

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 219, 220, 331, 332, 460, 1050, 1572, 3003.1, 3452, 3453, 4181, 4334, 4370, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 458, 459, 460, 713, 1050, 1570-1572, 3003.1, 3452, 3453, 3950, 3951, 4181, 4334, 4370, 4902, 10500 and 10502 of said Code, proposes to amend sections 354, 360, 361, 362, 363 and 364, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2005-2006 Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2005-2006 Mammal Hunting Regulations.

Informative Digest/Policy Statement Overview

Section 354, Title 14, CCR – Archery Equipment and Crossbow Regulations.

The proposed regulation change will better define what a physical disability is in regards to disabled archers. The proposed regulation change will make these regulations consistent with other Western states' wildlife agencies. This regulation change will help reduce confusion by hunters and law enforcement personnel.

The Department has received requests from the bow hunting public to better define the language in the existing regulations regarding the definition of a disability as it applies disabled archers. The Department also wants to have a regulation that has similar language and requirements as other Western states' wildlife agencies.

Subsection 360(a), Title 14, CCR – Deer (A, B, C and D Zones)

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(a) A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	9,500	8,000-20,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000

Deer: § 360(a) A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

Subsection 360(b), Title 14, CCR – Deer (X Zones)

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-1	2,325	1,000-6,000
X-2	190	50-500
X-3a	300	150-1,500
X-3b	885	200-3,000
X-4	475	100-1,500
X-5a	85	50-300
X-5b	130	50-800
X-6a	390	100-1,200
X-6b	375	100-1,200
X-7a	150	50-600
X-7b	70	10-200
X-8	300	100-750
X-9a	775	100-1,200

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-9b	325	100-600
X-9c	325	100-1,000
X-10	400	200-600
X-12	815	100-1,500

Subsection 360(c), Title 14, CCR – Deer (Additional Hunts)

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,000	500-5,000	M-11	20	20-200
G-3	35	5-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	10 Military * 10 Public	10-80 Military * and Public	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	300 Military *	100-480 Military *	J-7	15	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10-20
G-12	30	25-75	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 50 Public	10-80 Military * and Public
G-19	35	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
G-39	30	5-150	J-15	10	5-30
M-3	20	20-75	J-16	75	10-75
M-4	15	5-50	J-17	25	5-25

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
M-5	10	5-50	J-18	75	10-75
M-6	80	25-100	J-19	25	10-40
M-7	150	50-150	J-20	20	5-20
M-8	20	5-75	J-21	50	20-80
M-9	10	5-100			

* *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*

Subsection 361, Title 14, CCR – Archery Deer Hunts

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	2,150	150-3,000
A-3 (Zone X-1 Archery)	225	50-1,000
A-4 (Zone X-2 Archery)	10	10-200
A-5 (Zone X-3a Archery)	35	10-300
A-6 (Zone X-3b Archery)	95	25-400
A-7 (Zone X-4 Archery)	100	25-400
A-8 (Zone X-5a Archery)	25	15-100
A-9 (Zone X-5b Archery)	5	10-100
A-11 (Zone X-6a Archery)	60	25-300
A-12 (Zone X-6b Archery)	110	25-200
A-13 (Zone X-7a Archery)	15	10-200
A-14 (Zone X-7b Archery)	20	10-100
A-15 (Zone X-8 Archery)	50	25-200
A-16 (Zone X-9a Archery)	195	50-750
A-17 (Zone X-9b Archery)	300	50-600

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	205	25-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	100-1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	35	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-2,000
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300

Subsection 362, Title 14, CCR – Nelson Big-Horn Sheep

Existing regulations provide for limited hunting of Nelson bighorn rams in six hunt zones. The proposed change adds a new hunting zone in the White Mountains area and adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed tag numbers were determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3
Zone 2 - Kelso Peak/Old Dad Mountains	4
Zone 3 - Clark/Kingston Mountain Ranges	1
Zone 4 - Orocopia Mountains	0
Zone 5 - San Geronio Wilderness	1
Zone 6 – Sheep Hole Mountains	2
Zone 7 - White Mountains	3
Open Zone Fund-Raising Tags	2
TOTAL	16

The proposed season dates for the new general season hunt described as Zone 7 – White Mountains is proposed to begin on the third Saturday in August and extending through the last Sunday in September. The proposed season dates for the fund raising tagholders who choose to hunt in Zone 7 – White Mountains is proposed to begin on the first Saturday in August and extending through the last Sunday in September. These seasons are earlier than for other bighorn sheep hunt zones because this hunt is at

higher elevations, and the season is timed to provide for the optimum hunting opportunity for the White Mountains area.

Fund raising tagholders are proposed to hunt only in hunt zones 1, 2, 5, 6, and 7. They are precluded from hunting in zones 3 and 4 because the estimated number of mature rams in zones 3 and 4 would not support the harvest of two additional rams and still comply with the statutory provision of not more than 15 percent of the mature rams in any zone are taken.

Subsection 363, Title 14, CCR – Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2005. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for most hunt zones are as set forth below.

Pronghorn Antelope Tag Allocation Ranges - 2005						
<i>Hunt Area</i>	<i>Archery-Only Season</i>		<i>General Season</i>			
			<i>Period 1</i>		<i>Period 2</i>	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 – Mount Dome	1-10	0-3	3-60	0-20	0	0
Zone 2 – Clear Lake	1-10	0-3	5-80	0-25	0	0
Zone 3 – Likely Tables	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4 – Lassen	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5 – Big Valley	1-15	0-5	3-150	0-50	0	0
Zone 6 – Surprise Valley	1-10	0	3-25	0-7	0	0
Big Valley Junior Hunt	N/A		1-15 Either-Sex		0	
Lassen Junior Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Junior Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

Subsection 478.1, Title 14, CCR – Bobcat Hunting Tag Fees

Existing regulations provide fees for bobcat hunting tags Pursuant to Section 713 of the Fish and Game Code and Section 699, Title 14, these fees are adjusted annually based on a calculated cost-of-living adjustment. The proposed changes would revise fees listed in Subsection (a) of Section 478.1 for consistency with adjustments made pursuant to Section 713, Fish and Game Code and Section 699, Title 14.

Subsection 479, Title 14, CCR – Bobcat Pelts

Existing regulations provide fees for bobcat pelt shipping tags. Pursuant to Section 713 of the Fish and Game Code, and Section 699, Title 14, these fees are adjusted for cost of goods and services based on a calculated cost-of-living adjustment. The proposed changes would revise fees listed in Subsection (c) (4) of Section 479 for consistency with adjustments made pursuant to Section 713 of the Fish and Game Code and Section 699, Title 14.

**Subsection 708, Title 14, CCR - Big Game License Tag, Application,
Distribution and Reporting Procedures**

Existing regulations reference the 2004/2005 hunting license year and include outdated revision dates on hunting application forms for deer, Nelson bighorn sheep, antelope, elk and bear. Leaving these outdated references will create an inconsistency between the actual forms and regulatory language. The proposed changes would update references to the application forms in order to reflect the new license year and form revision dates, thereby eliminating any confusion.

Existing regulations provide fees for various big game applications and tags including: deer tag exchange fees; and application and tag fees for bighorn sheep, antelope and elk. Pursuant to Section 713, Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. The proposed changes would update fees listed in Section 708 for consistency with Section 713 adjustments.

Existing regulations require big game tag applicants be 12 years of age at the time of application (16 years of age for sheep), which causes confusion for the public and results in a number of junior hunters applying for the drawing, being rejected based upon the day they applied rather than the license validity date. The proposed change would require big game drawing applicants to be 12 years of age (16 years of age for sheep) on or before July 1 of the license year for which they are applying.

Existing regulations require alternate elk and antelope applicants to submit tag fee payments at the same time as successful applicants. This requires hunters to pay for a tag they probably will not receive. In addition, the department must deposit the tag fees received and process refunds for alternates not selected for a tag. The proposed change will allow the department to collect tag fees from alternates, only if a tag will be awarded.

Existing regulations require applicants to notify the department of corrections to their name, address and hunter identification number; however, date of birth was inadvertently omitted. Without this change the department may be unable to identify hunters and track and maintain preference points accurately. The proposed change will require hunters to notify the department in writing if their date of birth is incorrect.

Existing regulations prohibit hunters from applying for a buck antelope tag if they were drawn for a buck antelope tag in the previous 10 years. This regulation was created prior to the preference point drawing system to help ensure that hunters who received a buck antelope tag did not receive another tag, before the hunters who had not been drawn. As a result of the preference point drawing system this regulation is no longer needed since the estimated wait period for a hunter drawn under a preference point system may exceed the 10-year period.

Existing regulations specifies that big game applications must be available at license agents and regular department offices, which is inconsistent with current practice. There are a number of license agents that do not sell hunting items and some department offices do not sell licenses. The proposed change will remove the reference requiring these items be available at all license agents and department offices and will allow the department to designate the license agents and department offices where these items are available.

Existing regulations requires hunters to mail their applications for leftover drawing tags to the department's License and Revenue Branch, in Sacramento, which limits the accessibility for hunters to obtain these tags. Historically, there are several area-specific archery hunts that do not fill in the drawing each year which could be obtained from other designated department offices. The proposed change will allow the department to specify where leftover tags may be obtained.

Existing regulations specify the name of the hunter's first deer tag application of the license year as a one-deer tag application. This name was inherited from the early 1970's when a hunter purchased a one-deer tag application for one deer tag and a two deer tag application for two deer tags. However, in the late 1980's the license tag structure was changed requiring hunters to purchase two deer tag applications (a one-deer and a second-deer) if they wanted two deer tags. As a result of this change the name of the two deer tag application was changed to a second-deer tag application. However, the name of the one-deer tag application was never changed to a first-deer tag application. The proposed change will modify the name of the one-deer tag application to a first-deer tag application.

Existing regulations require the department to run the big game drawing within 10 calendar days of the drawing deadline. Leaving the date could increase the department's administrative costs to run the drawing within 10 calendar days. The proposed change will modify the days to business days rather than calendar days.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Secretary of State Auditorium, 1500 11th Street, Sacramento, California on Thursday, May 5, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted at least ten days before the discussion and adoption hearing on May 5, 2005, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than May 5, 2005, at the hearing in Sacramento, CA. All written comments must include the true name and mailing address of the commenter.

A draft environmental document associated with the proposed regulatory actions regarding Big Horn Sheep was filed with the Office of Planning and Research, and made available for comment commencing January 20, 2005. The Commission will certify this document at the May 5, 2005 meeting in Sacramento. Written comments on this document may be submitted to the Commission office (address given herein). This draft environmental document is available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the document is also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Ontario and San Diego. **NO WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL DOCUMENT WILL BE ACCEPTED AFTER 5:00 P.M. ON MARCH 6, 2005.** All other environmental documents relating to mammal hunting were certified on April 24, 2004. There are no changes to these documents.

The regulations as proposed in strikeout-underline format, as well as initial statements of reasons including environmental considerations and all information upon which the proposal is based, are on file and available for public review from Jon Fischer, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Jon Fischer or Jon Snellstrom at the preceding phone number. John Carlson, Acting Chief, Wildlife Programs Branch, Department of Fish and Game, 916 653-7203, has been designated to respond to questions on the substance of the proposed regulations. Copies of the initial statements of reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposals are adopted, the final statements of reasons may be obtained from the address above when they have been received from agency program staff.

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 Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Section 354, Archery Equipment and Crossbow Regulations.

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. Because the proposed change clarifies the regulation, it is economically neutral.

Subsection 360(a), Deer: A, B, C, and D Zone Hunts

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. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(b), Deer: X-Zone Hunts

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. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(c), Deer: Additional Hunts

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. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 361, Archery Deer Hunting

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. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 362, Nelson Bighorn Sheep

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. Because the proposed change clarifies the regulation, it is economically neutral.

Section 363, Pronghorn Antelope

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.

Section 478.1, Bobcat Hunting Tag Fees

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 provides consistency with the Fish and Game Code; adjusts fees pursuant to Section 713, Fish and Game Code and Section 699, Title 14; and is economically neutral to businesses.

Section 479, Bobcat Pelts

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 provides consistency with the Fish and Game Code, adjusts fees pursuant to Section 713, and is economically neutral to businesses.

Section 708, Big Game License Tag, Application, Distribution and Reporting Procedures

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 updates administrative procedures, form references and revision dates for clarification within the regulation, provides consistency with Fish and Game Code; adjusts fees pursuant to Section 713, and is economically neutral to businesses. Given the minor nature of the change in pronghorn tags that are proposed, 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: None.
- (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 the 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: None.
- (g) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Jon Fischer
Assistant Executive Director

Dated: February 8, 2005