

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

Amend subsections 365(b) and 708.12(d)
Title 14, California Code of Regulations
Re: Bear and Bear License Tags

- I. Date of Initial Statement of Reasons: October 25, 2011
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: December 15, 2011
Location: San Diego
 - (b) Discussion Hearing: Date: March 7, 2012
Location: Riverside
 - (c) Adoption Hearing: Date: April 11, 2012
Location: Eureka
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing subsection 365(b), Title 14, California Code of Regulations currently 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 Subsection 708(e) was recently repealed by regulatory action and replaced with subsection 708.12(e).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 subsection to ensure that the bear season is properly closed.

Existing subsection 708.12(d), Title 14, California Code of Regulations requires that ONLY Department employee 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. This requirement needs clarification because it causes a

person to violate the subsection if they cannot find a DFG employee from the close of business Friday until the opening of business Monday.

- (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:

None were identified.

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

No public meetings are being held prior to the notice publication. This regulation change is ministerial and is simply required to reflect recent changes to referenced subsections.

IV. 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.

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. 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.

Informative Digest/Policy Statement Overview

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