

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

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

I. Date of Initial Statement of Reasons: September 21, 2016

II. Date of Final Statement of Reasons: April 15, 2016

III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 10, 2015
Location: San Diego, CA

(b) Discussion Hearing: Date: February 11, 2016
Location: Sacramento, CA

(c) Adoption Hearing: Date: April 14, 2016
Location: Santa Rosa, CA

IV. Update:

At its April 14, 2016, meeting in Santa Rosa, the Fish and Game Commission adopted the changes to regulation in subsection 360(c), Additional Hunts, and final tag allocations as indicated in the table in the Updated Informative Digest. As a result, tag quotas are not changed from the prior year, except for subsection 360(c)(29) J-7 (Carson River Apprentice Either-Sex Deer Hunt) which will be closed (tags = 0). The Commission also adopted other minor changes to certain hunt zone dates as indicated in the approved Regulatory Text.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Responses to Those Considerations:

Comments received from the public regarding proposed amendments to sections 360(a), 360(b), 360(c), and 361, concerning deer hunting, are included in Attachment A along with the Department's responses.

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, CA 95814

VII. Location of Department files:

Department of Fish and Wildlife
1812 Ninth Street
Sacramento, CA 95811

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

The levels of harvest (quotas) are subject to analysis based upon the Updated 2015 Deer Harvest and Population Estimates. There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

Retaining the current number of tags for the zones currently listed in regulation was determined to be the best alternative based on the present 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. For the 2016-17 season the "No Change Alternative" is the proper level of management of the desired proportion of bucks stated in the approved deer herd management plans, except for J-7 (Carson River Apprentice Either-Sex Deer Hunt) which will be closed.

(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 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.

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 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 hunts, modifies season dates for two hunts and makes minor editorial changes for consistency. 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. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California. The proposed action adjusts tag quotas for existing hunts based on herd performance criteria. Given the number of tags historically available, the minimal adjustments in tag numbers that are anticipated for the 2016-17 hunting season, and the area over which they are distributed (entire State of California), these proposals are economically neutral to jobs or business within California.

- (c) Cost Impacts on Representative Private Persons/Business:

The Commission 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: 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

UPDATED INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. 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, as the final number of tags cannot be determined until spring herd data are collected in March/April. Due to this, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the 2007 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 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days, inclusive of the Columbus Day holiday, in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift and move the seasons one week later to eliminate conflicts with elk hunting during the first week of October. The proposal would change the season dates to open on October 8 and October 15, for 3 and 2 consecutive days respectively, and include the Columbus Day holiday, in order to accommodate for Base operations.

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

The proposed action 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 2015	Proposed 2016 [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*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military and 10 Public)	20 Tags Total* (10 Military and 10 Public)

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	0-30 Tags Total* (Military and Public splits 15/15)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	250 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 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	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)	5	5-50
(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

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(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
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military and 60 Public)	85 Tags Total* (25 Military and 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

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(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 hunting 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

At its April 14, 2016, meeting in Santa Rosa, the Fish and Game Commission adopted the changes to regulation in subsection 360(c), Additional Hunts, and final tag allocations as indicated in the table below. As a result, tag quotas are not changed from the prior year, except for subsection 360(c)(29) J-7 (Carson River Apprentice Either-Sex Deer Hunt) which will be closed (tags = 0). The Commission also adopted other minor changes to certain hunt zone dates as indicated in the approved Regulatory Text.

The proposed Regulatory Text adopted on April 14, 2016, contained an area description in subsection 360(c)(40)(A) for the J-18, Pacific/Grizzly Flat Apprentice Either-Sex Deer Hunt. The area description is inconsistent with Alpine County Resolution No. R2016-04, adopted January 19, 2016, opposing the J-18 hunt in Alpine County. In accordance with California Fish and Game Code Section 459 “the commission shall not authorize the taking of antlerless deer in a county specified in Section 458 if it has received from the board of supervisors of that county a resolution objecting to that taking.” Therefore, subsection 360(c)(40)(A) has been revised to exclude Alpine County from the J-18 Area consistent with the resolution and Section 459. The revision is nonsubstantial.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Adopted 2016-17
(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 & 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	0
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military *	250 Military *

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Adopted 2016-17
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 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	10
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	80
(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 Buck Hunt)	150	150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	150

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Adopted 2016-17
(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	0
(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
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military & 60 Public)	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.*