

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

Amend Subsections 353(k), 354(j), 478.1(a)(c), and Sections 702 and 711
And Add Sections 708.1 through 708.17
And Repeal Section 708,
Title 14, California Code of Regulations (CCR)

Re: Methods Authorized to Take Big Game, Archery Equipment and Crossbow
Regulations, Bobcat Hunting Tags, Hunting Applications and Fees, Cold
Storage/Frozen Food Locker Plant Records, and Distribution of Big Game License Tags
and Reporting Procedures in an Automated License Data System

I. Date of Initial Statement of Reasons: January 7, 2011

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 3, 2011
Location: Sacramento

(b) Discussion Hearings: Date: March 3, 2011
Location: Los Angeles

Date: April 7, 2011
Location: Folsom

(c) Adoption Hearing: Date: May 5, 2011
Location: Upland/Ontario

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. Big Game License Tags Distribution and Reporting Procedures in
Automated License Data System (ALDS)

Currently, Section 708 contains the regulations to issue big game license tags for deer, bear, pig, elk, antelope, and big horn sheep; run the annual big game drawing; tag quota splits for drawing tags; track the accumulation of preference points; and tag validation. Section 708 would be repealed and replaced by dividing existing subsections into their own separate sections. This will make the regulations easier to read for the public and the Department.

The Department's Automated License Data System (ALDS) replaces the cumbersome manual paper inventory license issuance system. The Department began piloting ALDS in August 2010. Beginning in 2011, all Department license sales offices and authorized license agents will issue recreational license items using an ALDS Point of Sale terminal. The Department will no longer distribute paper inventory. One of the chief benefits of ALDS is the creation of a database of licensees and their license purchases.

Under ALDS, customers no longer need to fill out multiple paper applications or forms to apply for a license or other entitlement. Items such as deer tags and bear tags, that were previously only available at nine Department license sales offices, will now be available to hunters at point of sale terminals from a network of approximately 1,400 license agents located throughout the state and neighboring states.

No changes are being made to the information customers must provide on the automated or paperless applications other than providing identification as required under Section 700.4. Section 700.5 allows the Department to accept the submission of equivalent information via ALDS point of sale terminal.

This proposal would:

A. Allow hunters to apply at any Department license sales office or license agent to enter the big game drawing for premium deer, elk, antelope or big horn sheep tags via ALDS point of sale terminals. Hunters would receive a paper receipt from the terminal with the hunter's name, ALDS assigned identification number, proof of entering the big game drawing, hunt choices and accumulated preference points for the species for which the hunter is applying. Hunters could also apply for the random drawing for fund-raising tags at any Department license sales office or license agent.

B. Allow the Department's license agents to issue deer tags, bear tags and bobcat tags to hunters via ALDS point of sale terminals.

C. Allow Department license sales offices to accept payment from successful drawing applicants for elk and antelope tag fees.

D. Establish a specific date, June 2, for hunters to apply for the big game drawing.

E. Establish a specific date and time, July 2 at 8:00am, for leftover premium deer tags to be available for hunters to purchase at department license sales offices and license agents.

F. Establish a specific date and time, August 2 at 8:00am, for restricted deer tags to be available for hunters to purchase at department license sales offices and license agents.

G. Establish a specific date, July 15, for successful hunters to pay the fee when drawn in the big game drawing for an elk, antelope or big horn sheep tag. In addition, allow the Department to accept payment on the next state business day when the deadline falls on a holiday or weekend. Successful hunters in the random drawing would have the same date to claim their tag at the Department's License and Revenue Branch.

H. References to hunting license numbers would not be added to new sections and repealed from existing sections 353 (Methods Authorized to Take Big Game), 354(Archery Equipment and Crossbow Regulations), and 478.1 (Bobcat Hunting Tags). ALDS assigns each customer a permanent identification number, Get Outdoors ID (GO ID), the first time a customer applies for a license, tag, validation or other entitlement. ALDS is able to track a customer's license purchase using their GO ID. The customer's GO ID, name, and address are printed on each big game license tag. ALDS does not assign inventory numbers for each item purchased.

I. Repeal references to specific applications. Under ALDS, applications will be paperless and hunters must provide the same information for a hunting license and big game tag through an ALDS point of sale terminal as they did under the paper inventory system before a tag can be issued.

J. Allow the purchaser of a fund-raiser tag (elk, antelope or bighorn sheep) to designate another person to receive the annual hunting license allowed under regulation. The sale price of an auction tag includes the fee for a hunting license for the purchaser. However, many times the purchaser already possesses a valid hunting license.

K. Specify that applicants applying for premium deer tags in the big game drawing can not submit more than three hunt choices. There are only three rounds in the big game drawing for deer tags.

L. Clarify that an annual hunting license is required to apply for any big game license tag.

M. Clarify that unsuccessful applicants for an elk, antelope or big horn sheep license tag in the big game drawing or from the random drawing for fund-raising tags will not be notified by mail. Applicants can search for their drawing results on the Department's web site, or at an ALDS point of sale terminal at any Department license sales office or license agent.

N. Specify that the party leader applying for a tag in the big game drawing must apply first and is assigned a party identification number for each species. Party members must provide the party leader's identification number when they apply to join the party leader's party. Applicants can apply as a party at any Department license sales office or license agent.

O. Successful deer and elk hunters are required to have their tags validated. The Department's certified hunter education instructors would be added to the list of persons that can validate a deer or elk tag. Persons who could validate tags would be consolidated by agency whenever feasible.

P. ALDS will track the number of deer tags available in real-time. Tags will be issued upon request at Department license sales offices and license agents until the tag quota is filled. Once the tag quota has filled, ALDS will not allow tags for that zone or hunt to be issued, therefore, it will not be necessary to have regulations to conduct a manual drawing.

Q. Specify that hunters can only apply at a Department license sales office to exchange a deer tag.

R. Current regulations are designed to prevent hunters from getting multiple high demand (premium or restricted) tags prior to other hunters getting a chance to obtain a tag. The current regulations manage this by preventing second deer tag issuance of high demand tags until a specific date. For example, if hunter one submits a first deer tag application for a D6 tag (a restricted tag) and a second-deer tag application for an A tag (an unrestricted tag), those tags would be issued immediately upon request to the hunter. However, if hunter two submits a first deer tag application for an A tag and a second-deer tag application for a D6 tag, the A tag would be issued upon request to the hunter. The hunter is required to wait until August 2 to request the D6 tag although hunter two applied for tags at the same time as hunter one. This method was necessary prior to ALDS as the Department did not have a database to identify the type of tag issued as a first deer tag to the hunter. Under ALDS, we can identify the type of tag issued as the first deer tag and remove the relevance of the order in which tags are purchased while still restricting hunters to one premium or restricted tag prior to the date specified in regulation.

S. A portion of deer tag application fees is refundable to nonresidents under specific conditions. A deadline of March 1 would be established for hunters to apply for a refund. In addition, this proposal would allow the Department to accept requests for refunds on the next state business day when the deadline falls on a holiday or weekend.

T. Hunters pay a fee for each pig tag and are allowed to purchase an

unlimited number of pig tags per year. Outdated reference to issuing individual tags when pig tags were issued in books of five tags would not be added to the new section.

U. Clarify and standardize the instructions for completing a big game license tag when an animal has been killed.

2. Procedures to Replace Lost Big Game Tags

Current law or regulation limits hunters to one bear, antelope, elk or big horn sheep tag license tag each license year. Hunters may purchase two deer license tags per license year. This proposal would add Section 708.17 to limit the number of replacement tags that a hunter may apply for each year to the same number of original tags that they are eligible to purchase each year. Hunters would pay the fee specified in Fish and Game Code Section 1053 and submit an affidavit to any Department license sales office with an explanation of the circumstances surrounding the loss of the tag signed under penalty of perjury by the tag holder.

3. Persons Applying For Disabled Hunting Permits

Current regulations do not allow the Department to accept a prior year Disabled Archer Permit as proof of meeting the eligibility requirements for a permit in a new license year. It can be burdensome and costly for hunters to have a physician recertify annually when he/she has a permanent disability. Physicians would designate on the permit application if the disability is permanent or temporary. Hunters applying for a Disabled Muzzleloader Scope Permit are allowed to submit a prior year permit as proof of meeting the eligibility requirement. This change would be consistent with the eligibility requirements for other permits issued to the disabled.

Additionally, regulations would specify that if a permit is issued after July 1st it is valid from the date issued through the following June 30th.

4. Fees For Hunting Applications, Tags, Seals, Permits, and Reservations

The fees for big game hunting applications, tags, seals, permits, and reservations 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 amendment will comply with Section 713, of the Fish and Game Code.

In addition, references for a Disabled Muzzleloader Scope Permit Application and Disabled Archer Permit Application would be moved here from existing regulations.

Applications for deer, bear, antelope, elk and big horn sheep tags will be paperless under ALDS, therefore any references to application names and numbers would be amended as needed.

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

Authority: Section(s) 200, 202, 203, 215, 219, 220, 331, 332, 460, 1050, 1572, 3452, 3453, 4302, 4331, 4334, 4336, 4340, 4341 and 10502, Fish and Game Code.

Reference: Section(s) 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 458, 459, 460, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4565, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 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:

None

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Big Game License Tags Distribution and Reporting Procedures in Automated License Data System (ALDS)

No alternatives were identified. Issuing big game tags in ALDS offers many benefits and convenience to hunters that were not available in a paper license system.

2. Procedures to Replace Lost Big Game Tags

No alternatives were identified. Without establishing limits on the number of duplicate tags a person may have each year, fraud may occur.

3. Persons Applying For Disabled Hunting

No alternatives were identified. Changes proposed are consistent with eligibility requirements for other permits for the disabled.

4. Fees For Hunting Applications, Tags, Seals, Permits, and Reservations

No alternatives were identified. Fish and Game Code Section 713 allows the Department to adjust fees annually based on the

There are no reasonable alternatives to the proposed action.

(b) No Change Alternative:

1. Big Game License Tags Distribution and Reporting Procedures in Automated License Data System (ALDS)

The no-change alternative was not considered. The Department has permanently moved to an automated system to issue big game license tags. The previous paper inventory system was cumbersome and outdated and offered limited service to hunters. The regulations need to reflect the positive changes offered by the move to ALDS.

2. Procedures to Replace Lost Big Game Tags

This no-change alternative was considered and found inadequate to prevent hunters for applying for multiple duplicate tags for the same or more species during any season.

3. Persons Applying For Disabled Hunting Permits

Under the no-change alternative the permit renewal requirements would be inconsistent and more restrictive for similar permits than others.

4. Fees for Hunting Applications, Tags, Seals, Permits, and Reservations

Under the no change alternative, Section 702 would not be in compliance with Fish and Game Section 713.

(c) Consideration of Alternatives:

In view of information currently available, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

None

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 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 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)

Existing regulations specify rules to issue big game license tags in a paper license system. The Department began piloting an Automated License Data System (ALDS) in August 2010. Beginning in 2011, recreation licenses will be issued via ALDS point of sale terminals at Department license sales offices and license agents.

ALDS customers no longer need to fill out multiple paper applications or forms to apply for a license or other entitlement. Items such as deer tags and bear tags, that were previously only available at nine Department license sales offices, will now be issued to hunters at point of sale terminals from a network of approximately 1,400 license agents located throughout the state and neighboring states. Hunters would now be able to apply for premium deer, elk antelope or big horn sheep tags issued from the big game drawing at any Department sales office or license agent. Hunters would receive a paper receipt from the point of sale terminal as proof of entering the big game drawing.

Establish specific dates for hunters to apply for the annual big game drawing, leftover and restricted deer tags and payment of fees for elk, antelope, and bighorn sheep tags. Under existing regulations, deer tags are issued based on the tag choice the hunter entered on the deer tag application. This proposal would allow restricted deer tags to be issued if available and would not be dependent on what order the hunter requested the tag. The instructions for filling out a big game tag would also be standardized.

Establish procedures to replace big game tags and limit the number of replacements to prevent issuing hunters more tags than are allowed.

Standardize renewal eligibility requirements for some disabled hunting permits.

Adjust the hunting fees in regulation as allowed under Fish and Game Code.

Editorial division and relocation of Section 708 to new Sections 708.1. to 708.16 is proposed to establish individual sections based on subject and to provide clarifying language from other sections or from forms previously incorporated by reference prior to ALDS, and to improve readability for the public.