

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

Amend Section 363
Title 14, California Code of Regulations (CCR)
Re: Pronghorn Antelope

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 Hearings: 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

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2016 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2017.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017 adoption hearing.

Ranges are necessary because final quotas cannot be determined until survey data is analyzed. Winter surveys are scheduled for January 2016. Analysis of survey results will be completed by March 2017. Final tag quotas will allow for a biologically appropriate harvest of bucks and does in the population and will achieve/maintain buck ratios at or above minimum levels specified in appropriate management plans. Administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive

proposed changes to existing regulations prior to the time winter pronghorn antelope surveys are completed. Final tag quotas for each zone will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

2. Minor Editorial Changes

Minor editorial changes are also proposed for consistency in subsection numbering, spelling, grammar, and clarity.

(b) Authority and Reference:

Authority: Fish and Game Code sections 219, 220, 331, 1050 and 10502.

Reference: Fish and Game Code Sections 331, 713, 1050, 10500 and 10502.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Pronghorn Antelope Hunting, Final Environmental Document, 2004.

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

Fish and Game Commission's Wildlife Resources Committee meeting held on September 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

No alternatives were identified. Pronghorn antelope license tag quotas must be changed periodically in response to a variety of biological and environmental conditions.

2. Minor Editorial Changes

No alternatives were identified.

(b) No Change Alternative:

1. Number of Tags

The no change alternative was considered and rejected because it would not attain project objectives of maintaining pronghorn antelope populations within desired population objectives while providing for hunting opportunities. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify minimum desired buck to doe ratios which are attained/maintained in part by modifying tag quotas on an annual basis. The no change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

2. Minor Editorial Changes

The no change alternative was considered and rejected because it would not attain consistency in regulations.

(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.

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 ranges is at or below the number of tags analyzed in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas for existing hunts. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business. The proposed regulations are to allow for the continuation of limited hunting activity by sustaining Pronghorn Antelope populations.

(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. Considering the small number of tags issued over the entire state, this proposal is 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 affects a small number of hunting tags over a limited area and will not have any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California and does not affect worker safety.

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 agency 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 District: 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 last pronghorn antelope season. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved 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 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 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 are anticipated.

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

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.

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

INFORMATIVE DIGEST (Policy Statement Overview)

Amend Section 363, Pronghorn Antelope, Title 14, California Code of Regulations (CCR).

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for Pronghorn Antelope hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2016 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2017.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017, adoption hearing.

Other minor changes to the regulatory text to reduce redundancy, improve accuracy and clarity are proposed.

Benefits of the regulations

The management plans specify objective levels for the herds. These levels 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 population surveys. Adjusting tag allocations in response to current herd conditions contributes to the sustainable management of healthy pronghorn antelope 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 pronghorn antelope hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to pronghorn antelope tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.