

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

Amend Subsection 366,
Title 14, California Code of Regulations (CCR)
Re: Archery Bear Hunting

- 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. Amend Statewide Archery Bear Hunting Season –

Current regulations provide for an archery bear hunting season that begins the third Saturday in August and extends for 23 consecutive days. The Department proposes amending the archery bear hunting season to begin on the same date as the archery deer hunting seasons and extend for 23 consecutive days.

In general, archery season precedes the general hunting seasons. When general bear hunting seasons (for most of the State) were changed to open concurrent with the opening of the general deer hunting seasons, this caused a problem for the northern portion of deer hunting zone A. In this area, the general deer season opens earlier than any other zone. As a result, the general bear season begins before the archery bear season for the A Zone deer hunting area. The proposed change would eliminate this problem and ensure that archery bear hunting season occurs before the beginning of general bear hunting season.
 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.

3. Eliminate Old Regulatory Language -

Currently, subsection 366(f) specifies that “no more than 15,000 bear tags shall be issued pursuant to section 367.” This subsection refers to old regulatory language which no longer exists. The proposed change deletes this subsection.

(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 archery season. 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. Amend Archery Bear Hunting Season Only in Zone A -

This alternative would change only the archery bear hunting season for Zone A. This would eliminate the current problem with the general bear season beginning before the archery bear season in this area. This alternative was considered and rejected because it would not deal with potential future problems where the general deer season is moved to an earlier date.

2. Only One Bear May be Taken per Year -

No reasonable alternative to the proposed change was identified.

3. Eliminate Old Regulatory Language -

No reasonable alternative to the proposed change was identified.

(b) No Change Alternative:

1. Amend Archery Bear Hunting Season -

The no-change alternative was considered and rejected because it would continue to provide a general bear season before the archery bear season in deer hunting Zone A.

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.

3. Eliminate Old Regulatory Language -

The no-change alternative was considered and rejected because it would maintain a regulation which refers to old regulatory language.

(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 adjusts season dates 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 Section 366, Title 14, California Code of Regulations, provides a statewide archery bear hunting season beginning the third Saturday in August for 23 consecutive days. The proposed change would begin the archery bear seasons with the archery deer seasons. This would eliminate a problem in deer hunting zone A, where the general bear hunting season opens before the archery bear hunting season.

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.

Currently, subsection 366(f) specifies that “no more than 15,000 bear tags shall be issued pursuant to section 367.” Section 367 was repealed by regulatory action in 2002. The proposed change deletes this subsection.