

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

Amend Section 365  
Title 14, California Code of Regulations  
Re: Bear

I. Date of Initial Statement of Reasons: January 4, 2009

II. Date of Pre-adoption Statement of Reasons: March 23, 2009

III. Date of Final Statement of Reasons: April 21, 2009

IV. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 5, 2009  
Location: Woodland, California

(b) Discussion Hearing: Date: March 5, 2009  
Location: Woodland, California

(c) Discussion Hearing: Date: April 9, 2009  
Location: Lodi, California

(d) Adoption Hearing: Date: April 21, 2009  
Location: Teleconference

V. Update:

At the April 21, 2009 meeting of the Fish and Game Commission, the Department modified the original proposal to the no change alternative. The Fish and Game Commission approved (vote 5 – 0) the modified proposal thereby leaving bear hunting regulations unchanged from the existing regulations.

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

Included in, "Responses to Public Recommendations for Changes in the Bear Hunting Regulations", November 2, 2007 through April 21, 2009

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 Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Proposed Project

1. Expand the Southern California bear hunting area to include San Luis Obispo County, but allow bear hunting only on public land within the County:

This alternative would provide additional hunting opportunity by expanding the Southern California bear hunting area to include San Luis Obispo County, but would not allow hunting on private lands within the County. Bears have caused property damage in a variety of location throughout the County, and depredation permits have been issued to some landowners to kill bears as a result. This alternative would focus hunting mostly within the Los Padres National Forest, lands administered by the Bureau of Land Management and some state-owned land in various locations. The majority of land within San Luis Obispo County is private, so this alternative would greatly reduce hunting opportunity compared to the proposed regulation. This alternative is rejected because it would not allow private landowners the opportunity to take bears from their lands as part of the archery and general hunting seasons.

2. Increase the in-season closure bear harvest quota from 1,700 to 1,900:

This alternative would require the bear season to close early when the Department received notification that 1,900 bears were taken. This alternative would still require the Department to send a letter to each bear hunter when this early closure occurs. This alternative would reduce the probability that the harvest level would be high enough to

end the season early and requiring the expense of notifying hunters by mail. This alternative is rejected because it the in-season closure quota is unnecessary and costly. Bear hunting is managed by monitoring specific bear population criteria and comparing those criteria to levels specified in the Bear Management Plan.

(b) No Change Alternative:

1. Amend Hunting Area

The no-change alternative was accepted by the Commission because it would allow greater public input by postponing the proposed changes in San Luis Obispo County until next year.

2. Bear Season Early Closure

The no-change alternative was accepted by the Commission because it would allow greater public input by postponing the proposed changes until next year.

(c) Consideration of Alternatives:

In view of information currently possessed, the no change alternative was considered to be most 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 and the public in general.

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: None anticipated because the no-change alternative was accepted by the Commission.
- (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 anticipated because the no-change alternative was accepted by the Commission.

- (c) Cost Impacts on a Representative Private Person or Business: None anticipated because the no-change alternative was accepted by the Commission.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None anticipated because the no-change alternative was accepted by the Commission.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None anticipated because the no-change alternative was accepted by the Commission.
- (f) Programs mandated on Local Agencies or School Districts: None anticipated because the no-change alternative was accepted by the Commission.
- (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 anticipated because the no-change alternative was accepted by the Commission.
- (h) Effect on Housing Costs: None anticipated because the no-change alternative was accepted by the Commission.

## Updated Informative Digest/Policy Statement Overview

Existing subsection 365 (a)(4), Title 14, California Code of Regulations, provides a description of the bear hunting area for the Southern California bear hunting area. This hunt area includes several counties in Southern California, including Santa Barbara County, adjacent to San Luis Obispo County. Currently, bear hunting in San Luis Obispo County is not allowed. The proposed regulation change enlarges the Southern California bear hunting area to include San Luis Obispo County to provide additional hunting opportunity.

Existing subsection 365 (b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

**At the April 21, 2009 meeting of the Fish and Game Commission, the Department modified the original proposal to the no change alternative for bear hunting regulations. The Fish and Game Commission approved (vote 5 – 0) the modified proposal thereby leaving bear hunting regulations unchanged from the existing regulations.**