

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

Amend Subsection 360(a)
Title 14, California Code of Regulations (CCR)
Re: Deer: A, B, C, and D Zone Hunts

I. Date of Initial Statement of Reasons: September 21, 2015

II. Dates and Locations of Scheduled Hearings:

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|-------------------------|-----------|-------------------|
| (a) Notice Hearing: | Date: | December 10, 2015 |
| | Location: | San Diego, CA |
| | | |
| (b) Discussion Hearing: | Date: | February 11, 2016 |
| | Location: | Sacramento, CA |
| | | |
| (c) Adoption Hearing: | Date: | April 14, 2016 |
| | Location: | Santa Rosa, CA |

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 deer hunting tags in the A, B, C, and D zones. The proposed action changes the number of tags for all existing zones to a series of ranges as indicated in the Informative Digest.

This proposal initially provides a range of tag numbers for each zone from which a final number will be determined, based on the post-winter status of each deer herd. Ranges are necessary at this time because 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.

This regulatory proposal changes the number of tags for all Deer Zone Hunts to a series of ranges presented in the table below.

Deer: § 360(a) A, B, C, and D Zone Hunts			
Tag Allocations			
§	Zone	Current 2015	Proposed 2016 [Range]
(1)	A	65,000	30,000-65,000
(2)	B	35,000	35,000-65,000
(3)	C	8,150	5,000-15,000
(4)	D3-5	33,000	30,000-40,000
(5)	D-6	10,000	6,000-16,000
(6)	D-7	9,000	4,000-10,000
(7)	D-8	8,000	5,000-10,000
(8)	D-9	2,000	1,000-2,500
(9)	D-10	700	400-800
(10)	D-11	5,500	2,500-6,000
(11)	D-12	950	100-1,500
(12)	D-13	4,000	2,000-5,000
(13)	D-14	3,000	2,000-3,500
(14)	D-15	1,500	500-2,000
(15)	D-16	3,000	1,000-3,500
(16)	D-17	500	100-800
(17)	D-19	1,500	500-2,000

The actual tag numbers for each affected zone 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 various environmental factors including severe winter conditions can adversely affect 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 most recent Environmental Document Regarding Deer Hunting.

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

Authority: Sections 200, 202, 203, 220, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 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:

2007 Final Environmental Document Regarding Deer Hunting

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

Fish and Game Commission Wildlife Resources Committee meeting held in Fresno on September 9, 2015.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

The Fish and Game Commission forwarded the following public recommendations to the Department for study and consideration:

Section 360(a). Sam Craig – 8/23/14. Request for changes in B zones for black-tailed deer.

Response: Rejected. Deer hunting seasons and quotas are established based on a combination of herd performance, harvest, terrain, weather patterns, and hunter demand, relative to individual deer herd management plan objectives. There is no data to suggest that restricting hunter opportunity by implementing the changes requested would serve to increase deer populations. The Department rejects this proposal because it is inconsistent with objectives outlined in individual deer herd management plans, would not produce the results identified by the requestor, and would unnecessarily restrict hunter opportunity.

Section 360(a). Lucas Murgia – 10/6/14. Requests temporary ban on deer hunting in zone D-7.

Response: Rejected. Deer hunting seasons are established based on a combination of herd performance, harvest, terrain, weather patterns, and hunter demand, relative to individual deer herd management plan objectives. Hunting in Zone D-7 as proposed is not expected to have a negative effect on

the deer population. The Department rejects this proposal because it conflicts with objectives outlined in the individual deer herd management plans and Section 1801 of the Fish and Game Code, and would unnecessarily restrict hunter opportunity.

Section 360 (a). Brian Russell – 12/18/14. Request to include harvesting of 3-point or better bucks in zone C4.

Response: Rejected. The Department rejects the recommendation to return to the three point or better restriction because it is inconsistent with sound management practices. The bag and possession limit for zones X-1 through X-5C was modified from bucks three point or better to forked horn or better beginning with the 1990 season in order to reduce waste due to illegal killing of forked-horn bucks and to reduce harvest pressure on older age class bucks. The result of the change was that fewer forked horn bucks were killed by mistake and left in the field during the season and more large antlered bucks remained in the herd post season. The recommendation would cause an unnecessary waste of illegally killed forked horned bucks and require the Department to reduce the tag quotas to compensate for increased kill.

Section 360 (b),(c). Lassen County Board of Supervisors - Supervisors request an overall tag allocation of 10% archery, 10% muzzleloader, and 80% rifle for hunt zones 3, 4, 5, 6, 7, X1, X3A, X3B, X4, X7A and C4 to increase hunting opportunities (Resolution 14-016).

Response: Rejected. Tag quotas recommended by the Department are established in conformance with management objectives contained within individual deer herd management plans. The distribution of tag quotas between various methods of take is based on a combination of herd performance and allowable buck harvest (ABH); method specific harvest success; and method specific demand. Therefore, because the Department uses a data-driven objective process to determine deer tag quotas, this proposal is rejected.

(b) No Change Alternative:

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 purpose for which the

regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

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 most recent Final Environmental Document Regarding Deer Hunting and related documents.

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. The proposed action adjusts tag quotas for existing deer 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

- (c) Cost Impacts on Private Persons.

The 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: 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

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action would not constitute a significant change from the last deer season in the A, B, C, and D zones. The number of tags to be set in regulation for 2016 is intended to achieve or maintain the levels set forth in the approved deer herd management plans to preserve herd health and hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation is unlikely to result in the creation of new businesses or the elimination of existing businesses because no major changes in the number of tags issued are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation is unlikely to cause the expansion of businesses currently doing business within the State because no major changes in the number of tags issued are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will have a positive effect on the health and welfare of California residents. Recreational hunting is a healthy outdoor activity and venison is a nutritious food.

(e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety because it does not address working conditions.

(f) Benefits of the regulation to the State's environment

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will forward this core objective.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of license tags available for deer in the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors including severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

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(16)	D-17	500	100-800
(17)	D-19	1,500	500-2,000

Benefits of the regulations

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 annually modifying the number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.