

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

Amend Section 354
Title 14, California Code of Regulations
Re: Archery Equipment and Crossbow Regulations

I. Date of Initial Statement of Reasons: November 20, 2012

II. Dates and Locations of Scheduled Hearings:

- | | | | |
|-----|----------------------|-----------|-------------------|
| (a) | Notice Hearing: | Date: | December 12, 2012 |
| | | Location: | San Diego |
| | | | |
| (b) | Discussion Hearings: | Date: | March 6, 2013 |
| | | Location: | Mt. Shasta |
| | | | |
| (c) | Adoption Hearing: | Date: | April 17, 2013 |
| | | Location: | Santa Rosa |

III. Description of Regulatory Action:

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

There have been recent changes in technology regarding equipment used for archery hunting. There is currently an arrow developed being used by hunters that has a nock that emits light. This allows the arrow to be seen better as it travels through the air and the ability to see the arrow path after it leaves the bow is improved. This can assist the hunter in determining whether they accurately hit the intended target. If the arrow hits an animal and it does not pass through the animal in a low light situation, the hunter may be able to see the lighted nock attached to the animal and track the light to assist in finding a dead or wounded animal and recovering the animal.

Fish and Game Code (FGC) section 2005 regulates the use of lights and gives the Fish and Game Commission authority to regulate the use of lights while taking game. Wording in FGC 2005 makes it illegal to use lights while taking big game and other game under certain areas and situations. FGC section 2005 allows the use of a lantern as long as the lantern does not cast a directional light. The intent of FGC section 2005 is to not allow someone to cast a large directional beam of light while taking game.

It is illegal to waste game, and this technology will assist hunters in retrieving animals and therefore decrease loss and waste. The regulation needs to be revised to add to the archery regulations that a lighted nock that

does not send out a directional beam of light is a legal arrow.

An editorial change was made to subsection 354(h) to reflect a statutory change to Section 4370 of the Fish and Game Code, made effective on January 1, 2013.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:
Authority: Sections 200, 202, and 240 Fish and Game Code

Reference: Sections 200, 202, 203.1, and 2005, Fish and Game Code

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

None.

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

Economic Impact Analysis

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

No public meetings are being held prior to the public notice. The 45 day comment period provides adequate time for review of the proposed documents.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No reasonable alternatives were identified.

- (b) No Change Alternative:

The no change alternative was considered and rejected because the current language in FGC 2005 restricts the use of lighted nocks on archery and cross bow arrows.

- (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 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/Results of the Economic Impact Analysis

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 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. 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed mammal regulations will not have impacts to jobs and/or businesses in California.

Health and Welfare of California Residents: Hunting is an outdoor activity that can provide several benefits for individuals who partake in it and for the environment.

The proposed mammal regulations will not have impacts to worker safety.

Benefits to the Environment: Ensure a sustainable management of big game populations in California.

- (c) Cost Impacts on Representative Private Person or Business

The Fish and Game Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

There are no costs or savings with regard to state agencies or federal funding to the State.

- (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

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