

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

Amend Subsection 360(c)
Title 14, California Code of Regulations (CCR)
Re: Deer: Additional Hunts

I. Date of Initial Statement of Reasons: November 1, 2012

II. Dates and Locations of Scheduled Hearings:

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|--------------------------|-----------|-------------------|
| (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:

1. Number of Tags

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table presented in the Informative Digest.

The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of available bucks next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus bucks will exist over and above the number required to maintain the

desired buck ratio objectives stated in the approved deer herd management plans.

The actual tag numbers for each affected hunt will be reflected in the Final Statement of Reasons and will be selected from the range of values provided by this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks in the population, while achieving or maintaining the buck ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where severe winter conditions adversely effect herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed tag range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Note: The proposed tag quota of zero (0) for additional deer hunt G9 (Camp Roberts Antlerless Deer Hunt) reflects the current base closure to hunting while construction is under way on the base. Construction is scheduled for completion in 2013, however the timetable for completion is unknown at this time. The Department is currently in meetings with base command, and a decision regarding tag quotas is anticipated by the early March Fish and Game Commission discussion meeting date. At this time, a zero (0) tag quota is recommended in order to maintain the hunt in regulations until the base makes a decision regarding the resumption of deer hunting activities in the 2013/2014 season.

2. Modify Season for Additional Hunt G-8

Existing regulations for Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for hunting to begin on October 6 and October 13, respectively, in order to accommodate for Base operations and other hunt opportunities.

The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 5 and continue for two (2) consecutive days and reopen on October 12 and continue for three (3) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

3. Modify Season for Additional Hunt J-10

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting to begin on October 6 and October 13, respectively, in order to accommodate for Base operations and other hunt opportunities.

The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 5 and continue for two (2) consecutive days and reopen on October 12 and continue for three (3) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

4. Minor Editorial Changes

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 460, 3452, 3453, and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3452, 3453, and 4334, 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:

The Department conducted a public scoping session in Sacramento on October 11, 2006 and November 18, 2010. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

Additionally, in 2000, the Department of Fish and Game held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the State. The meetings were open to the public and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The Department also conducted four public meetings at which regulation change concepts and specific proposals for mammals, furbearers, including deer were discussed, and additional public comment was received.

While these meetings were conducted prior to the establishment of current and proposed regulations, the concepts and proposals which were derived through these meetings are still being implemented as part of the current year regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Additional Hunt G-8

Modify season to include all weekdays. This proposal was considered and rejected because it would not accommodate for military operations which primarily occur on weekdays, resulting in daily hunt cancellations, hunter dissatisfaction and the unnecessary restricting of hunter opportunity.

3. Modify Season for Additional Hunt J-10

Modify season to include all weekdays. This proposal was considered and rejected because it would not accommodate for military operations which primarily occur on weekdays, resulting in daily hunt cancellations, hunter dissatisfaction and the unnecessary restriction of hunter opportunity.

4. Minor Editorial Changes

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Number of Tags

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The “No Change Alternative” would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify Season for Additional Hunt G-8

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

3. Modify Season for Additional Hunt J-10

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

4. Minor Editorial Changes

The “No Change Alternative” was considered and found inadequate to attain the project objectives, because inconsistencies in section and subsection references, numbering, spelling, grammar and lack of clarification would exist within the regulations, potentially leading to confusion and possible violations.

(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 as and less burdensome to the affected private 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. The maximum number of tags available in the newly proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and related documents.

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)**

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Due to this, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 6 and continue for three (3) consecutive days and reopen on October 13 and continue for two (2) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 5 and October 12 (for 2 and 3 consecutive days), respectively, in order to accommodate for Base operations.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

Deer: § 360(c) Additional Hunts Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military* & 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	0	0
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military *, DOD and as Authorized by the Installation Commander **	500 Military *, DOD and as Authorized by the Installation Commander **
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300

Deer: § 360(c) Additional Hunts Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	10	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military* & 75 Public	10 Military * and 75 Public

Deer: § 360(c) Additional Hunts Tag Allocations		
Hunt Number (and Title)	Current	Proposed
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

** *DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*