

the current deer tag reporting rate; however, no realistic incentives which would result in an immediate change in reporting rate of a similar magnitude as the fine were identified for implementation.

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:

No alternatives to the proposed regulations were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because implementation of the recommended regulations improves the quality of the sporting experience for hunters.

(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 regulations clarify administrative requirements for big-game hunters which do not affect any businesses.

- (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 benefits to the State's environment because the proposed regulations will assist the Department in the sustainable management of California's deer populations.

The proposed action will not impact jobs, business, or worker safety, because the regulations merely establish mandatory reporting requirements for all deer hunters and an administrative fee for non-reporting.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency 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:

- (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

Amend Sections 702, 708.5, 708.11, and 713
 Add Section 708.18
 Title 14, California Code of Regulations
 Re: Big Game Tags, Reporting, Fees & Refunds, and Replacement

1. AMEND SECTION 702: FEES

The proposed amendment establishes in subsection 702(c)(1)(W) a new \$20.00 Deer Harvest Non-reporting Fee, to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who fail to report their hunting results by the established deadline as required in amended Section 708.5.

Cost Estimate for Non-Reporting of Deer Harvest per Year											
Estimated Average 168 hour per month			Benefit Rate = 46.79%		28,000						
Task	Hourly Rate	# of Hours	Salaries Cost	Benefits 46.79%	Total Salaries + Benefits	STD OE&E	Unit Cost	Units*	Postage	Total	
Meat Locker Booklets							\$5.00	250	\$0	\$1,250	
Meat Locker Data Entry (1 Scientific Aid for 2 months)	\$13	336	\$4,368	\$2,044	\$6,412	\$4,667			\$0	\$11,078	
Meat Locker Data Validation (1 Environmental Scientist for 1 month)	\$26	168	\$4,368	\$2,044	\$6,412	\$2,333			\$0	\$8,745	
Report Preparation (1 Environmental Scientist for 1 month)	\$26	168	\$4,368	\$2,044	\$6,412	\$2,333			\$0	\$8,745	
Data Entry for mailed in report cards (3 Sci. Aides, 2 months each)	\$13	1008	\$13,104	\$6,131	\$19,235	\$14,000			\$0	\$33,235	
LRB costs to implement and manage non-return fee (1 AGPA for 2 months; postage for non-report mailing notifications)	\$30	336	\$10,080	\$4,716	\$14,796	\$4,667	\$0.42	183,997	\$81,945	\$96,742	
		2016								\$159,796	
									5% Est of Non-reporting Tag Holders:	9200	\$17.37
									Based on the Proposed Rate of \$20.00 for the non-reporting fee, it covers the projected costs and a small buffer for misc. and unanticipated costs.		\$20.00
											\$184,000

*Line 10 is average number of tags sold.

2. AMEND SECTION 708.5: DEER TAGGING AND REPORTING REQUIREMENTS.

According to the current regulations in Section 708.5, deer tag holders are required to fill out harvest report cards and return them to the Department within 30 days of harvesting a deer. Hunters unsuccessful in taking a deer are not required to report.

Report cards are an important tool to collect deer harvest information and provide an enforcement mechanism for limiting deer harvest to within acceptable levels established by population surveys and analyses. However, harvest report cards for deer currently have very poor return rates, historically less than 25% overall (although they are variable depending upon zone). Such low return rates may potentially lead to proposed management actions without adequate data to justify them. In addition, existing regulations do not incorporate new procedures for electronic reporting via the Department's website and utilizing the Department's Automated License Data System (ALDS) in the collection of this important harvest data.

The low rate of return for report cards results in increased effort by the Department for managing the hunting programs through additional data collection and analysis to fill data gaps, outreach to remind hunters to return report cards, and other enforcement activities. The cost of this additional effort will be offset by the proposed Deer Harvest Non-reporting Fee.

Proposed Regulations

The proposed amendments will require deer tag holders to report the harvest result, whether successful or unsuccessful, either through ALDS or by mail, or be subject to a fee applied at the time of later purchases of licenses or tags. The objectives of the proposed regulations are to:

- ensure continued hunting opportunities for hunters in California by providing the Department with more accurate and comprehensive data on deer hunter success and harvest levels by zone;
- establish a process and specify a date by which all harvest reports, including those where no deer was taken, must be made; and
- recover the increased cost of management of deer due to the non-reporting of harvest data regardless of success.

These objectives are proposed to be achieved through the following amendments:

- Amend Section 708.5 to require all deer tag holders to report within 30 days of harvest or by January 31, whichever date is first, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to require all deer tag holders that are unsuccessful, whether they hunted or not, to report their 'no harvest' results by January 31, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to establish a Deer Harvest Non-reporting Fee (set at \$20.00 in Section 702(c)(1)(W)) to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who failed to report their hunting results by the established deadline.

3. AMEND SECTION 708.11: ELK LICENSE TAGS, APPLICATIONS, DISTRIBUTION AND REPORTING PROCEDURES

Existing regulations specify license tags shall be attached to the antler of an antlered elk, or to the ear of an antlerless elk immediately after killing. However, it can be difficult to transport the elk carcass from the harvest location when the head, with ear, is required to be attached along with the useable parts of the kill. Many hunters bone out the meat or quarter the animal to reduce the amount of weight that must be transported from the harvest location. Allowing a new option for the tag to be attached to the leg, or remain with the largest portion of meat provides flexibility during transport while still implementing tagging requirements.

The current regulations do not specify evidence of sex for antlerless elk, only that the tag be attached to the ear (and therefore the head). Modifying the regulation to allow a new option to maintain evidence of sex attached to the kill will result in a reliable means to identify sex of the animal.

Additionally, the regulations for elk do not currently specify the length of time an elk tag must be retained. Antelope, Bear, and Deer all specify the tag must be retained for 15 days after the close of the season. In order to clarify regulations and maintain consistency among species, the proposed regulation implements a tag retention requirement of 15 days after the close of the season.

Hunting is no longer permitted on Santa Rosa Island. The property is now a National Monument administered by the National Park Service.

Proposed Regulations

- Amend subsection 708.11(c) to optionally allow elk tags to be attached to the leg, or largest portion of meat; and, provide evidence of the sex of the animal when the head of an antlerless elk is not retained.
- Amend subsection 708.11(c) to require that elk tags be kept for 15 days after the close of the season.
- Delete subsection 708.11(d) removing the reference to Santa Rosa Island.

4. AMEND SECTION 713: TAG REPLACEMENT FOR CARCASS CONDEMNATION

Existing regulations identify a process by which a hunter can have a diseased, injured, or chemically immobilized big-game carcass condemned. Following the condemnation by a department employee, the hunter currently has the following options under subsection 713(c):

- (1) Purchase and use a duplicate tag subject to the fees established in Section 702 for the remainder of the current season under which the animal was taken;
- (2) Upon payment of duplicate tag fee, receive the same tag for the next approved hunting season;
- (3) Participate in the next big-game drawing for that species with one additional point added to the number of preference points the hunter had when they obtained the original tag, or;
- (4) Receive a refund for the tag and have their preference point total for that species restored to the amount they had when the tag was awarded.

Under the department's Automated License Data System (ALDS), big-game tags are issued annually using "quota splits", with a portion of the available tags issued based on the applicant's point total and the remainder issued on a random basis. Unfortunately, the ALDS system is unable to reserve a tag for the next year as provided in option (2); and option (4) does not create an advantage in the drawing system that would assure receiving a tag in the following hunting season. Eliminating options #2 and #4 will streamline the programming process for ALDS and the remaining options (1) and (3) will assure a simple process to provide a hunter who has had a big-game carcass condemned in one year a tag in the same zone/hunt in the following year.

Proposed Regulations

Delete from subsection 713(c) subparagraphs (2) and (4).

BENEFITS OF THE REGULATIONS

The Commission anticipates benefits to the health and welfare of California residents and benefits to the State's environment because each of the proposed regulations assist the Department in the sustainable management of California's big game populations.

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 hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

UPDATE:

Pursuant to their April 9, 2015, meeting in Santa Rosa, the Fish and Game Commission adopted the proposed regulations with one change to Section 708.5 as follows: the Fish and Game Commission adopted a one-year delay on the imposition of the non-reporting fee, subsection 708.5(d), to allow the Department and interested non-governmental organizations more time to inform California's deer hunters of this substantial change in reporting the use of their deer tag(s).