



the FRT. These include, but are not limited to, illness, military deployment, and hunt area closure (e.g. fire, etc.). However, the decision to return the tag must be made 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).

#### Proposed Regulations

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 tag, and the tag are received by the Department at least ten business days before the start of the season.

(b) Authority and Reference:

Note: Authority cited: Sections 200, 202, 331, 332, 1050, 4334, and 4902 Fish and Game Code. Reference: Sections 331, 332, 1050, 4334, and 4902 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:

Fish and Game Commission's Wildlife Resources Committee meeting held on September 9, 2015 in Fresno, California.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

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 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.

VI. Impact of Regulatory Action.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

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 tag, assures hunters that the money spent is worthwhile and without risk.

- (c) Cost Impacts on Representative Private Persons/Business.

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 purpose of the proposed amendments is to establish a process for refunding the price of fund raising license tags purchased at auction. Although the hunter may successfully bid on these highly desirable tags, there are rare instances when the hunter cannot use or is prevented from using the tag. The refund is an equitable method of providing relief under circumstances beyond the control of the hunter. There are no costs to businesses or persons.

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

The regulation will not create new businesses or eliminate businesses within the State. 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.

(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 in the State. 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.

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

The proposed regulation will not have a direct benefit on the health and welfare of California residents.

(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:

The Commission expects 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.

## **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.

### 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 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.