A25	A25 LAKE SONOMA HUNT	35	* 6/18/2008	27-Oct-08	35		Y	First-Deer
A26	A26 BASS HILL HUNT	30	* 6/18/2008	7-Dec-08	30		Y	First-Deer
A27	A27 DEVILS GARDEN HUNT	10	* 6/18/2008	9-Nov-08	10		Y	First-Deer
A30	A30 COVELO HUNT	40	* 6/18/2008	23-Nov-08	40		Y	First-Deer
A33	A33 FORT HUNTER LIGGETT (LATE SEASON)	25	* 6/18/2008	9-Nov-08	25		Y	First-Deer
C	ALL C ZONES GENERAL SEASON ONLY	8,575	6/12/2008	26-Oct-08	3504	5071	N	First-Deer
D12	ZONE D12	950	6/12/2008	23-Nov-08		950	N	First-Deer
D17	ZONE D17	500	5/20/2008	2-Nov-08		500	N	First-Deer
G1	G1 LATE SEASON HUNT IN C4	2,850	* 6/18/2008	2-Nov-08	2850		Y	First-Deer
G3	G3 GOODALE HUNT	35	* 6/18/2008	21-Dec-08	35		Y	First-Deer
G6	G6 KERN RIVER DEER HERD HUNT	50	* 6/18/2008	14-Dec-08	50		Y	First-Deer
G8	G8 FORT HUNTER LIGGETT HUNT	10	* 6/18/2008	13-Oct-08	10		Y	First-Deer
G9	G9 CAMP ROBERTS HUNT	15	* 6/18/2008	1-Sep-08	15		Y	First-Deer
G12	G12 GRAY LODGE HUNT	30	* 6/18/2008	28-Sep-08	30		Y	First-Deer
G13	G13 SAN DIEGO HUNT	300	* 6/18/2008	16-Nov-08	300		Y	First-Deer
G19	G19 SUTTER-YUBA WILDLIFE AREAS HUNT	25	* 6/18/2008	31-Dec-08	25		Y	First-Deer
G21	G21 VENTANA WILDERNESS HUNT	25	* 6/18/2008	30-Nov-08	25		Y	First-Deer
G37	G37 ANDERSON FLAT HUNT	25	* 6/18/2008	30-Nov-08	25		Y	First-Deer
G38	G38 LATE SEASON HUNT IN X10	300	* 6/18/2008	2-Nov-08	300		Y	First-Deer
G39	G39 ROUND VALLEY LATE SEASON	5	* 6/18/2008	9-Nov-08	5		Y	First-Deer
J1	J1 LAKE SONOMA HUNT -	25	* 6/18/2008	2-Nov-08	25		Y	First-Deer
J3	J3 TEHAMA WILDLIFE AREA HUNT -	15	* 6/18/2008	30-Nov-08	15		Y	First-Deer
J4	J4 SHASTA-TRINITY HUNT -	15	* 6/18/2008	30-Nov-08	15		Y	First-Deer
J7	J7 CARSON RIVER HUNT-	15	* 6/18/2008	26-Oct-08	15		Y	First-Deer
J8	J8 DAUGHERTY HILL WA HUNT -	15	* 6/18/2008	31-Dec-08	15		Y	First-Deer
J9	J9 LITTLE DRY CREEK HUNT -	5	* 6/18/2008	28-Sep-08	5		Y	First-Deer
J10	J10 FORT HUNTER LIGGETT HUNT -	75	* 6/18/2008	13-Oct-08	75		Y	First-Deer
J11	J11 SAN BERNARDINO HUNT -	40	* 6/18/2008	23-Nov-08	40		Y	First-Deer
J12	J12 ROUND VALLEY HUNT -	10	* 6/18/2008	21-Dec-08	10		Y	First-Deer
J13	J13 LOS ANGELES HUNT -	40	* 6/18/2008	23-Nov-08	40		Y	First-Deer
J14	J14 RIVERSIDE HUNT -	30	* 6/18/2008	23-Nov-08	30		Y	First-Deer
J15	J15 ANDERSON FLAT HUNT -	10	* 6/18/2008	30-Nov-08	10		Y	First-Deer
J16	J16 BUCKS MOUNTAIN/NEVADA CITY	75	* 6/18/2008	2-Nov-08	75		Y	First-Deer
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
J17	J17 BLUE CANYON -	25	* 6/18/2008	2-Nov-08	25		Y	First-Deer
J18	J18 PACIFIC/GRIZZLY FLAT -	75	* 6/18/2008	2-Nov-08	75		Y	First-Deer
J19	J19 HUNT IN ZONE X7A -	25	* 6/18/2008	19-Oct-08	25		Y	First-Deer
J20	J20 HUNT IN ZONE X7B -	20	* 6/18/2008	19-Oct-08	20		Y	First-Deer
J21	J21 EAST TEHAMA -	50	* 6/18/2008	2-Nov-08	50		Y	First-Deer
MA1	MA1 SAN LUIS OBISPO HUNT	150	* 6/18/2008	14-Dec-08	150		Y	First-Deer
MA3	MA3 SANTA BARBARA HUNT	150	* 6/18/2008	14-Dec-08	150		Y	First-Deer
M3	M3 DOYLE HUNT	20	* 6/18/2008	23-Nov-08	20		Y	First-Deer
M4	M4 HORSE LAKE HUNT	10	* 6/18/2008	2-Nov-08	10		Y	First-Deer
M5	M5 EAST LASSEN HUNT	10	* 6/18/2008	2-Nov-08	10		Y	First-Deer
M6	M6 SAN DIEGO HUNT	80	* 6/18/2008	31-Dec-08	80		Y	First-Deer
M7	M7 VENTURA HUNT	150	* 6/18/2008	14-Dec-08	150		Y	First-Deer
M8	M8 BASS HILL HUNT	20	* 6/18/2008	2-Nov-08	20		Y	First-Deer

M9	M9 DEVIL'S GARDEN HUNT	15	* 6/18/2008	9-Nov-08	15		Y	First-Deer
M11	M11 NW CALIFORNIA HUNT	20	* 6/18/2008	23-Nov-08	20		Y	First-Deer
X1	ZONE X1	2,280	* 6/18/2008	19-Oct-08	2280		Y	First-Deer
X2	ZONE X2	180	* 6/18/2008	19-Oct-08	180		Y	First-Deer
X3A	ZONE X3A	250	* 6/18/2008	19-Oct-08	250		Y	First-Deer
X3B	ZONE X3B	845	* 6/18/2008	19-Oct-08	845		Y	First-Deer
X4	ZONE X4	425	* 6/18/2008	19-Oct-08	425		Y	First-Deer
X5A	ZONE X5A	60	* 6/18/2008	19-Oct-08	60		Y	First-Deer
X5B	ZONE X5B	85	* 6/18/2008	19-Oct-08	85		Y	First-Deer
X6A	ZONE X6A	325	* 6/18/2008	19-Oct-08	325		Y	First-Deer
X6B	ZONE X6B	375	* 6/18/2008	19-Oct-08	375		Y	First-Deer
X7A	ZONE X7A	205	* 6/18/2008	19-Oct-08	205		Y	First-Deer
X7B	ZONE X7B	125	* 6/18/2008	19-Oct-08	125		Y	First-Deer
X8	ZONE X8	230	* 6/18/2008	12-Oct-08	230		Y	First-Deer
X9A	ZONE X9A	775	* 6/18/2008	13-Oct-08	775		Y	First-Deer
X9B	ZONE X9B	325	* 6/18/2008	13-Oct-08	325		Y	First-Deer
X9C	ZONE X9C	325	* 6/18/2008	9-Nov-08	325		Y	First-Deer
X10	ZONE X10	400	* 6/18/2008	12-Oct-08	400		Y	First-Deer
X12	ZONE X12	850	* 6/18/2008	13-Oct-08	850		Y	First-Deer
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
	RESTRICTED HUNT ZONES	Restricted Deer Hunt Tags shall include all non-Premium deer hunt tags where the tag quota filled on or before the first business day after August 1 in the immediately preceding license year.						
A1	***A1 ARCHERY HUNT IN C ZONES	2,045	9-Jul-08	7-Sep-08	911	1134	Y	First & Second
D6	ZONE D6	10,000	4-Aug-08	2-Nov-08	4127	5873	N	First & Second
	UNRESTRICTED HUNT ZONES	Unrestricted Deer Hunt Tags shall include all deer hunt tags where the tag quota did not fill on or before the first business day after August 1 in the immediately preceding license year.						
AO	**AO#1 & AO#2 ARCHERY ONLY	99,999		23-Nov-08	645	4223	N	First & Second
A17	A17 ARCHERY HUNT IN ZONE X9B	300		7-Sep-08	73	118	Y	First & Second
A18	A18 ARCHERY HUNT IN ZONE X9C	350		7-Sep-08	36	65	Y	First & Second
A19	A19 ARCHERY HUNT IN ZONE X10	120		31-Aug-08	12	39	Y	First & Second
A22	A22 SAN DIEGO HUNT	1,000	17-Dec-08	31-Dec-08	76	924	Y	First & Second
A31	A31 LOS ANGELES HUNT	1,000	12-Sep-08	31-Dec-08	269	731	Y	First & Second
A32	A32 VENTURA/LOS ANGELES LATE SEASON	250		30-Nov-08	25	106	Y	First & Second
A	ZONE A	65,000		21-Sep-08	3417	27988	N	First & Second
B	ALL B ZONES	55,500		26-Oct-08	4267	34799	N	First & Second
D3-5	ZONES D3, D4, AND D5	33,000		2-Nov-08	4706	24628	N	First & Second
D7	ZONE D7	9,000	19-Aug-08	2-Nov-08	1422	7578	N	First & Second
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
D8	ZONE D8	8,000		26-Oct-08	1042	6347	N	First & Second
D9	ZONE D9	2,000	14-Aug-08	26-Oct-08	639	1361	N	First & Second
D10	ZONE D10	700		26-Oct-08	94	454	N	First & Second
D11	ZONE D11 (ALSO D13 AND D15)	5,500		9-Nov-08	217	4300	N	First & Second
D13	ZONE D13 (ALSO D11 AND D15)	4,000		9-Nov-08	279	2885	N	First & Second
D14	ZONE D14	3,000		9-Nov-08	325	2672	N	First & Second
D15	ZONE D15 (ALSO D11 AND D13)	1,500		9-Nov-08	38	382	N	First & Second
D16	ZONE D16	3,000		23-Nov-08	198	2311	N	First & Second
D19	ZONE D19	1,500		2-Nov-08	72	1284	N	First & Second

* 2008 Draw was run on June 18, 2008

** AO#1 & AO#2 are combined for 2008 to reflect change in 2009 for Archery Only

*** In 2008 this zone was a Premium Hunt Zone

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 the Ball Room, Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Wednesday, March 4, 2009 at 10:00 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 at Garden Ball Room, Wine & Roses Country Inn, 2505 W Turner Road, Lodi, California, on Thursday, April 9, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference hearing to be held in the Fish and Game Commission Conference Room 1320, Resources Building, 1416 9th Street, Sacramento, California, on Tuesday, April 21, 2009 at 9:30 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 21, 2009 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 20, 2009. All comments must be received no later than April 21, 2009 at the hearing in Sacramento, 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 John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, 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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

Section 265 - 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 proposals are economically neutral to business.

Section 353 - 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 method of take regulations 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, 361, 362, 363, 364, 365, 555 - 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.

Section 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. The proposed action adjusts the issuance of deer tags. These proposals are economically neutral to business.

The following “impacts of Regulatory Action apply to all sections in this notice:

- (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 Commission 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: 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

Jon K. Fischer
Deputy Executive Director

Dated: February 17, 2009