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

Amend Section 708.9
Title 14, California Code of Regulations
Re: Bighorn sheep fund raising tags and nonresident tag numbers

I. Date of Initial Statement of Reasons: November 16, 2012

II. Date of Final Statement of Reasons: April 18, 2013

III. 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, 2013
    Location: Santa Rosa

IV Update:

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

V. 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”

VI. Location and Index of Rulemaking File:

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

VII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:
(a) Alternatives to Regulation Change:

1. Fund-raising tags

No alternatives were identified. Bighorn sheep fund-raising license tags are changed periodically in Section 362. Identifying in Section 708.9 is duplicative.

2. Non-resident general license tags

No alternatives were identified. Changing the current cap on non-resident to a percentage of total available allows for growth with changes over time as bighorn sheep tag quotas are adjusted periodically in Section 362.

(b) No Change Alternative:

1. Fund-raising tags

The no-change alternative was considered and rejected because it would not attain objectives of clarifying inconsistencies and inaccuracies relative to fundraising tags as defined in Section 362. Retaining the current language would be responsive to changes in previous years that defined fundraising tags beyond just the open zone tag. The no-change alternative would accurately depict the number of fundraising tags and the descriptions of them.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to the affected private persons than the proposed regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: Not applicable

IX. 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:

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.
Updated Informative Digest/Policy Statement Overview

The purpose of this proposed change is to clarify that fund-raising tags are defined in Section 362 of Title 14, California Code of Regulations, and not in Section 708.9 of Title 14; and to propose the Commission, based on public input and Commission interest, consider increasing the maximum number of non-residents general license tags from one to a maximum of ten percent (10%) of the bighorn sheep tags available.

Existing Section 708.9, Title 14, California Code of Regulations is inconsistent with fundraising tags defined in Section 362 for bighorn sheep. Section 708.9 needs to be updated to accurately reflect and refer to the correct fund-raising tags available for bighorn sheep.

Existing Section 708.9, Title 14, California Code of Regulations limits the number of bighorn sheep general license tags to non-resident hunters to one. The number of general license tags has increased over the years and now averages 24 tags (when the regulation was established there were less than 5 general tags issued annually). Non-resident general license tags have remained capped at one (1) so to remain consistent in the distribution of tags, there is a need to develop flexibility and allow more non-resident general license tags as the number of tags change over time.

The regulations were adopted on April 17, 2013, with the Commission voting to adopt the department’s recommendation as proposed.
Section 708.9, Title 14, CCR is amended as follows:

§708.9. Bighorn Sheep License Tags, Application, Distribution and Reporting Procedures.
(a) Fund-raising Nelson bighorn ram license tags: Fund-raising license tags for the taking of mature Nelson bighorn rams shall be sold for the purpose of raising funds to manage bighorn sheep. The department may designate a nonprofit organization to sell this fund-raising tag. The department may conduct a random drawing to distribute fund-raising tags. Any resident or nonresident is eligible to buy the tag. The sale price of a fund-raising license tag shall include the fee for processing and issuing an annual hunting license for the purchaser or any person designated by the purchaser. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing an annual hunting license. The purchasers of fund-raising license tags shall complete a required hunter orientation program conducted by the department and meet the hunter education requirements for a hunting license. The fund-raising license tags are defined as follows: in subsection 362(b)
(1) Open-zone fund-raising license tags: These fund-raising license tags are valid in any of the areas described in subsection 362(a).
(b) General Nelson bighorn ram license tags:
(1) The general Nelson bighorn ram license tags shall be issued by drawing, as described in Section 708.14.
(2) Applicants shall apply, and pay a nonrefundable processing fee as specified in Section 702, through the department's Automated License Data System terminals at any department license agent or department license sales office on or before June 2 each year.
(3) Applicants shall be California residents or nonresidents, at least 16 years of age on or before July 1 of the license year for which they are applying.
(4) Applicants shall possess an annual California hunting license that is valid during the bighorn ram season for which they are applying.
(5) Applicants shall not have been awarded a Nelson bighorn ram license tag in the department's big game drawing.
(6) Applicants shall apply for only one designated zone.
(7) No applicant shall submit more than one application per license year.
(8) Incomplete, late and ineligible applications and applications submitted without the appropriate processing fee will not be included in the drawing and the applicant will not earn a preference point.
(9) Successful applicants and a list of alternates for each zone shall be determined by drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.
(10) Not more than one nonresident shall be selected to receive a ten percent (10%) of general license tags shall be awarded to nonresidents each year.
(11) Unsuccessful applicants shall not be notified by mail. Successful applicants will be mailed notification as soon as practical. Upon receipt of the notification, the applicant shall submit the appropriate tag fee, as specified in Section 702, through the department's Automated License Data System terminals at the department's License and Revenue Branch. The tag fee shall be received by the department by 5:00 p.m. on July 15 each year. If the deadline to submit the fee falls on a weekend or holiday payment will be accepted until the close of business on the first state business day following the deadline to submit payment.
(12) Should the quota for each zone remain unfilled after that date, the alternate lists shall be used. Successful applicants shall be issued tags only after successfully completing the required hunter orientation program conducted by the department.

(c) Tagholder Responsibilities:
(1) Only persons possessing valid Nelson bighorn sheep license tags are entitled to hunt bighorn sheep. Tags shall not be transferable and are valid only in the zone or zones specified.

(2) Individuals awarded a fund-raising license tag and all successful applicants for general license tags shall attend and successfully complete a mandatory hunter orientation program. Licensed guides employed by successful applicants and the fund-raising license tag buyer shall accompany their clients to this orientation program.

(3) All successful bighorn sheep tag holders shall have their tags validated. All tags shall be returned to the department within 10 days after the close of the season, even though the tagholder may not have killed a Nelson bighorn ram.

(4) Upon the killing of any bighorn sheep, the tag holder shall immediately fill out all portions of the tag including the report card completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill. License tags shall be attached to the carcass of a bighorn ram immediately after the animal is killed.

(5) All tag holders will be notified by mail as to whether they will be required to report to the department before hunting and upon completion of hunting. The notification shall contain procedures for reporting, including appropriate methods of contacting the department.

(6) The tagholder shall surrender his tag to an employee of the department for any or all of the following reasons:
(A) Any act on the part of the tagholder which violates any of the provisions of the Fish and Game Code, or any regulations of the commission.
(B) Any act on the part of the tagholder which endangers the person or property of others. The decision of the department in such respects shall be final and binding upon the tagholder.