

CALIFORNIA
FISH AND GAME
COMMISSION
2019 JUL -1 PM 1:30

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:
Amend sections: 354
Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2019-0517-03

OAL Matter Type: Regular (S)

The California Fish and Game Commission is changing text that is difficult to enforce to a clearer requirement regarding archery equipment and crossbows. The new requirement will be that a bow draw weight must be at least 30 pounds and a crossbow draw weight must be at least 125 pounds. Additionally they are authorizing the possession of a lawfully concealed firearm during an archery only season or under an archery only tag while hunting any big game except deer as long as the weapon is not used in the take of an animal.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2019.

Date: June 26, 2019



Peggy J. Gibson
Senior Attorney

For: Holly Pearson
Acting Director

Original: Melissa Miller-Henson, Acting
Executive Director

Copy: Jon Snellstrom

REGULAR NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-1231-02	REGULATORY ACTION NUMBER 2019-0517-035	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2019 MAY 17 A 10:14
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 26 2019
1:31pm

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Fish and Game Commission

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Archery Equipment and Crossbow Regulations		TITLE(S) 14	FIRST SECTION AFFECTED 354	2. REQUESTED PUBLICATION DATE Jan. 11, 2019
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER 2019-02-2	PUBLICATION DATE 1/11/2019

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 354
TITLE(S) 14	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

2/26/19 - 4/17/19 per agency request

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) July 1, 2019 per Sec 265, F&G Code
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jon.snellstrom@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Thesell</i>	DATE May 17, 2019
TYPED NAME AND TITLE OF SIGNATORY David Thesell, Program Manager	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 26 2019

Office of Administrative Law

Proposed Regulatory Language

Section 354, Title 14, California Code of Regulations, is amended to read as follows:

§ 354. Archery Equipment and Crossbow Regulations.

[No changes to subsections (a) through (e)]

~~(f) No bow or crossbow may be used which will not cast a legal hunting arrow, except flu-flu arrows, a horizontal distance of 130 yards. It shall be unlawful to use any bow or crossbow without a draw weight of at least 30 pounds for a bow or 125 pounds for a cross bow.~~

(g) Except as described in subsection 354(j), crossbows may not be used to take game birds and game mammals during archery seasons.

~~(h) Except as provided in subsection 353(g) of these regulations and in Section 4370 of the Fish and Game Code, archers may not possess a firearm while hunting in the field during any archery season, or while hunting during a general season under the provisions of an archery only tag. Archers may not use or possess a firearm while in the field engaged in archery hunting during an archery season or while hunting during a general season under the provisions of an archery only tag except as provided in subsections (h)(1) or (h)(2).~~

(1) An archer may carry a firearm capable of being concealed on his or her person while engaged in the taking of big game other than deer with a bow and arrow in accordance with subdivision (h), but shall not take or attempt to take big game with the firearm.

(2) Nothing in this section shall prohibit the lawful possession of a firearm capable of being concealed on his or her person by an active peace officer listed in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code or a retired peace officer in lawful possession of an identification certificate issued pursuant to Penal Code Section 25455 authorizing the retired officer to carry a concealed firearm.

[No changes to subsections (i) through (k)]

Note: Authority cited: Sections 200, ~~202, 203, and 240~~, and 265, Fish and Game Code.
Reference: Sections 200, ~~202, 203, 203.1, 265, and 2005~~, and 4370, Fish and Game Code.