

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (b) of Section 360,
Title 14, California Code of Regulations (CCR)
Re: Deer: X-Zone Hunts

- I. Date of Initial Statement of Reasons: September 17, 2013
- II. Date of Final Statement of Reasons: April 17, 2014
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 11, 2013
Location: San Diego
 - (b) Discussion Hearing: Date: February 5, 2014
Location: Sacramento
 - (c) Adoption Hearing: Date: April 16, 2014
Location: Ventura

IV. Update:

Existing regulations provide for the number of hunting tags for the X zones. The original proposal changes the number of tags for all existing zones to a series of ranges as indicated in the table in the Informative Digest. After collection of fall/spring herd survey data, harvest data and subsequent population analysis, the proposal is further modified to provide the final tag quotas based on these analyses. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the “Low Kill” alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

In the case of zone X-1, the recommended decrease in tag quota to 770 falls below the “Proposed Project” lower range limit of 1,000 tags, falling into the “Low Kill” alternative. This change was necessary in order to provide hunting opportunities for deer that are consistent with herd objectives for zone X-1 and is based on the Department’s analysis of herd size, population trend, and hunter success.

Pursuant to its April 16, 2014 meeting in Ventura, the Fish and Game Commission adopted the final tag quotas (modified proposal) identified in the table within the Updated Informative Digest.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Responses to Those Considerations:

The Department received one email regarding 360(b) regulations dated 4/4/2014 from G. Kent Webb, Professor, San Jose State, College of Business with comments and recommendations pertaining to general deer management.

Comments received from the public regarding proposed amendments to sections 360 (a), 360 (b), 360 (c), and 361 are included in Attachment A along with the Department's responses.

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, CA 95814

VII. Location of Department files:

Department of Fish and Wildlife
1812 Ninth Street
Sacramento, CA 95811

VIII. 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.

(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 zones 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.

(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 effective as and less burdensome to the affected private persons than the proposed regulation.

IX. 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 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. The proposed action adjusts tag quotas 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

**UPDATED INFORMATIVE DIGEST
(Policy Statement Overview)**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the “Low Kill” alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

The original proposal changed the number of tags to a series of tag ranges. After collection of fall/spring herd survey data, harvest data and subsequent population analysis, the proposal is further modified to provide the final tag quotas based on these analyses.

In the case of zone X-1, the recommended decrease in tag quota to 770 falls below the “Proposed Project” lower range limit of 1,000 tags, falling into the “Low Kill” alternative. This change was necessary in order to provide hunting opportunities for deer that are consistent with herd objectives for zone X-1 and is based on the Department’s analysis of herd size, population trend, and hunter success.

Pursuant to its April 16, 2014 meeting in Ventura, the Fish and Game Commission adopted the final tag quotas (modified proposal) identified in the following table:

Deer: § 360(b) X-Zone Hunts Tag Allocations			
Zone	Current	Original Proposal	Modified Proposal
X-1	935	1,000-6,000	770
X-2	180	50-500	150
X-3a	295	100-1,200	275
X-3b	835	200-3,000	795
X-4	395	100-1,200	385
X-5a	75	25-200	65
X-5b	55	50-500	50
X-6a	320	100-1,200	320
X-6b	310	100-1,200	305
X-7a	220	50-500	225
X-7b	130	25-200	135
X-8	220	100-750	210

Deer: § 360(b) X-Zone Hunts Tag Allocations			
Zone	Current	Original Proposal	Modified Proposal
X-9a	650	100-1,200	650
X-9b	325	100-600	325
X-9c	325	100-600	325
X-10	400	100-600	400
X-12	680	100-1,200	680