

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

Amend Section 361
Title 14, California Code of Regulations (CCR)
Re: Archery Deer Hunting

- 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 361, Archery Deer Hunting. The 2017-18 tag allocations are indicated in 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.

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. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Hunt A-33

Modify season to allow for the calendar shift allowing hunting for 37 consecutive days. This proposal was considered and approved because the changes in the season opening and closing dates and the length of the season (shorter by 5 days) would not significantly impact herd objectives or performance.

3. One public petition (Preston Taylor, Tracking Number 2015-016) was forwarded from the Fish and Game Commission for consideration during this rule-making package. The petition requested A) create an Archery Only either-sex deer tag or Archery Only antlerless deer tag and B) the addition of a traditional archery deer season (longbows & recurve bows only). These proposals were considered and rejected for the following reasons:

A. Antlerless hunting is a management tool that must be supported by adequate population data prior to implementation of any antlerless hunts. At this time the data being collected does not support the blanket implementation of antlerless hunts across the State and may produce relatively long-term negative impacts on the State's deer population. When the data supports it, the Department will recommend antlerless hunting on a limited basis.

B. Archers are currently provided an early-archery season, are allowed to use archery equipment during the general season, and in many cases are provided late-season archery hunts that are not available to those using firearms while hunting. Archers may choose to use whatever equipment they wish as long as it conforms to Section 353, T14, CCR and the establishment of a "traditional archery deer season" may negatively impact hunter opportunity for those hunters not choosing to use "traditional" archery equipment.

(b) No Change Alternative:

1. Number of Tags

The “No Change Alternative” was considered and found inadequate to attain the project objectives. 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 or does stated in the approved deer herd management plans.

2. Modify Season for Hunt A-33

The “No Change Alternative” was considered and found inadequate to attain project objectives. Retaining current season dates would be unresponsive to Base operations and scheduled activities.

3. Establishment of Archery-only either-sex deer tags and establishment of traditional archery season requiring the use of only longbows and/or recurve bows.

The “No Change Alternative” was considered and found adequate to attain project objectives for the reasons listed in Section IV(a)(3), above.

(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.

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 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 significant 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 existing area-specific archery hunts. The proposed action changes the number of tags for existing hunts 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.

Existing regulations for Hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) provide for hunting to begin on the first Saturday in October and end on November 11. The proposal would modify the season to allow for the annual calendar shift by opening the season on the first Saturday in October and ending on November 12.

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[0 - 3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	100	[0 - 1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[0 - 100]
(4)	A-5 (Zone X-3a Archery Hunt)	40	[0 - 300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[0 - 400]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[0 - 400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[0 - 100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[0 - 100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[0 - 200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[0 - 200]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[0 - 200]

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[0 - 100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[0 - 100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[0 - 500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[0 - 500]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[0 - 500]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[0 - 200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[0 - 500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[0 - 100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[0 - 200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[0 - 75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[0 - 100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[0 - 75]
(25)	A-30 (Covelo Archery Buck Hunt)	40	[0 - 100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[0 - 300]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

** 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.*

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 archery deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to archery deer tag allocations are consistent with Sections 360, 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 361, Archery Deer Hunting. The 2017-18 Tag Allocations are indicated in the following table and in subsection 361(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.

Archery Deer Hunting: § 361(b) 2017-18 Tag Allocations				
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]	Final 2017-18 Allocations
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[0 - 3,000]	1,945
(2)	A-3 (Zone X-1 Archery Hunt)	100	[0 - 1,000]	100
(3)	A-4 (Zone X-2 Archery Hunt)	10	[0 - 100]	10
(4)	A-5 (Zone X-3a Archery Hunt)	40	[0 - 300]	40
(5)	A-6 (Zone X-3b Archery Hunt)	70	[0 - 400]	70
(6)	A-7 (Zone X-4 Archery Hunt)	120	[0 - 400]	120
(7)	A-8 (Zone X-5a Archery Hunt)	15	[0 - 100]	10
(8)	A-9 (Zone X-5b Archery Hunt)	5	[0 - 100]	5
(9)	A-11 (Zone X-6a Archery Hunt)	50	[0 - 200]	50
(10)	A-12 (Zone X-6b Archery Hunt)	90	[0 - 200]	90
(11)	A-13 (Zone X-7a Archery Hunt)	45	[0 - 200]	45
(12)	A-14 (Zone X-7b Archery Hunt)	25	[0 - 100]	25
(13)	A-15 (Zone X-8 Archery Hunt)	40	[0 - 100]	40
(14)	A-16 (Zone X-9a Archery Hunt)	140	[0 - 500]	30
(15)	A-17 (Zone X-9b Archery Hunt)	300	[0 - 500]	210
(16)	A-18 (Zone X-9c Archery Hunt)	350	[0 - 500]	350
(17)	A-19 (Zone X-10 Archery Hunt)	100	[0 - 200]	100
(18)	A-20 (Zone X-12 Archery Hunt)	100	[0 - 500]	40
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[0 - 100]	25

Archery Deer Hunting: § 361(b)				
2017-18 Tag Allocations				
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]	Final 2017-18 Allocations
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]	1,000
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[0 - 200]	100
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[0 - 75]	35
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[0 - 100]	30
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[0 - 75]	10
(25)	A-30 (Covelo Archery Buck Hunt)	40	[0 - 100]	40
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]	1,000
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[0 - 300]	250
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)