STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 354
Title 14, California Code of Regulations
Re: Archery Equipment and Crossbow Regulations

I. Date of Initial Statement of Reasons: November 20, 2012

II. Date of Pre-adoption Statement of Reasons:

III. Date of Final Statement of Reasons: April 29, 2013

IV. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 12, 2012
Location: San Diego

(b) Discussion Hearing Date: March 6, 2013
Location: Mt. Shasta

(c) Adoption Hearing: Date: April 17, 2012
Location: Santa Rosa

V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Please see:

“Public Comments and Responses for Mammal Hunting Regulations 2013”

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Wildlife
1416 Ninth Street, Room 1208
IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No reasonable alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because the current language in FGC 2005 restricts the use of lighted nocks on archery and cross bow arrows.

(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, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

X. 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. This proposal is 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The proposed regulations will set the 2013-2014 big game hunting regulations for deer, big horn sheep, pronghorn antelope and elk. Currently, the season dates and tag quotas are established based on surveys and other biological assessments made by Department of Fish and Game (department) biologists during the winter of 2013. Each year the department reviews the population status of individual herds and recommends a range of possible tag quotas based
on current production and over-winter survival rates. Adverse impacts to jobs and/or businesses that provide services to various regional hunting zones are not anticipated because of the relatively small number of tags issued to hunters.

Under a normal season, State big game hunters contribute about $82,624,000 in hunting trip-related expenditures to the State’s business sector. This is based on the latest, 2006 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. Adding the indirect and induced effects of this initial revenue contribution and the total benefit to California’s economy is normally about $231,878,000. This is equivalent to about $87,418,006 in total wage earnings to Californians, or about 1943 jobs in the state. Depending on the final season structure that the Commission adopts, the following statewide impacts to businesses may occur. The potential impacts range from 0 to 1943 jobs. The impacted businesses are generally small and localized businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Most of these businesses do not restrict their commerce to hunting activities alone. Additionally, the long-term intent of the proposed action is to increase sustainability in big game mammals, subsequently, the long-term viability of these same small businesses.

(c) Cost Impacts on Representative Private Person or Business

The Fish and Game Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

There are no costs or savings with regard to state agencies or federal funding to the State.

(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.
There have been recent changes in technology regarding equipment used for archery hunting. There is currently an arrow developed and being used by hunters that has a nock that emits light. This allows the arrow to be seen better as it travels through the air and the ability to see the arrow path after it leaves the bow is improved. This can assist the hunter in determining whether they accurately hit the intended target. If the arrow hits an animal and it does not pass through the animal in a low light situation, the hunter may be able to see the lighted nock attached to the animal and track the light to assist in finding a dead or wounded animal and recovering the animal.

Fish and Game Code (FGC) section 2005 regulates the use of lights and gives the Fish and Game Commission authority to regulate the use of lights while taking game. Wording in FGC 2005 makes it illegal to use lights while taking big game and other game under certain areas and situations. FGC section 2005 allows the use of a lantern as long as the lantern does not cast a directional light. The intent of FGC section 2005 is to not allow someone to cast a large directional beam of light while taking game.

Benefits of the Regulation:

Sustainable Management of Big Game Resources. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the state’s wildlife under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local California hunting in harmony with federal law respecting the conservation of the living resources of the state.

It is illegal to waste game, and this technology will assist hunters in retrieving animals and therefore decrease loss and waste.

An editorial change was made to subsection 354(h) to reflect a statutory change to Section 4370 of the Fish and Game Code, made effective on January 1, 2013.

The regulations were adopted on April 17, 2013, with the Commission voting to adopt the department’s recommendation as proposed.
§ 354. Archery Equipment and Crossbow Regulations.

(a) Bow, as used in these regulations, means any device consisting of a flexible material having a string connecting its two ends and used to propel an arrow held in a firing position by hand only. Bow, includes long bow, recurve or compound bow.

(b) Crossbow, as used in these regulations means any device consisting of a bow or cured latex band or other flexible material (commonly referred to as a linear bow) affixed to a stock, or any bow that utilizes any device attached directly or indirectly to the bow for the purpose of keeping a crossbow bolt, an arrow or the string in a firing position. Except as provided in subsection 354(j), a crossbow is not archery equipment and cannot be used during the archery deer season.

(c) For the taking of big game, hunting arrows and crossbow bolts with a broad head type blade which will not pass through a hole seven-eighths inch in diameter shall be used. Mechanical/retractable broad heads shall be measured in the open position. For the taking of migratory game birds, resident small game, furbearers and nongame mammals and birds any arrow or crossbow bolt may be used except as prohibited by subsection (d) below. Notwithstanding the general prohibition of the use of lights in Fish and Game Code section 2005, arrows or crossbow bolts with lighted nocks that do not emit a directional beam of light may be used.

(d) No arrows or crossbow bolt with an explosive head or with any substance which would tranquilize or poison any animal may be used. No arrows or crossbow bolt without flu-flu fletching may be used for the take of pheasants and migratory game birds, except for provisions of section 507(a)(2).

(e) No arrow or crossbow bolt may be released from a bow or crossbow upon or across any highway, road or other way open to vehicular traffic.

(f) No bow or crossbow may be used which will not cast a legal hunting arrow, except flu-flu arrows, a horizontal distance of 130 yards.

(g) Except as described in subsection 354(j), crossbows may not be used to take game birds and game mammals during archery seasons.

(h) Except as provided in subsection 353(g) of these regulations and in Section 4370 of the Fish and Game Code, archers may not possess a firearm while hunting in the field during any archery season, or while hunting during a general season under the provisions of an archery only tag.

(i) No person may nock or fit the notch in the end of an arrow to a bowstring or crossbow string in a ready-to-fire position while in or on any vehicle.

(j) Upon application to the department, the department may issue a Disabled Archer Permit, free of any charge or fee, to any person with a physical disability, as defined in 354(k), which prevents him/her from being able to draw and hold a bow in a firing position. The Disabled Archer Permit authorizes the disabled archer to use a crossbow or device which holds a string and arrow in the firing position to assist in the taking of birds and mammals under the conditions of an archery tag or during archery season. (1) Applications for a Disabled Archer Permit as specified in Section 702 shall be submitted to the department at the address specified on the application and shall include:

(A) Applicant's name
(B) Applicant's physical address
(C) Applicant's date of birth
(D) Applicant's Driver's License or DMV Number
(E) Applicant's telephone number
(F) Applicant's signature
(G) Medical Physician's name
(H) Medical Physician's business address
(I) Medical Physician's business telephone number
(J) Medical Physician's State medical license number
(K) A description of the disabled archer's disability. The physician shall designate if the disability is permanent or temporary. If the disability is temporary, shall provide date the disability is expected to end.
(L) Medical Physician's signature
(N) Signature of the authorizing department employee and date issued
(2) Proof of meeting eligibility requirements may be met by providing a previously issued Disabled Archer Permit when the disability is still in effect.
(3) The valid Disabled Archer Permit shall be in the archer's immediate possession while hunting and shall be shown on demand to any person authorized to enforce this regulation.
(4) The Disabled Archer Permit is valid beginning July 1 through June 30 of the following year or if issued after July 1 of the license year, it is valid beginning on the date issued through to the following June 30. For any person with a permanent disability, the permit is valid through the end of the license year. A Disabled Archer Permit for a permit holder with a temporary disability that ends prior to the end of the license year is valid only through the date specified by his/her physician.
(k) For the purposes of this section a physical disability means, a person having a permanent loss, significant limitation, or diagnosed disease or disorder, which substantially impairs one or both upper extremities preventing a hunter to draw and hold a bow in a firing position.
Note: Authority cited: Sections 200, 202, 203 and 240, Fish and Game Code.