

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

Amend Subsection 365,  
Title 14, California Code of Regulations (CCR)  
Re: Bear

- I. Date of Initial Statement of Reasons: December 13, 2010
- II. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing:           Date:     February 3, 2011  
  Location: Sacramento
  - (b) Discussion Hearing:       Date:     March 3, 2011  
  Location: Los Angeles
  - (c) Discussion Hearing:       Date:     April 7, 2011  
  Location: Folsom
  - (d) Adoption Hearing:         Date:     May 5, 2011  
  Location: Ontario
- 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. Increase the in-season closure bear harvest cap from 1,700 to 2,000:

Existing subsection 365(b), Title 14, California Code of Regulations, requires the general bear season to close in late December unless the Department receives notification that 1,700 bears have been taken. At that harvest level, the hunting season will close and the Department is required to send a letter to each bear hunter notifying them of the early closure. The bear season has closed early due to achieving the harvest cap four times in the past eight years. The proposed change modifies this regulatory subsection by increasing the number of bears that could be harvested to 2,000 animals.

Bear populations continue to increase, up from an estimated 4,080 bears in 1984 to an estimated 40,000 bears in 2009. The proposed regulation would permit increased recreational opportunity without detriment to the statewide black bear population because modeling supports a sustainable harvest of 3,100 bears per year.

Bear hunting is managed and regulated in accordance with a decision matrix in the Black Bear Management Plan (1998). This matrix requires

the Department to monitor four indices of the hunted black bear population (median age of hunter-killed bears, percent female in harvest, total harvest, and hunter effort and population trend) and suggest modifications to the statewide bear harvest when these indices are compared to threshold criteria that protect the bear population from over harvest. Data regarding these indices are compared with a running average of the previous 3 years, and if two of the four indices are significantly below or above the management criteria, the Department would recommend a more conservative bear harvest in a subsequent year.

The management thresholds are: 1) the median female age is less than 4.0 years or a significant reduction in median age for both sexes combined; 2) more than 40% females in the harvest; 3) less than 1,000 bears are harvested or if harvest was significantly reduced from the previous three years' average (assumes no administrative action to reduce bear harvest occurred); and 4) a significant change in both the kill per hunter effort and population index. The Commission maintains the authority to adjust black bear harvest at any time resulting from these comparisons.

2. Specify Only One Bear May be Taken per Year:

Current regulations specify that one bear may be taken per season. This is confusing for individuals who hunt both the general and archery seasons, because only one bear may be taken per year. The proposed change clarifies that one bear may be taken per license year.

(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 2011 Environmental Document Regarding Bear Hunting.

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

The Department received direction from the Fish and Game Commission during the September, 2010 meeting in Sacramento to consider modifying the statewide black bear harvest. Public discussion and testimony received by the Fish and Game Commission at this and prior meetings (March and April, 2010) was responsible for this proposed change to regulations. In addition, the Department received input from the public at a scoping meeting held in Sacramento, CA on November 18, 2010.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Proposed Project

1. Increase the in-season closure bear harvest cap from 1,700 to 2,500:

This alternative would require the bear season to close early when the Department received notification that 2,500 bears were taken. This alternative would 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 was rejected because the Department recommends conservative and incremental changes to the statewide black bear harvest, to ensure adequate monitoring and maintenance of the black bear resource.

2. Only One Bear May be Taken per Year:

No reasonable alternative to the proposed change was identified.

(b) No Change Alternative:

1. Increase the in-season closure bear harvest cap from 1,700 to 2,000:

The no-change alternative was considered and rejected because it would unnecessarily restrict public recreation opportunities in light of an increasing black bear population.

2. Only One Bear May be Taken per Year:

The no-change alternative was considered and rejected because it would continue to confuse individuals who hunt both the archery and general bear seasons.

(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 2011 Environmental Document Regarding Bear Hunting.

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 modifies the statewide black bear harvest. Given the number of individuals willing to participate in bear hunting will remain relatively stable statewide, 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 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(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.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.