

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

Amend Subsection 360(b),
Title 14, California Code of Regulations (CCR)
Re: Deer: X-Zone Hunts

- I. Date of Initial Statement of Reasons: December 15, 2008
- II. Date of Pre-adoption Statement of Reasons: March 20, 2009
- III. Date of Final Statement of Reasons: April 22, 2009
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 5, 2009
 Location: Sacramento
 - (b) Discussion Hearing: Date: March 4, 2009
 Location: Woodland
 - (c) Discussion Hearing: Date: April 9, 2009
 Location: Lodi
 - (d) Adoption Hearing: Date: April 21, 2009 (Teleconference)
 Location: Sacramento

V. Update:

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

Pursuant to its April 21, 2009 meeting in Sacramento, the Fish and Game Commission adopted the regulation changes as proposed.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

No (other) public comments, written or oral, were received during the public comment period.

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, CA 95814

VIII. Location of Department files:

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

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Area Description for Zones X-7a and X-7b

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 zones 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 Area Description for Zones X-7a and X-7b

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the current area descriptions could lead to confusion on the part of hunters and potentially place them at risk of receiving citations for hunting out of the defined areas.

(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, or would be as effective and less burdensome to the affected private persons than the proposed regulation.

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 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. The proposed action adjusts tag quotas for existing hunts and clarifies two adjacent zone area descriptions. 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:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person 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 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.

Existing regulations provide area descriptions for zones X-7a and X-7b. The area description for each zone references a campground which is no longer in existence. The proposal would delete references to this campground, thereby eliminating any confusion on the part of hunters.

Pursuant to its April 21, 2009 meeting in Sacramento, the Fish and Game Commission adopted the proposed area description modifications referenced above and tag quotas as follows:

Deer: § 360(b) X-Zone Hunts 2009 Tag Allocations (Modified Proposal)			
Zone	Current	Original Proposal	Modified Proposal
X-1	2,280	1,000-6,000	2,370
X-2	180	50-500	185
X-3a	250	100-1,200	240
X-3b	845	200-3,000	825
X-4	425	100-1,200	375
X-5a	60	25-200	60
X-5b	85	50-500	110
X-6a	325	100-1,200	325
X-6b	375	100-1,200	370
X-7a	205	50-500	200
X-7b	125	25-200	120
X-8	230	100-750	220
X-9a	775	100-1,200	650

Deer: § 360(b) X-Zone Hunts 2009 Tag Allocations (Modified Proposal)			
Zone	Current	Original Proposal	Modified Proposal
X-9b	325	100-600	325
X-9c	325	100-600	325
X-10	400	100-600	400
X-12	850	100-1,200	760