

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

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. 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

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 for area-specific archery hunts. The proposed action 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. A low end quota range of zero (0) tags is used in the event final tag quotas need to go lower. Hunts may be cancelled due to events such as fire, disease or other factors.

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 deer (allowable deer harvest) next season. The number of bucks and does (ADH) needs to be estimated prior to the hunting season to determine how many surplus deer will exist over and above the number

required to maintain the desired buck: doe ratio objectives stated in the approved deer herd management plans.

This proposed regulatory action would change the number of tags for all existing hunts to a series of ranges as indicated in the following table:

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]
(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]

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(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)

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 in this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining the buck to doe 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 such as severe winter conditions can adversely affect

herd recruitment and over-winter adult survival, final tag quotas may fall below the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

2. Modify Season for Area Specific Archery Hunt A-33

Existing regulations in subsection 361(b)(28) for Area Specific Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) provide for hunting to begin on the first Saturday in October and continuing through November 11 in order to accommodate base operations and other hunts. The proposal would change the season dates to open on the first Saturday in October until November 12 to account for the annual calendar shift.

A minor editorial correction is proposed for subsection 361(b)(26)(C) changing the referenced subsection to 351(c) which is the correct citation for the definition of either-sex deer.

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

Authority: Sections 200, 202, 203, 220, and 4370, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, and 4370, 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 Woodland on September 21, 2016.

IV. 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.

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 the approved deer herd management plans.

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 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

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the 2016 deer season in the archery hunt zones. The number of tags to be set in regulation for 2017 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 because no significant changes in hunting activity levels are anticipated.

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

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

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

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

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

The proposed regulation will benefit 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 and the action contributes to the sustainable management of natural resources.

- (e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety.

- (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 State's living resources. The proposed action will further this core objective.

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.

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** 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.