

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

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

I. Date of Initial Statement of Reasons: September 21, 2016

II. Date of Final Statement of Reasons: May 15, 2017

III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 8, 2016
Location: San Diego, CA

(b) Discussion Hearing: Date: February 8, 2017
Location: Rohnert Park, CA

(c) Adoption Hearing: Date: April 26, 2017
Location: Van Nuys, CA

IV. Update

At its April 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the changes to regulation in Section 360(b), X-Zone Hunts. The 2017-18 tag allocations are indicated in the Update to the Informative Digest table and in subsection 360(b) of the amended Regulatory Text.

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

A Data Supplement dated April 24, 2017 was provided to the Commission by the Department of Fish and Wildlife, recommending 2017 Deer Tag Allocations, as a document relied upon.

A Data Supplement dated April 24, 2017 provided to the Commission by the Department of Fish and Wildlife, recommending 2017 Deer Tag Allocations, was a document relied upon.

Responses to public comments, oral or written, regarding proposed regulatory changes received through April 26, 2017 are included as Attachment A.

VI. Location and Index of Rulemaking File:

A rulemaking with attached file index is maintained at:

California Fish and Game Commission
1416 9th Street
Sacramento, California 95814

VII. Location of Department files:

Department of Fish and Wildlife
18112 9th Street
Sacramento, California 95811

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Allocate 40 tags in the X3b zone exclusively for apprentice hunters

The proposal is to reallocate 40 tags from the total number allocated for hunt zone X3b and reserve them solely for apprentice hunters. This proposal would reduce the number of tags available to non-apprentice hunters and would increase the number of points necessary for other hunters to draw this tag. In order to avoid unnecessarily reducing hunter opportunity for non-apprentice hunters, additional analysis and discussion amongst affected parties is required. Therefore, this alternative is rejected until the analysis of hunter recruitment/retention data is concluded and potential actions are discussed in a public forum.

(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 hunting 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.

XI. 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 proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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.

- (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

UPDATED INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of deer hunting tags for the X zones. The proposed action changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as 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.

Deer: § 360(b) X-Zone Hunts			
Tag Allocations			
	Zone	Current 2016	Proposed 2017 [Range]
(1)	X-1	760	0 - 6,000
(2)	X-2	175	0 - 500
(3)	X-3a	355	0 - 1,200
(4)	X-3b	795	0 - 3,000
(5)	X-4	460	0 - 1,200
(6)	X-5a	75	0 - 200
(7)	X-5b	50	0 - 500
(8)	X-6a	330	0 - 1,200
(9)	X-6b	310	0 - 1,200
(10)	X-7a	230	0 - 500
(11)	X-7b	135	0 - 200
(12)	X-8	210	0 - 750
(13)	X-9a	650	0 - 1,200
(14)	X-9b	325	0 - 600
(15)	X-9c	325	0 - 600
(16)	X-10	400	0 - 600
(17)	X-12	680	0 - 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 hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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 and Compatibility with State 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 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the changes to regulation in Section 360(b), X-Zone Hunts. The 2017-18 Tag Allocations are shown in the following table and in subsection 360(b) of the amended Regulatory Text. An edit to the citation repeals 207 and replaces it with 255, pursuant to statute.

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.

Deer: § 360(b) X-Zone Hunts 2017-18 Tag Allocations				
§	Zone	Current 2016-17	Proposed 2017 [Range]	Final 2017-18 Allocation
(1)	X-1	760	0 - 6,000	760
(2)	X-2	175	0 - 500	190
(3)	X-3a	355	0 - 1,200	355
(4)	X-3b	795	0 - 3,000	795
(5)	X-4	460	0 - 1,200	480
(6)	X-5a	75	0 - 200	75
(7)	X-5b	50	0 - 500	50
(8)	X-6a	330	0 - 1,200	330
(9)	X-6b	310	0 - 1,200	310
(10)	X-7a	230	0 - 500	230
(11)	X-7b	135	0 - 200	135
(12)	X-8	210	0 - 750	210
(13)	X-9a	650	0 - 1,200	270
(14)	X-9b	325	0 - 600	230
(15)	X-9c	325	0 - 600	325
(16)	X-10	400	0 - 600	400
(17)	X-12	680	0 - 1,200	350