

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

Amend Section 507
Title 14, California Code of Regulations
Re: Provisions Related to the Taking of Migratory Game Birds

I. Date of Initial Statement of Reasons: December 28, 2015

II. Date of Final Statement of Reasons: April 22, 2016

III. Dates and Locations of Scheduled Hearings:

(a) Discussion Hearing: Date: December 10, 2015
Location: San Diego, CA

(b) Notice Hearing Date: February 11, 2016
Location: Sacramento, CA

(c) Adoption Hearing: Date: April 14, 2016
Location: Santa Rosa, CA

IV. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons. The Commission adopted the recommendations of the Department as set forth in the Regulatory Text, at the April 14, 2016 meeting.

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

None

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, Room 1320
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife
Waterfowl Program
1812 9th Street
Sacramento, California 95811

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

The California Bowmen Hunters (CBH) proposed amending section 507 to allow the use of conventionally fletched arrows for the take of waterfowl when on land or on water. Because the potential lethal range of conventionally fletched arrows is much greater than arrows with flu-flu fletching and waterfowl hunters are often in close proximity to other hunting parties, the Department has advised against the adoption of this alternative for reasons of public safety. The Commission has rejected this alternative to preserve the public safety.

(b) No Change Alternative:

The No Change Alternative would maintain the existing regulation that prohibits archery hunters while engaged in migratory bird hunting from carrying a firearm.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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 regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

(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 and does not provide benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or 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) 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, Government Code: None.

(h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 507(a)(2), Title 14, California Code of Regulations (CCR), prohibit archery hunters from carrying a firearm while hunting migratory birds. However, since there is no specific archery only hunt set aside for migratory birds, there is no reason to think individuals would take a bird with a firearm but pretend it was taken with archery equipment. Consequently, there is no reason to restrict archers from carrying firearms when taking migratory birds. The existing regulation also refers to “crossbows bolts,” rather than the proposed “crossbow bolts.” This amendment is intended to correct a grammatical error and is necessary to improve the clarity of the regulation.

The Department proposes to delete that part of subsection 507(a)(2) prohibiting the possession of a firearm while archery hunting:

“Only arrows or crossbow bolts with flu- flu fletching may be used except that conventionally fletched arrows may be used to take waterfowl sitting on the water from scullboats or similar watercraft. ~~Archers hunting during any archery season may not possess a firearm while in the field engaged in archery hunting.”~~

Benefits of the regulations

The benefit of the proposed regulation is consistency in regulations.

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.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 507 are neither inconsistent nor incompatible with existing State regulations.

UPDATE

The Commission adopted the Department recommendations at the April 14, 2016 meeting.

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.