

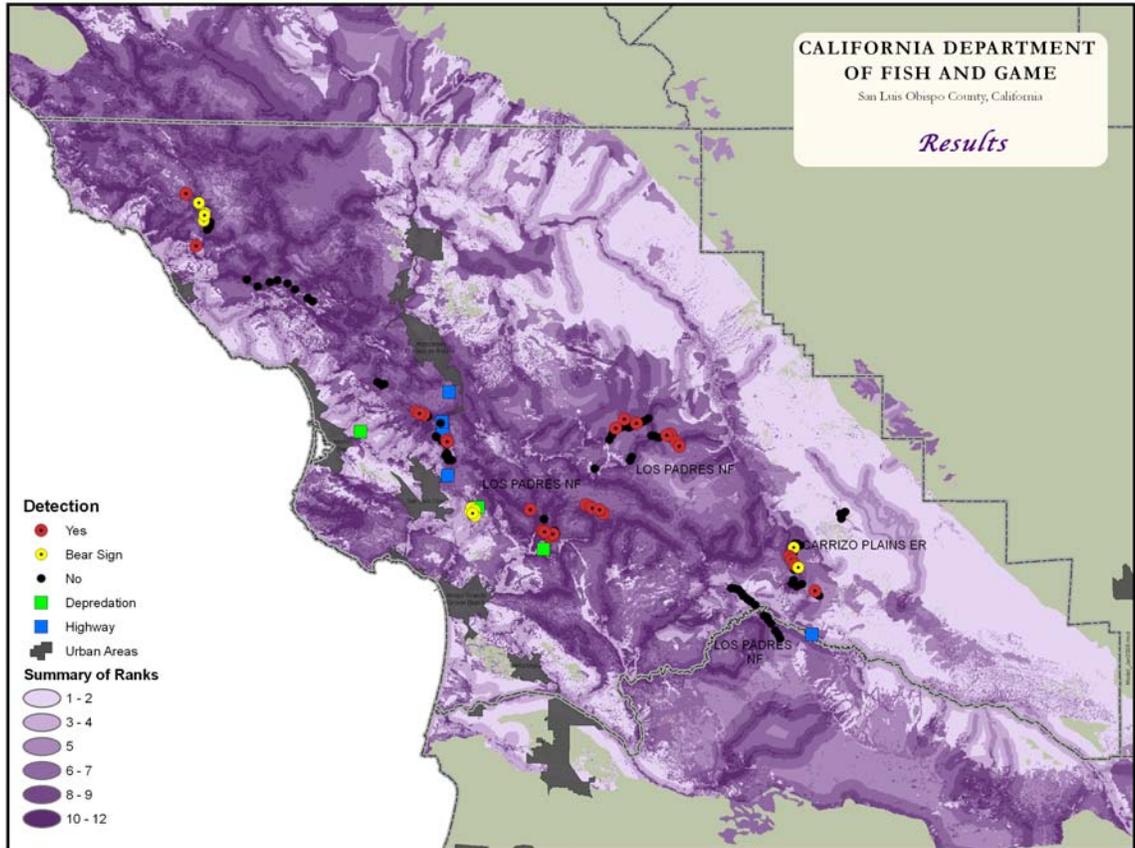
The proposed regulation change would allow bear hunting in San Luis Obispo County. Expanding the hunt area north to include San Luis Obispo County would allow hunters access to areas supporting harvestable bear populations.

Hunting black bears is currently provided in Santa Barbara County, south of San Luis Obispo County. During the past ten years, approximately 20 bears are reported killed annually by hunters in Santa Barbara County. The proposed change to add San Luis Obispo County to the bear hunting area is expected to result in the harvest of a similar number of bears.

Bears have been observed in San Luis Obispo County for a number of decades. Depredation permit data record the first bear depredation permit was issued in 1979. During the past ten years, 23 depredation permits have been issued in San Luis Obispo County. In comparison, during the same period, 22 depredation permits have been issued in Santa Barbara County.

Public input and direction by the California Fish and Game Commission at their February, 2007 meeting prompted the Department to learn more about bear distribution and abundance in San Luis Obispo County. In an effort to collect more information regarding the presence and relative abundance of bears in San Luis Obispo County, the Department conducted field samples of bear relative densities during the summers of 2007 and 2008. The results of those surveys support the conclusion that bear numbers and densities are adequate in San Luis Obispo County to allow bear hunting without adversely affecting the bear population in the county.

The Department has developed a habitat suitability model for black bears in San Luis Obispo County. That model is based on the habitat preferences of bears for feeding, resting and breeding. Vegetation types containing large trees are preferred by bears for breeding and escape cover. Also, moist areas are preferred for drinking and for production of young, digestible grasses and forbs as forage. The compilation of these and other preferred habitat elements are shown in the model, below. Plotted on the model are the locations of scent stations which were established during the summers of 2007 and 2008, bears killed on depredation permits and bears killed on the roads in San Luis Obispo County.



Many areas lying in Santa Barbara County, south of San Luis Obispo County, provide high quality bear habitat capable of supporting self sustaining bear populations. Areas in the Los Padres National Forest in particular support habitat mosaics comprised of dense conifer, oak woodland, riparian forest, chaparral and meadows. These habitats sustain year-round bear populations because they provide sufficient food, cover and water. Bear habitat located in San Luis Obispo County is similar in composition and quality to the bear habitat located in Santa Barbara County.

2. Bear Season Early Closure

Existing subsection 365 (b), Title 14, California Code of Regulations, requires the general 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. This has occurred only twice in the past six years. 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. Bear hunting is managed by monitoring specific bear population criteria and comparing those criteria to levels listed in the Bear Management Plan.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203 Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, and 207 Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Please see attached Negative Declaration.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department received direction from the Fish and Game Commission at its February, 2007 meeting in Monterey and its February, 2008 meeting in San Diego to consider adding San Luis Obispo County to the bear hunting area. Public discussion and testimony received by the Fish and Game Commission at those meetings was responsible for this proposed change to regulations.

IV. 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 considered and rejected because it would not attain project objectives of providing for hunting opportunities on public and private land within San Luis Obispo County.

2. Bear Season Early Closure

The no-change alternative was considered and rejected because it would continue a costly and unnecessary process.

(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.

V. Mitigation Measures Required by Regulatory Action:

None. See attached Negative Declaration.

VI. 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 initial 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. 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.

**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.

§365. Bear.

Except as provided in Section 366, bear may be taken only as follows: (Note: See subsection 265(c)(1) for restrictions on the use of dogs.)

(a) Areas:

(1) Northern California: In the counties of Del Norte, Humboldt, Plumas, Shasta, Siskiyou, Tehama and Trinity; and those portions of Lassen and Modoc counties west of the following line: Beginning at Highway 395 and the Sierra-Lassen county line; north on Highway 395 to the junction of Highway 36; west on Highway 36 to the junction of Highway 139; north on Highway 139 to Highway 299; north on Highway 299 to County Road 87; west on County Road 87 to Lookout-Hackamore Road; north on Lookout-Hackamore Road to Highway 139; north on Highway 139 to the Modoc-Siskiyou county line; north on the Modoc-Siskiyou county line to the Oregon border.

(2) Central California: In the counties of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Mendocino, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo and Yuba and those portions of Napa and Sonoma counties northeast of Highway 128.

(3) Southern Sierra: That portion of Kern County west of Highway 14 and east of the following line: Beginning at the intersection of Highway 99 and the Kern-Tulare county line; south on Highway 99 to Highway 166; west and south on Highway 166 to the Kern-Santa Barbara county line; and those portions of Fresno, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne counties east of Highway 99.

(4) Southern California: In the counties of Los Angeles, San Luis Obispo, Santa Barbara and Ventura; that portion of Riverside County north of Interstate 10 and west of Highway 62; and that portion of San Bernardino County south and west of the following line: Beginning at the intersection of Highway 18 and the Los Angeles-San Bernardino county line; east along Highway 18 to Highway 247; southeast on Highway 247 to Highway 62; southwest along Highway 62 to the Riverside-San Bernardino county line.

(5) Southeastern Sierra: Those portions of Inyo and Mono counties west of Highway 395; and that portion of Madera County within the following line: Beginning at the junction of the Fresno-Madera-Mono county lines; north and west along the Madera-Mono county line to the boundary of the Inyo-Sierra National Forest; south along the Inyo-Sierra National Forest boundary to the Fresno-Madera county line; north and east on the Fresno-Madera county line to the point of beginning. Also, that portion of Inyo county west of Highway 395; and that portion of Mono county beginning at the intersection of Highway 6 and the

Mono county line; north along Highway 6 to the Nevada state line; north along the Nevada state line to the Alpine county line; south along the Mono-Alpine county line to the Mono-Tuolumne county line and the Inyo National Forest Boundary; south along the Inyo National Forest Boundary to the Inyo-Sierra Forest boundary; south along the Inyo-Sierra Forest boundary to the Fresno-Madera county line; north and east along the Fresno-Madera county line to the junction of the Fresno-Madera-Mono county line; south along the Mono-Fresno county line to the Mono-Inyo County line; east along the Mono-Inyo county line to the point of beginning.

(b) Seasons: Except in the deer hunt areas designated as zones X-1 through X-7b in subsection 360(b), the bear season shall open on the opening day of the general deer season as described in subsections 360(a) and (b) and extend until the last Sunday in December in the areas described in subsections 365(a)(1), (2), (3), (4) and (5) above. In those areas designated as deer hunting zones X-1 through X-7b, the bear season shall open on the second Saturday in October and extend for 79 consecutive days. ~~The bear season shall be closed when the department determines that 1,700 bears have been taken pursuant to the reporting requirement in section 708(e). The department shall notify the commission, the public via the news media and bear tag holders via the U.S. mail and the news media when implementing this closure.~~

(c) Bag and Possession Limit: One adult bear per season. Cubs and females accompanied by cubs may not be taken. (Cubs are defined as bears less than one year of age or bears weighing less than 50 pounds.)

(d) No open season for bear in the balance of the state not included in subsection (a) above.

(e) Bait: No feed, bait or other materials capable of attracting a bear shall be placed or used for the purpose of taking or pursuing a bear. No bear shall be taken over such bait. No person may take a bear within a 400-yard radius of a garbage dump or bait.