

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

Amend Section 708.5
Title 14, California Code of Regulations (CCR)
Re: Deer Tagging and Reporting Requirements

I. Date of Initial Statement of Reasons: September 28, 2016

II. Date of Final Statement of Reasons: May 15, 2017

III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 8, 2016
 Location: San Diego, CA

(b) Discussion Hearing: Date: February 8, 2017
 Location: Rohnert Park, CA

(c) Adoption Hearing: Date: April 26, 2017
 Location: Van Nuys, CA

IV. Update:

At its April 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the changes to regulation in Title 14, subsection 708.5(c)(1), Deer Tag Reporting.

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

Tuolumne County Sportsmen, February 6, 2017, Letter to Fish and Game Commission. Comment: a) Opposed to elimination of in-person deer tag reporting and mailed reports not received considered as not reported. b) The department should place an obvious link on its homepage. c) The report card needs to be made available to the public, at least in a link on the department's website.

Response: a) The Department does not currently have any location where it is possible to deliver the tags in person. Providing clerks at various locations throughout the state would be cost prohibitive. The value of tag reporting to the Department and to the hunting community is the timeliness of the reports; late reports would not be included in any data and are therefore of no practical use. Since the Department cannot track any private mail, it is incumbent on the hunter to assure timely use of the mail. Eighty-four percent of tag holders were able to

submit harvest reports successfully online and by mail in 2016. b) and c) The department has a direct link from its home page to “Deer Hunting.” Once this link is clicked, information on the deer tag reporting and accessibility to print the tag is at the top of the page.

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 Wildlife
1416 Ninth Street
Sacramento, California 95814

VIII. 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 regulatory change was necessary to achieve a higher rate of compliance with existing deer tag reporting 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 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 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 action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are 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 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.

It is unlikely that the proposed regulation will result in the creation or elimination of jobs within the state, cause the creation of new businesses or the elimination of existing businesses or result in the expansion of businesses in California because tag sales and reporting are established processes, and modifications to reporting will impact a small segment of the population.

- (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 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: None
- (h) Effect on Housing Costs: None

**UPDATED INFORMATIVE DIGEST/
(Policy Statement Overview)**

The proposed amendments in Section 708.5 are intended to clarify the methods by which hunters may comply with mandatory deer harvest reporting. The amendments will: 1) eliminate “in person” delivery of report cards to the Department; and 2) add a provision stating, “If a report card is submitted by mail and not received by the department, it is considered not reported.”

Benefits of the regulations

The proposed changes in reporting deer harvest will clarify that the Department cannot receive report cards “in person”; and that the responsibility for compliance, regardless of report cards lost in the mail, is on the hunter. This may provide an incentive for hunters to enter their own data online or to check their online accounts to assure compliance in a timely fashion. The report card contains important information which the Department uses to measure deer populations and other vital data essential to the exercise of its responsibilities.

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 deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag reporting are consistent with Sections 1.74, 361, 701, 702, 708.5 and 708.6 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 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the changes to regulation in Section 708.5, Deer Tag Reporting.

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.

Nonsubstantive changes were made to the list of authorities to reflect changes enacted by SB 1473 on January 1, 2017.