

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 21, 2015
- II. Date of Final Statement of Reasons: April 15, 2016
- III. Dates and Locations of Scheduled Hearings:
  - (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

IV. Update:

At its April 14, 2016, meeting in Santa Rosa, the Fish and Game Commission adopted the final tag allocations for the 2016-17 Season in subsection 360(b) X Zone Hunts identified within the Updated Informative Digest as the 2016-17 Season Final Tag Allocations.

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 most recent Environmental Document Regarding Deer Hunting.

In the case of zone X-1, the recommended decrease in tag quota to 760 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.

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

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:

The levels of harvest (quotas) are subject to analysis based upon the Updated 2015 Deer Harvest and Population Estimates. There is no reasonable alternative to the proposed action.

(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 adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

The proposed action will not have significant impacts on jobs or business within California. The proposed action adjusts tag quotas for existing hunts based on herd performance criteria. Given the number of tags historically available, the minimal adjustments in tag numbers that are anticipated for the 2016 hunting season, and the area over which they are distributed (entire State of California), these proposals are economically neutral to jobs or business within California.

- (c) Cost Impacts on Representative Private Persons/Business:

The Commission 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) 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.

Deer: § 360(b) X-Zone Hunts Tag Allocations			
§	Zone	Current	Proposed
(1)	X-1	775	1000-6,000
(2)	X-2	160	50-500
(3)	X-3a	315	100-1,200
(4)	X-3b	795	200-3,000
(5)	X-4	435	100-1,200
(6)	X-5a	75	25-200
(7)	X-5b	50	50-500
(8)	X-6a	320	100-1,200
(9)	X-6b	305	100-1,200
(10)	X-7a	225	50-500
(11)	X-7b	135	25-200
(12)	X-8	210	100-750
(13)	X-9a	650	100-1,200
(14)	X-9b	325	100-600
(15)	X-9c	325	100-600
(16)	X-10	400	100-600
(17)	X-12	680	100-1,200

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 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.

**UPDATE**

**At its April 14, 2016, meeting in Santa Rosa, the Fish and Game Commission adopted the final tag allocations for the 2016-17 Season in subsection 360(b) X-Zone Hunts indicated in the table below.**

<b>Deer: § 360(b) X-Zone Hunts Tag Allocations</b>			
<b>§</b>	<b>Zone</b>	<b>Current</b>	<b>2016-17 Season Final</b>
(1)	X-1	775	<b>760</b>
(2)	X-2	160	<b>175</b>
(3)	X-3a	315	<b>355</b>
(4)	X-3b	795	<b>795</b>
(5)	X-4	435	<b>460</b>
(6)	X-5a	75	<b>75</b>
(7)	X-5b	50	<b>50</b>
(8)	X-6a	320	<b>330</b>
(9)	X-6b	305	<b>310</b>
(10)	X-7a	225	<b>230</b>
(11)	X-7b	135	<b>135</b>
(12)	X-8	210	<b>210</b>

<b>Deer: § 360(b) X-Zone Hunts Tag Allocations</b>			
<b>§</b>	<b>Zone</b>	<b>Current</b>	<b>2016-17 Season Final</b>
(13)	X-9a	650	<b>650</b>
(14)	X-9b	325	<b>325</b>
(15)	X-9c	325	<b>325</b>
(16)	X-10	400	<b>400</b>
(17)	X-12	680	<b>680</b>

**There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.**