

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

Amend Subsection 360(c)
Title 14, California Code of Regulations
Re: Deer: Additional Hunts

- I. Date of Initial Statement of Reasons: September 15, 2014
- II. Date of Pre-adoption Statement of Reasons: March 16, 2015
- III. Date of Final Statement of Reasons: April 10, 2015
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 3, 2014
Location: Van Nuys, CA
 - (b) Discussion Hearing Date: February 12, 2015
Location: Sacramento, CA
 - (c) Adoption Hearing: Date: April 9, 2015
Location: Santa Rosa, CA

V. Update:

Existing regulations provide for the number of available license tags, season dates, and special conditions for Additional Deer Hunts. The original proposal changed the number of tags to a series of ranges. After completion of fall and spring deer herd surveys, and analysis of 2014 harvest information, population modeling was conducted to estimate the population(s) and determine appropriate levels of allowable harvest. Results of this population modeling are contained in the “Data Supplement to The California Fish and Game Commission, Regarding: Recommended 2015 Deer Tag Allocations (Updated 2014 Deer Harvest and Population Estimates).”

Based on these analyses, the Department recommended final tag quotas within the originally noticed tag ranges in the Initial Statement of Reasons. Except for the military hunts detailed below, all Additional Hunt tag quotas fall within the noticed tag ranges, and are contained in the table within the Updated Informative Digest. The quotas for zones G-1 through G-9, zones G-12 through G-39, zone

M-3, zones M-5 through M11, zones MA-1 and MA03, zones J-1 through J-9, and zones J-11 through J-21, were not recommended to be changed from current 2014 levels.

The Department received notification from Camp Roberts personnel in late-March 2015 that while construction on the base has been completed, the Base is not in a position to conduct the G-9 deer hunt during the 2015 season. Therefore the Department has recommended maintaining the G-9 hunt in regulations and continuing with a zero (0) tag quota.

In the case of several hunts on military lands (G-10 Camp Pendleton E-Sex; G-11 Vandenberg E-Sex; J-10 Fort Hunter Liggett Apprentice E-Sex) tag reductions were requested by base commands in response to declining habitat availability and quality due to wildfires, declining herd conditions, and in an effort to more efficiently control hunter distribution. All of these requests were accepted by the Department and fall below the original tag quotas identified in the most recent Environmental Document Regarding Deer Hunting.

In addition, season adjustments were made to hunts G-8 and J-10 to account for minor shifts in calendar dates; and the mandatory hunter orientation under Hunt J-10 special conditions was eliminated due to insufficient staffing.

The area description for hunt J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt) has changed because of a recent amendment which moved the Wildlife Area description from Section 550 to Section 551, Title 14, CCR.

Pursuant to its April 9, 2015 meeting in Santa Rosa, the Fish and Game Commission adopted the minor season changes to Hunts G-8 and J10; special condition changes to Hunt J-10; and final tag quotas for the Additional Hunts identified in the table as the 2015 Final Tag Quota within the Updated Informative Digest.

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

Responses to public comments, oral or in writing, regarding all proposed 2015-2016 mammal hunting regulations received through April 9, 2015 are included as Attachment A.

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
Sacramento, California 95814

VIII. Location of Department Files:

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

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Additional Hunt G-8

Modify season to include all weekdays. This proposal was considered and rejected because it would not accommodate for military operations which primarily occur on weekdays, resulting in daily hunt cancellations, hunter dissatisfaction and the unnecessary restricting of hunter opportunity.

3. Modify Season and Special Conditions for Additional Hunt J-10

Modify season to include all weekdays. This proposal was considered and rejected because it would not accommodate for military operations which primarily occur on weekdays, resulting in daily hunt cancellations, hunter dissatisfaction and the unnecessary restriction of hunter opportunity.

4. Minor Editorial Changes

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Number of Tags

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The “No Change Alternative” would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify Season for Additional Hunt G-8

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

3. Modify Season and Special Conditions for Additional Hunt J-10

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing, and the required mandatory orientation would be unresponsive to Base operations, scheduled activities and/or unnecessarily restrict hunter opportunity.

4. Minor Editorial Changes

The “No Change Alternative” was considered and found inadequate to attain the project objectives, because inconsistencies in section and subsection references, numbering, spelling, grammar and lack of clarification would exist within the regulations, potentially leading to confusion and possible violations.

- (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.

- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None

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 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. The proposed action adjusts tag quotas for existing deer hunts; adjusts season dates on two hunts; eliminates a mandatory hunter orientation; and makes minor edits for consistency in regulation numbering. 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

- (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 this 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, Government Code:

None

(h) Effect on Housing Costs:

None

Updated Informative Digest/Policy Statement Overview

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. 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 at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. If severe winter conditions adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

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 for 2 and 3 consecutive days respectively, in order to accommodate for Base operations. In addition, Fort Hunter Liggett has requested the mandatory hunter orientation meeting required for Hunt J-10 be deleted from the Special Conditions due to insufficient staffing levels.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below.

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
(2)	G-3 (Goodale Buck Hunt)	35	5-50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (Military and Public splits TBD)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military*	400 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	250 Military*, DOD and as Authorized by the Installation Commander**	250 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	50-300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	25-100
(13)	G-37 (Anderson Flat Buck Hunt)	25	25-50
(14)	G-38 (X-10 Late Season Buck Hunt)	300	50-300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	5-150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	85 Tags Total* (20 Military & 65 Public)	75 Tags Total* (15 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
(43)	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 and eligible personnel as authorized by the Installation Commander.*

Benefits of the regulations

The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

Update

After completion of fall and spring deer herd surveys, and analysis of 2014 harvest information, population modeling was conducted to estimate population(s) and determine the appropriate level of allowable harvest. Results of this population modeling are contained in the “Data Supplement to The California Fish and Game Commission, Regarding: Recommended 2015 Deer Tag Allocations (Updated 2014 Deer Harvest and Population Estimates).” Based on these analyses, the Department recommended final tag quotas from the originally noticed tag ranges within the Initial Statement of Reasons. Except for the military hunts detailed below, all Additional Hunt tag quotas fall within the noticed tag ranges, and are contained in the table within the Updated Informative Digest.

The Department received notification from Camp Roberts personnel in late-March 2015 that while construction on the base has been completed, the Base is not in a position to conduct the G-9 deer hunt during the 2015 season. Therefore the Department has recommended maintaining the G-9 hunt in regulations and continuing with a zero (0) tag quota.

In the case of several hunts on military lands (G-10 Camp Pendleton E-Sex; G-11 Vandenberg E-Sex; J-10 Fort Hunter Liggett Apprentice E-Sex) tag reductions were requested by base commands in response to declining habitat availability and quality due to wildfires, declining herd conditions, and an effort to more efficiently control hunter distribution. All of these requests were accepted by the Department and fall below the original tag quotas identified in the most recent Environmental Document Regarding Deer Hunting.

In addition, season adjustments were made to Hunts G-8 and J-10 to account for minor shifts in calendar dates, and the mandatory hunter orientation under Hunt J-10 special conditions was eliminated due to insufficient staffing.

Pursuant to its April 9, 2015 meeting in Santa Rosa, the Fish and Game Commission adopted the minor season changes to Hunts G-8 and J10; special condition changes to Hunt J-10; and final tag quotas for the Additional Hunts identified as the 2015 Final Tag Quota in the following table:

§	Hunt Number (and Title)	Current 2014	2015 Final Tag Quota
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	2,710
(2)	G-3 (Goodale Buck Hunt)	35	35
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	50
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	0
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military*	250 Military*

§	Hunt Number (and Title)	Current 2014	2015 Final Tag Quota
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	250 Military*, DOD and as Authorized by the Installation Commander**	200 Military*, DOD and as Authorized by the Installation Commander **
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	30
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	25
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	25
(13)	G-37 (Anderson Flat Buck Hunt)	25	25
(14)	G-38 (X-10 Late Season Buck Hunt)	300	300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	5
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	20
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	80

§	Hunt Number (and Title)	Current 2014	2015 Final Tag Quota
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	20
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	15
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	15
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	15
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5

§	Hunt Number (and Title)	Current 2014	2015 Final Tag Quota
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	85 Tags Total* (20 Military)	75 Tags Total* (15 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	40
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	10
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	40
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	30
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	10
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	25
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	20
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	50

**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 and eligible personnel as authorized by the Installation Commander.*