

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Subsections 708(a)(2)(A); 708(a)(2)(E); 708(a)(2)(F); 708(b)(1); and 708(d)(1).
Title 14, California Code of Regulations
Re: Big Game License Tag, Application, Distribution and Reporting Procedures

I. Date of Initial Statement of Reasons: January 9, 2009

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 6, 2009
Location: Sacramento

(b) Discussion Hearings: Date: March 4, 2009
Location: Woodland

Date: April 9, 2009
Location: Lodi

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

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Issuing Deer Tags

Existing regulations provide for the issuance of deer tags. This proposed regulatory action would establish new classifications of deer hunts resulting in deer tags being issued based on when the tag quota for the hunt or zone filled during the previous license year.

This proposed regulatory action would establish new classifications of hunt issuance categories to allow the supply and demand of deer tags to control tag issuance procedures to:

- Avoid renaming deer hunts when demand justifies that tags be issued by drawing or issued upon request.
- Allow low demand D-zone hunts to be issued upon request using second-deer tag applications.
- Allow low demand additional and area-specific archery hunts to be issued upon request.

Deer tags would be classified as follows:

Premium Deer Hunt Tag:

- Any hunt that filled on or before the first business day after July 1 in the immediately preceding license year.

Restricted Deer Hunt Tag:

- Any hunt that filled on or before the first business day after August 1 of the immediately preceding license year (note that premium hunts by definition would also be restricted hunts).

Unrestricted Deer Hunt Tags:

- Any hunt that did not fill on or before the first business day after August 1 in the immediately preceding license year.

Based on 2008 deer tag issuance results and the classifications described above, this proposal would result in the following changes:

- C, D12, and D17 tags would be reclassified as premium deer hunt tags. Tags would be issued in the annual big game drawing. Any tags available after the drawing would be issued the first business day after July 1 using a first-deer tag application.
- A17, A18, A19, A31, and A32 tags would be reclassified as unrestricted deer hunt tags. Tags would be issued upon request using either a first-deer tag application or a second-deer tag application. Currently, more tags for these hunts are issued upon request each year than through the big game drawing.
- A1 and D6 tags would be reclassified as restricted deer hunt tags. Tags would be issued upon request using a first-deer tag application through August 1. After August 1, tags would be issued

upon request using either a first-deer tag application or a second-deer tag application.

2. Refund of Deer Tag Application Fees

Existing regulations specify that before a deer tag application is issued, the specific fee for the tag must be paid. This proposed regulatory action would specify that fees paid for deer tags are not refundable under specific conditions.

Currently, the Department does not refund the fee paid for a deer tag application when there are emergency zone closures due to fire, weather, or other conditions. This information is clearly printed on each deer tag.

The Department's Deer Program activities are 100 percent funded by deer hunters' money. Under Fish and Game Code Section 4332, for each public deer tag sold in California, 54 percent of the fee is "reinvested" in the deer resource-about \$2 million annually. Without adequate funding and resources it would be difficult, if not impossible, to sustain California's deer hunting heritage. Management activities that benefit deer also benefit a host of other wildlife species.

3. Establish Criteria to Exchange Deer Tags

Existing regulations require that a hunter pay a nonrefundable processing fee when a hunter wishes to exchange a deer tag for another zone or hunt. This proposed regulatory action would specify under what conditions a tag could be exchanged.

Currently, there are no provisions to deny the exchange a deer tag if the tag quota for the zone or hunt has filled. There is no equitable method to distribute or reallocate deer tags that are returned to the Department after the tag quota has filled. Many hunters who may have been issued a tag for that zone or hunt have been issued their second or third tag choice. As a consequence, some tags for high-demand hunts, such as C zone, go unallocated.

In addition, the Department currently does not allow the exchange of a deer tag if either the archery or general season for that zone has opened. No method is available to determine if the hunter attempted to hunt during the archery or the general season, but was unsuccessful and now wants to exchange the tag.

4. Hunting Licenses for Purchasers of Fund-Raising Big Horn Sheep License Tags

Existing regulations do not specify that the fees paid by the purchaser of a fund-raising big horn sheep license tag include the cost and processing fee of an annual hunting license. This proposed regulatory action would specify that the fee paid by the purchaser of a fund-raising big horn sheep license tag would include the cost and processing fee of an annual hunting license.

5. Hunting Licenses For Purchasers of Fund-Raising Elk License Tags

Existing regulations do not specify that the fees paid by the purchaser of a fund-raising elk license tag include the cost and processing fee of an annual hunting license. This proposed regulatory action would specify that the fee paid by the purchaser of a fund-raising elk license tag would include the cost and processing fee of an annual hunting license.

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

Authority: Section(s) 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code.

Reference: Section(s) 200-203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570-1572, 3950, 3951, 4302, 4330-4333, 4336, 4340, 4341, 4652-4655, 4657, 4750-4756, 4902, 10500 and 10502, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

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

Annual big-game drawing statistics, 2006-2008.

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

No public meetings are being held prior to notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Distribution of Deer Tags

There is no reasonable alternative to the proposed action.

2. Refund of Deer Tag Application Fees

The Department's Deer Program activities are 100 percent funded by deer hunters' money. Under Fish and Game Code Section 4332, for each public deer tag sold in California, 54 percent of the fee is "reinvested" in the deer resource-about \$2 million annually. Without adequate funding and resources it would be difficult, if not impossible, to sustain California's deer hunting heritage. And, of course, management activities that benefit deer also benefit a host of other wildlife species.

3. Establish Criteria to Exchange Deer Tags

Currently, there are no provisions to deny the exchange a deer tag if the tag quota for the zone or hunt has filled. There is no equitable method to distribute or reallocate deer tags that are returned to the Department after the tag quota has filled. Many hunters who may have been issued a tag for that zone or hunt have been issued their second or third tag choice. As a consequence, some tags for high-demand hunts, such as C zone, go unallocated.

4. Hunting Licenses For Purchasers of Fund-Raising Big Horn Sheep License Tags

There is no reasonable alternative to the proposed action.

5. Hunting Licenses For Purchasers of Fund-Raising Elk License Tags

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Issuing Deer Tags

The annual big game drawing is the Department's long-term method to equitably distribute big game tags when the tag quota is low and there is high demand by hunters for those tags. The no change alternative does not provide that equity in distribution for the zones/hunts identified above.

2. Refund of Deer Tag Application Fees

The no change alternative would continue to confuse hunters regarding the process for receiving a deer tag refund.

3. Establish Criteria to Exchange Deer Tags

The no change alternative would continue to confuse hunters regarding the process for exchanging a deer tag.

4. Hunting Licenses for Purchasers of Fund-Raising Big Horn Sheep License Tags

The no change alternative may result in future purchasers of big horn sheep fund-raising license tags being required to also pay the license fee in addition to the purchase price of the tag.

5. Hunting Licenses For Purchasers of Fund-Raising Elk License Tags

The no change alternative may result in future purchasers of elk fund-raising license tags being required to also pay the license fee in addition to the purchase price of the tag.

- (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:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 the 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 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 the issuance of deer tags. 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 a Representative Private Person or Business:

The agency 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.

- (h) Effect on Housing Costs:

None.

**INFORMATIVE DIGEST
(Policy Statement Overview)**

Existing regulations provide for the issuance of deer tags. This regulatory proposal would establish new definitions/classifications of deer hunts and the time frame that deer tags may be issued would be based on when the tag quota for the hunt or zone filled during the previous license year. This proposal would establish criteria for deer tag exchanges and eliminate most refunds for deer tag application fees under certain circumstances. Additionally, this proposed regulatory action would specify that the fee paid by the purchaser of a fund-raising elk or big horn sheep license tag would include the cost and processing fee of an annual hunting license.

ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
	PREMIUM HUNT ZONES	Premium Deer Hunt Tags shall include all deer hunt tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year.						
A3	A3 ARCHERY HUNT IN ZONE X1	255	* 6/18/2008	7-Sep-08	255		Y	First-Deer
A4	A4 ARCHERY HUNT IN ZONE X2	15	* 6/18/2008	7-Sep-08	15		Y	First-Deer
A5	A5 ARCHERY HUNT IN ZONE X3A	35	* 6/18/2008	7-Sep-08	35		Y	First-Deer
A6	A6 ARCHERY HUNT IN ZONE X3B	95	* 6/18/2008	7-Sep-08	95		Y	First-Deer
A7	A7 ARCHERY HUNT IN ZONE X4	135	* 6/18/2008	7-Sep-08	135		Y	First-Deer
A8	A8 ARCHERY HUNT IN ZONE X5A	25	* 6/18/2008	7-Sep-08	25		Y	First-Deer
A9	A9 ARCHERY HUNT IN ZONE X5B	10	* 6/18/2008	7-Sep-08	10		Y	First-Deer
A11	A11 ARCHERY HUNT IN ZONE X6A	55	* 6/18/2008	7-Sep-08	55		Y	First-Deer
A12	A12 ARCHERY HUNT IN ZONE X6B	140	* 6/18/2008	7-Sep-08	140		Y	First-Deer
A13	A13 ARCHERY HUNT IN ZONE X7A	60	* 6/18/2008	7-Sep-08	60		Y	First-Deer
A14	A14 ARCHERY HUNT IN ZONE X7B	20	* 6/18/2008	7-Sep-08	20		Y	First-Deer
A15	A15 ARCHERY HUNT IN ZONE X8	55	* 6/18/2008	7-Sep-08	55		Y	First-Deer
A16	A16 ARCHERY HUNT IN ZONE X9A	150	* 6/18/2008	7-Sep-08	150		Y	First-Deer
A20	A20 ARCHERY HUNT IN ZONE X12	200	* 6/18/2008	7-Sep-08	200		Y	First-Deer
A21	A21 ANDERSON FLAT HUNT	25	* 6/18/2008	21-Nov-08	25		Y	First-Deer
A24	A24 MONTEREY HUNT	100	* 6/18/2008	9-Nov-08	100		Y	First-Deer
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
A25	A25 LAKE SONOMA HUNT	35	* 6/18/2008	27-Oct-08	35		Y	First-Deer
A26	A26 BASS HILL HUNT	30	* 6/18/2008	7-Dec-08	30		Y	First-Deer
A27	A27 DEVILS GARDEN HUNT	10	* 6/18/2008	9-Nov-08	10		Y	First-Deer
A30	A30 COVELO HUNT	40	* 6/18/2008	23-Nov-08	40		Y	First-Deer
A33	A33 FORT HUNTER LIGGETT (LATE SEASON)	25	* 6/18/2008	9-Nov-08	25		Y	First-Deer
C	ALL C ZONES GENERAL SEASON ONLY	8,575	6/12/2008	26-Oct-08	3504	5071	N	First-Deer
D12	ZONE D12	950	6/12/2008	23-Nov-08		950	N	First-Deer
D17	ZONE D17	500	5/20/2008	2-Nov-08		500	N	First-Deer
G1	G1 LATE SEASON HUNT IN C4	2,850	* 6/18/2008	2-Nov-08	2850		Y	First-Deer
G3	G3 GOODALE HUNT	35	* 6/18/2008	21-Dec-08	35		Y	First-Deer
G6	G6 KERN RIVER DEER HERD HUNT	50	* 6/18/2008	14-Dec-08	50		Y	First-Deer
G8	G8 FORT HUNTER LIGGETT HUNT	10	* 6/18/2008	13-Oct-08	10		Y	First-Deer
G9	G9 CAMP ROBERTS HUNT	15	* 6/18/2008	1-Sep-08	15		Y	First-Deer
G12	G12 GRAY LODGE HUNT	30	* 6/18/2008	28-Sep-08	30		Y	First-Deer

G13	G13 SAN DIEGO HUNT	300	* 6/18/2008	16-Nov-08	300		Y	First-Deer
G19	G19 SUTTER-YUBA WILDLIFE AREAS HUNT	25	* 6/18/2008	31-Dec-08	25		Y	First-Deer
G21	G21 VENTANA WILDERNESS HUNT	25	* 6/18/2008	30-Nov-08	25		Y	First-Deer
G37	G37 ANDERSON FLAT HUNT	25	* 6/18/2008	30-Nov-08	25		Y	First-Deer
G38	G38 LATE SEASON HUNT IN X10	300	* 6/18/2008	2-Nov-08	300		Y	First-Deer
G39	G39 ROUND VALLEY LATE SEASON	5	* 6/18/2008	9-Nov-08	5		Y	First-Deer
J1	J1 LAKE SONOMA HUNT -	25	* 6/18/2008	2-Nov-08	25		Y	First-Deer
J3	J3 TEHAMA WILDLIFE AREA HUNT -	15	* 6/18/2008	30-Nov-08	15		Y	First-Deer
J4	J4 SHASTA-TRINITY HUNT -	15	* 6/18/2008	30-Nov-08	15		Y	First-Deer
J7	J7 CARSON RIVER HUNT-	15	* 6/18/2008	26-Oct-08	15		Y	First-Deer
J8	J8 DAUGHERTY HILL WA HUNT -	15	* 6/18/2008	31-Dec-08	15		Y	First-Deer
J9	J9 LITTLE DRY CREEK HUNT -	5	* 6/18/2008	28-Sep-08	5		Y	First-Deer
J10	J10 FORT HUNTER LIGGETT HUNT -	75	* 6/18/2008	13-Oct-08	75		Y	First-Deer
J11	J11 SAN BERNARDINO HUNT -	40	* 6/18/2008	23-Nov-08	40		Y	First-Deer
J12	J12 ROUND VALLEY HUNT -	10	* 6/18/2008	21-Dec-08	10		Y	First-Deer
J13	J13 LOS ANGELES HUNT -	40	* 6/18/2008	23-Nov-08	40		Y	First-Deer
J14	J14 RIVERSIDE HUNT -	30	* 6/18/2008	23-Nov-08	30		Y	First-Deer
J15	J15 ANDERSON FLAT HUNT -	10	* 6/18/2008	30-Nov-08	10		Y	First-Deer
J16	J16 BUCKS MOUNTAIN/NEVADA CITY -	75	* 6/18/2008	2-Nov-08	75		Y	First-Deer
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
J17	J17 BLUE CANYON -	25	* 6/18/2008	2-Nov-08	25		Y	First-Deer
J18	J18 PACIFIC/GRIZZLY FLAT -	75	* 6/18/2008	2-Nov-08	75		Y	First-Deer
J19	J19 HUNT IN ZONE X7A -	25	* 6/18/2008	19-Oct-08	25		Y	First-Deer
J20	J20 HUNT IN ZONE X7B -	20	* 6/18/2008	19-Oct-08	20		Y	First-Deer
J21	J21 EAST TEHAMA -	50	* 6/18/2008	2-Nov-08	50		Y	First-Deer
MA1	MA1 SAN LUIS OBISPO HUNT	150	* 6/18/2008	14-Dec-08	150		Y	First-Deer
MA3	MA3 SANTA BARBARA HUNT	150	* 6/18/2008	14-Dec-08	150		Y	First-Deer
M3	M3 DOYLE HUNT	20	* 6/18/2008	23-Nov-08	20		Y	First-Deer
M4	M4 HORSE LAKE HUNT	10	* 6/18/2008	2-Nov-08	10		Y	First-Deer
M5	M5 EAST LASSEN HUNT	10	* 6/18/2008	2-Nov-08	10		Y	First-Deer
M6	M6 SAN DIEGO HUNT	80	* 6/18/2008	31-Dec-08	80		Y	First-Deer
M7	M7 VENTURA HUNT	150	* 6/18/2008	14-Dec-08	150		Y	First-Deer
M8	M8 BASS HILL HUNT	20	* 6/18/2008	2-Nov-08	20		Y	First-Deer
M9	M9 DEVIL'S GARDEN HUNT	15	* 6/18/2008	9-Nov-08	15		Y	First-Deer
M11	M11 NORTHWESTERN CALIFORNIA HUNT	20	* 6/18/2008	23-Nov-08	20		Y	First-Deer
X1	ZONE X1	2,280	* 6/18/2008	19-Oct-08	2280		Y	First-Deer
X2	ZONE X2	180	* 6/18/2008	19-Oct-08	180		Y	First-Deer
X3A	ZONE X3A	250	* 6/18/2008	19-Oct-08	250		Y	First-Deer
X3B	ZONE X3B	845	* 6/18/2008	19-Oct-08	845		Y	First-Deer
X4	ZONE X4	425	* 6/18/2008	19-Oct-08	425		Y	First-Deer
X5A	ZONE X5A	60	* 6/18/2008	19-Oct-08	60		Y	First-Deer
X5B	ZONE X5B	85	* 6/18/2008	19-Oct-08	85		Y	First-Deer
X6A	ZONE X6A	325	* 6/18/2008	19-Oct-08	325		Y	First-Deer
X6B	ZONE X6B	375	* 6/18/2008	19-Oct-08	375		Y	First-Deer
X7A	ZONE X7A	205	* 6/18/2008	19-Oct-08	205		Y	First-Deer
X7B	ZONE X7B	125	* 6/18/2008	19-Oct-08	125		Y	First-Deer
X8	ZONE X8	230	* 6/18/2008	12-Oct-08	230		Y	First-Deer
X9A	ZONE X9A	775	* 6/18/2008	13-Oct-08	775		Y	First-Deer
X9B	ZONE X9B	325	* 6/18/2008	13-Oct-08	325		Y	First-Deer
X9C	ZONE X9C	325	* 6/18/2008	9-Nov-08	325		Y	First-Deer
X10	ZONE X10	400	* 6/18/2008	12-Oct-08	400		Y	First-Deer

X12	ZONE X12	850	* 6/18/2008	13-Oct-08	850		Y	First-Deer
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
	RESTRICTED HUNT ZONES	Restricted Deer Hunt Tags shall include all non-Premium deer hunt tags where the tag quota filled on or before the first business day after August 1 in the immediately preceding license year.						
A1	***A1 ARCHERY HUNT IN C ZONES	2,045	9-Jul-08	7-Sep-08	911	1134	Y	First & Second
D6	ZONE D6	10,000	4-Aug-08	2-Nov-08	4127	5873	N	First & Second
	UNRESTRICTED HUNT ZONES	Unrestricted Deer Hunt Tags shall include all deer hunt tags where the tag quota did not fill on or before the first business day after August 1 in the immediately preceding license year.						
AO	**AO#1 & AO#2 ARCHERY ONLY	99,999		23-Nov-08	645	4223	N	First & Second
A17	A17 ARCHERY HUNT IN ZONE X9B	300		7-Sep-08	73	118	Y	First & Second
A18	A18 ARCHERY HUNT IN ZONE X9C	350		7-Sep-08	36	65	Y	First & Second
A19	A19 ARCHERY HUNT IN ZONE X10	120		31-Aug-08	12	39	Y	First & Second
A22	A22 SAN DIEGO HUNT	1,000	17-Dec-08	31-Dec-08	76	924	Y	First & Second
A31	A31 LOS ANGELES HUNT	1,000	12-Sep-08	31-Dec-08	269	731	Y	First & Second
A32	A32 VENTURA/LOS ANGELES LATE SEASON	250		30-Nov-08	25	106	Y	First & Second
A	ZONE A	65,000		21-Sep-08	3417	27988	N	First & Second
B	ALL B ZONES	55,500		26-Oct-08	4267	34799	N	First & Second
D3-5	ZONES D3, D4, AND D5	33,000		2-Nov-08	4706	24628	N	First & Second
D7	ZONE D7	9,000	19-Aug-08	2-Nov-08	1422	7578	N	First & Second
ZONE	DESCRIPTION	2008 Quota	Quota Filled Date	Season Close Date	Drawn Quantity	Issued Upon Request Quantity	Draw Hunt in 2008	Application Used To Apply
D8	ZONE D8	8,000		26-Oct-08	1042	6347	N	First & Second
D9	ZONE D9	2,000	14-Aug-08	26-Oct-08	639	1361	N	First & Second
D10	ZONE D10	700		26-Oct-08	94	454	N	First & Second
D11	ZONE D11 (ALSO D13 AND D15)	5,500		9-Nov-08	217	4300	N	First & Second
D13	ZONE D13 (ALSO D11 AND D15)	4,000		9-Nov-08	279	2885	N	First & Second
D14	ZONE D14	3,000		9-Nov-08	325	2672	N	First & Second
D15	ZONE D15 (ALSO D11 AND D13)	1,500		9-Nov-08	38	382	N	First & Second
D16	ZONE D16	3,000		23-Nov-08	198	2311	N	First & Second

D19	ZONE D19	1,500		2-Nov-08	72	1284	N	First & Second
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* 2008 Draw was run on June 18, 2008
** AO#1 & AO#2 are combined for 2008
to reflect change in 2009 for Archery
Only
*** In 2008 this zone was a Premium
Hunt Zone

Regulatory Language

Subsections 708(a)(1) (A); 708(a)(3) through 708(a)(8)(C); 708(b)(1)(A) through 708(c); and 708(d)(2) through 708(g), Title 14, CCR remain unchanged.

Subsection 708(a)(2)(A), Title 14, CCR is amended to read:

(2) Deer License Tag Application and Distribution Procedures.

(A) Distribution of Deer License Tags:

1. Deer Tag Classification

a. Premium Deer Hunt Tags shall include all deer hunt tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year.

b. Restricted Deer Hunt Tags shall include all non-Premium deer hunt tags where the tag quota filled on or before the first business day after August 1 in the immediately preceding license year.

c. Unrestricted Hunt Tags shall include all deer hunt tags where the tag quota did not fill on or before the first business day after August 1 in the immediately preceding license year.

d. The department may designate the deer tag classification for any deer hunt that was not held in the previous year.

12. Premium deer hunt tags ~~for X zones, additional hunts, and area-specific archery hunts~~ shall be distributed by drawing, as described in subsection 708(g)(1) and (2), unless otherwise authorized. Applicants shall submit their deer tag application to the department at the address specified on the application. Applications must be received by the department by 5:00 p.m. on the first business day after June 1. Successful applicants will be selected by drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible. Successful and unsuccessful applicants will be notified by mail.

23. Except as noted in subsection 708(a)(2)(E) below, deer tags for ~~A, B, C, and D zones~~ any restricted deer hunt tag or any unrestricted deer hunt tag and premium tags leftover after the drawing shall be issued upon request until each tag quota fills. If, on any given day, the number of applications received for any zone or hunt exceeds the number of available tags, the department may conduct a drawing for that zone or hunt.

Subsection 708(a)(2)(D), Title 14, CCR is amended to read:

(D) Application Fee: The department shall require that the specified fee for a deer tag, as specified in Section 4332 of the Fish and Game Code, be paid as a prerequisite to obtaining a deer tag application. In addition to the tag fee, the department shall also charge a nonrefundable processing fee, as specified in Section 702, for each deer tag

application. The department shall not refund the fees paid to obtain a deer tag application for closures of any zone due to fire, weather or other conditions.

Subsection 708(a)(2)(E), Title 14, CCR is amended to read:

(E) Application Restrictions:

1. First-Deer Tag Application:

a. Any person may use a first-deer tag application to apply for any premium deer hunt tag (~~X zone, additional hunt, or area-specific archery hunt~~) issued by drawing as specified in subsection 708(a)(2)(A)24.

b. Any person may use a first-deer tag application to apply for an ~~A, B, C, or D zone tag~~ any restricted deer hunt tag or unrestricted deer hunt tag Tags shall be issued upon request to first tag applicants until the quota for the hunt is reached. ~~or archery-only tag issued upon request.~~

c. Any person may use a first-deer tag application to apply for any premium deer hunt tag (~~X zone, additional hunt~~) ~~or area-specific archery hunt~~ remaining on the first business day after July 1. Applications must be submitted to the department's License and Revenue Branch in Sacramento, unless otherwise specified by the department. Premium deer hunt tags remaining on the first business day after July 1 shall be issued upon request to first deer tag applicants until the tag quota for the hunt is reached.

2. Second-Deer Tag Application:

a. Any person may use a second-deer tag application to apply for any unrestricted deer hunt tag. ~~A or B zone tag or archery-only tag issued upon request.~~ Tags shall be issued upon request to second deer tag applicants until the quota for the hunt is reached.

~~b. Any person may use a second-deer tag application to apply for any area-specific archery tag remaining on the first business day following July 1. Applications must be submitted to the department's License and Revenue Branch in Sacramento, unless otherwise specified by the department.~~

~~eb. Any person may use a second-deer tag application to apply for any D zone tag or additional hunt tag, except an additional apprentice hunt tag, premium or restricted deer hunt tag remaining on the first business day following August 1. Applications may be submitted before that date to the department's License and Revenue Branch in Sacramento. Restricted deer hunt tags remaining on the first business day following August 1 shall be issued upon request to second deer tag applicants until the quota for the hunt is reached.~~

ec. Any person in possession of a valid hunting license, who has not used a first-deer tag application to apply for an additional apprentice hunt, may use a second-deer tag application to apply for an additional apprentice hunt tag issued by drawing as specified in subsection 708(a)(2)(A)42., and 708(g)(2)(A). An apprentice hunter may not submit more than one application for additional apprentice hunts.

ed. No person shall submit more than one first-deer tag application and one second-deer tag application to the department during any one license year. Any person in

violation of this subsection may be denied deer tags for the current and following license year.

Subsection 708(a)(2)(F), Title 14, CCR is amended to read:

(F) Deer Tag Exchange Fee: The department shall not exchange any deer tag for a different zone or hunt after the tag quota for the original tag zone or hunt fills for the season. The department shall not exchange a tag if the earliest season (either archery or general) for the tag being exchanged has opened. The department shall charge a nonrefundable processing fee, as specified in Section 702, for exchanging a deer tag for a different zone or hunt.

Subsection 708(b)(1), Title 14, CCR is amended to read:

(b) Distribution of Bighorn Sheep License Tags:

(1) Fund-raising Nelson bighorn ram license tags: Fund-raising license tags for the taking of mature Nelson bighorn rams shall be sold for the purpose of raising funds to manage bighorn sheep. The department may designate a nonprofit organization to sell this fund-raising tag. Any resident or nonresident is eligible to buy the tag. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. The purchaser of a fund-raising license tag shall complete a required hunter orientation program conducted by the department and meet the hunter education requirements for a hunting license. The fund-raising license tags are defined as follows:
(A) Open-zone fund-raising license tags: These fund-raising license tags are valid in any of the areas described in subsection 362(a).

Subsection 708(d)(1), Title 14, CCR is amended to read:

(d) Distribution of Elk License Tags:

(1) Three fund-raising license tags for the taking of elk bulls shall be offered for sale to raise funds for the management of elk. The department may designate a nonprofit organization or organizations to sell the fund-raising tags. Any resident or nonresident is eligible to buy one of the license tags. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. The purchase of fund-raising tags shall complete required hunter orientation programs conducted by the department and meet the hunter safety requirements for a hunting license.

Subsequent sections remain unchanged.

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code. Reference: Sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654,

4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4902, 10500 and 10502, Fish and Game Code.