

season, but the bear license tag cannot be validated due to Department office closures on weekends or holidays.

The commenter was also concerned that the economic impact analysis relied on unsubstantiated numbers not reflecting current trends in the State's economy. The comment was reviewed and rejected because the Department relied on a fiscal analysis provided in the periodic US Fish and Wildlife Service Survey (Census) on Fishing, Hunting, and Wildlife Associated Recreation (available at: <http://www.census.gov/prod/2008pubs/fhw06-nat.pdf>). Because this report is not produced annually, this is the most recent comprehensive data available to the Department. As new data are generated and reports are produced, the Department will update the references and figures and use the most current data available.

VI. 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

VII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

If the current regulatory subsection remains unchanged, the Department would still be required to close the bear season when 1,700 bears have been harvested, but the Department would lack explicit guidance for ascertaining the number of bears harvested. This explicit guidance is deemed necessary by some members of the public.

If the tag validation regulatory language remains unchanged, persons would not be able to leave the point where taken until they could transport the bear and tag to Department personnel or an open Department office.

(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.

- (d) Description of Reasonable Alternatives that would lessen adverse impact on small business:

No adverse impacts on small business are expected by the proposed regulation change.

IX. Mitigation Measures Required by Regulatory Action:

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

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 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. This regulation change is ministerial and is simply required to reflect recent changes to referenced subsections.

- (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, Government Code:

None.

- (h) Effect on Housing Costs:

None.

UPDATED INFORMATIVE DIGEST (Policy Statement Overview)

Existing subsection 365(b), Title 14, California Code of Regulations references a regulatory subsection that was recently renumbered. Existing regulation in 365(b) requires the Department to close the bear hunting season when the department determines that 1,700 bears have been taken pursuant to the reporting requirement in subsection 708(e). Subsection 708(e) was recently repealed by regulatory action and replaced with subsection 708.12(e). The proposed change will reference the new section to ensure that the bear season is properly closed.

Existing subsection 708.12(d), Title 14, California Code of Regulations requires that ONLY Department employees are authorized to validate bear tags and requires the tag be countersigned before transporting such bear except for the purpose of taking it to the nearest person authorized to countersign the license tag on the route being followed from the point where taken. The proposed clarification will allow a person to legally transport a bear with an unvalidated bear license tag when Department offices are closed.

At the adoption hearing on April 11, 2012, the Fish and Game Commission adopted the administrative modifications to subsections 365(b), Title 14, CCR to remove reference to a nonexistent regulatory subsection and insert reference to a new regulatory subsection 708.12(e). Furthermore, the Commission also adopted the administrative modifications to subsection 708.12(d), Title 14, CCR to ensure that only Department of Fish and Game employees validate bear tags and to permit the transport of a legally taken black bear while possessing an unvalidated bear license tag until the person can locate the nearest available Department person to validate the bear license tag on the next business day following the date of take.