

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

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. 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

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

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 or tag 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.

This amendment also addresses a grammatical error, correcting “~~crossbows~~ bolts” to “crossbow bolts,” which 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 ~~crossbows~~ 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.~~

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

Authority: Section 355, Fish and Game Code.

Reference: Sections, 355, and 356, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change: None.

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

This proposal was discussed at the Fish and Game Commission's Wildlife Resources Committee meeting held on September 9, 2015 in Fresno, CA.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

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 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.

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 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.

VII. Economic Impact Assessment

- (a) Effects of the regulation on the creation or elimination of jobs within the state: Not applicable.
- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the state:

The result of the regulations on the creation of new businesses or the elimination of existing businesses within the state will be neutral. Clarification of regulations is, by itself, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunters and the economic contributions from them are expected to remain more or less the same.

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

The long-term intent of the proposed regulation is to maintain consistency in hunting regulations. Changes in this section are unlikely to stimulate substantial expansion of these existing businesses.

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

Hunting is an outdoor activity that can provide several benefits for those who partake in it and for the environment as well. The fees that hunters pay for licenses and stamps are used for conservation. In addition, the efforts of

hunters can help to reduce wildlife depredation on private lands. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed on from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the regulation to worker safety:

The regulations will not affect worker safety because they will not impact working conditions.

(f) Benefits of the regulation to the state's environment:

It is the policy of this state to encourage the conservation, maintenance, and utilization of wildlife resources for the benefit of all the citizens of the state.

(g) Concurrence with other Statutory Requirements:

Not applicable

Informative Digest/Policy Statement Overview

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

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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.