

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

Amend Section 708.18  
Title 14, California Code of Regulations (CCR)  
Re: Fund Raising Big Game License Tags, Return for Refund

I. Date of Initial Statement of Reasons: November 2, 2015

II. Date of Final Statement of Reasons: April 17, 2016

III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 10, 2015  
Location: San Diego, California

(b) Discussion Hearing: Date: February 11, 2016  
Location: Sacramento, California

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

IV. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

It is necessary for the Commission to provide a method for the return of Fund Raising Big Game License Tags (FRT) and a refund of the purchase price. The purpose of the addition of the new section is to address unforeseen circumstances that affect the ability of the successful tag purchaser to use the FRT.

FRT are provided by statute for sale by qualifying non-governmental organizations at auction. The proceeds of the sale of the fund raising tags are deposited to the Big Game Management Account established by the Legislature in Fish and Game Code Section 3953 for the sustainable management of the state's big game resources. There is a great deal of interest by hunters in acquiring these unique tags and often the price exceeds several thousand dollars. In rare cases, the FRT has gone unused because of circumstances beyond the control of the successful bidder. Under current regulations, the money spent cannot be refunded.

Add a new Section 708.18 setting forth a procedure to allow the refund of the price of Fund Raising Tags provided that a written request citing the circumstances beyond the control of the holder that prevent the use of the tags, and the tag is received by the Department at least ten business days before the

start of the season. At its April 14, 2016 meeting in Santa Rose, the Fish and Game Commission adopted the proposed regulatory language.

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

No comments were received through April 14, 2016.

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  
Sacramento, California 95814

VII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified.

(b) No change Alternative:

The no change alternative was considered and rejected because it does not provide a method by which purchasers of fund-raising tags, who cannot use the tag, may seek a refund.

(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 or would be as effective and less burdensome to the 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.

IX. Mitigation Measures Required by Regulatory Action:

The regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

X. Impact of Regulatory Action:

This action sets 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.

- (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 changes merely specify the process for refunding the cost of a FRT that cannot be used by the purchaser due to circumstances beyond their control.

- (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:

The Commission does not anticipate any impact on jobs or businesses in California; the regulation does not provide benefits to California residents or to worker safety.

The Commission does expect a small benefit to the State's environment because the proceeds of the sale of the fund raising tags are deposited to the big Game Management Account established by the Legislature in Fish and Game Code Section 3953 for the sustainable management of the state's big game resources. The refund process, and subsequent re-sale of the tags, assures that the money spent is worthwhile and without risk.

- (c) Cost Impacts on a Representative Private Person or Business:

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) 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)

Existing regulations in Section 708, T14, CCR specify procedures and conditions for returning or exchanging big game tags and refunding tag fees but do not identify similar procedures to allow the return of big game fund raising tags sold by qualifying non-governmental organizations at auction.

This proposal would add Subsection 708.18 to establish regulations which allow the return of the purchase price for fund raising tags. The new provisions set forth a few possible circumstances beyond the control of the holder under which, by example, the tag holder may not be able to use the FRT. These include, but are not limited to, illness, military deployment, and hunt area closure (i.e., fire, etc.). However, the request to return the tag must be made in writing to the Department, at least ten business days before the start of the season. If possible, the returned FRT will be made available for purchase by the next highest bidder(s).

### Benefits of the Regulation

The Commission anticipates benefits to the health and welfare of California residents and benefits to the State's environment because the proposed regulations assist the Department in the sustainable management of California's natural resources.

### Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate big game hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to the refund of the price of unused fund raising tags to be 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.

### **UPDATE**

**At its April 14, 2016, meeting in Santa Rosa, the Fish and Game Commission adopted the regulations as proposed in the Initial Statement of Reasons. No changes were made.**

**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.**