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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

December 28, 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

**Re: Notices published in the California Notice Register on December 23, 2016/
Register 2016, No. 52-Z, for**

- **OAL Notice Z2016-1213-10, Mammal Hunting, sections 360, 361, 362, 363, 364 and 364.1, Title 14, CCR;**
- **OAL Notice Z2016-1213-11, Waterfowl Hunting, Section 502, Title 14, CCR; and**
- **OAL Notice Z2016-1213-12, Deer Tagging and Reporting, Section 708.5, Title 14, CCR**

The above referenced Notices were sent out referencing an incorrect date for the Fish and Game Commission's discussion hearing scheduled on February 8, 2017 in Rohnert Park, CA. The correct information should read as follows:

"NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rohnert Park, California, on Wednesday, February 8, 2017 at 8:00 a.m. or, as soon thereafter as the matter may be heard."

All other information remains unchanged.

Sincerely,


Jon D. Snellstrom
Associate Governmental Program Analyst

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, and 1050 of the Fish and Game Code and to implement, interpret or make specific Sections 1050 and 4336 of said Code, proposes to amend Section 708.5, Title 14, California Code of Regulations, relating to deer tagging and reporting requirements.

Informative Digest/Policy Statement Overview

All tag holders are obligated under the current law to report the results of their hunting effort, whether successful or unsuccessful in their deer hunting activity. The regulations now specify the methods of satisfying the reporting requirement including submitting their report card “in person at the address specified.” However, the address specified on the tag is a post office box and not a physical location; furthermore, none of the Department’s regional offices are staffed to take and process walk-in reports. Reports may also be made online or by mail.

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.”

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.

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.

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.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rohnert Park, California, on Wednesday, February 8, 2017 at 8:00 a.m. or, as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Airtel Plaza Hotel, 7277 Valjean Ave., Van Nuys, California, on Wednesday, April 26, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on April 12, 2017 (to meet the deadline for the commission's briefing binder) at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 21, 2017 (to be included with late comments to the commissioners). All comments must be received no later than April 26, 2017, at the hearing in Van Nuys, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Environmental Program Manager, (916) 445-3553**, has been designated to respond to questions on the substance of the proposed regulations relating to deer tagging and reporting requirements. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

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 clarifies the methods available to individuals, not businesses, for the required reporting of their deer hunting activity.

- (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 and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources. Improved deer tag reporting will also improve the Department's ability to sustainably manage deer populations in the state.

The proposed action will not have significant impacts on jobs or business within California because no significant changes in hunting activity levels are anticipated. The proposed action does not provide benefits to worker safety.

- (c) Cost Impacts on Private Persons:

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. Under the current regulation, hunters are required to report their deer hunting activity. The proposed action to amend the regulation clarifies the methods available to individuals for the required reporting and does not impose any additional cost to do so.

- (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

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 15, 2016

Valerie Termini
Executive Director