

Nick Villa California Rifle and Pistol Association in support of the reduction.

Joe Wiley supported the reduction and further explained that the humane kill involved more than just inertia of the arrow but proper shot placement and sharp broadheads.

Mark Hennelly of the California Waterfowl Association supports the reduction.

Bill Gaines representing the California Bowmen Hunters strongly support the reduction to improve Recruitment, Retention, and Reactivation (R3) program in effect at the Department of Fish and Wildlife in partnership with several non-Governmental Organizations.

Bill Gaines also presented a letter at the February 12, 2019 meeting, dated February 1, 2019, from Robert Moore, Legislative Coordinator, California Bowmen Hunters, requesting the current proposal be modified from a 40lb minimum draw weight to a lower, more reasonable minimum, and supporting the subsection 3354(h) proposal regarding concealable firearms.

At the April 17-18, 2019 Commission meeting, Wayne Raupe, representing the California Bowmen Hunters testified that they were in support of the reduction.

The Department of Fish and Wildlife accepted the requested amendments from each of the commenters, from 40 pounds to 30 pounds, based on the following information received.

- The original petitioner, California Bowmen Hunters and the State Archery Association requested that their original 40 pound draw weight be lowered to 30 pound.
- Bow technology is vastly advanced since the 70s and 80s, so more than enough force will be generated with a 30 pound draw.
- It will allow for more participation by younger and older hunters.
- In January 2019, at the Western Association of Fish and Wildlife Agencies conference, it was determined that the move from 40 pound to 30 pound has occurred or is occurring in most western states.

VII. 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

VIII. Location of Department Files:

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

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action: None considered.

(b) No Change Alternative:

If the amendments are not adopted the regulations will remain the same.

(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.

X. 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 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 amendment would not directly or indirectly impose any regulation on businesses.

(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 no impacts on the creation or elimination of jobs within the state and no impact on the creation of new businesses or the elimination of existing businesses because the proposed amendment would not directly or indirectly impose any regulation on businesses. The Commission anticipates benefits to the health and welfare of California residents because the proposed amendment would enable the carrying of a firearm, while hunting big game other than deer (consistent with Fish and Game Code section 4370), in the event a person is threatened by a dangerous animal or person while archery hunting. The Commission does not anticipate impacts on worker safety. The Commission anticipates benefits to the State's environment by reducing non-lethal injuries to wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the State's environment. It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will further this core objective.

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

The vast majority of hunters use bows that are set to a much higher draw weight than the proposed minimum set by the proposed regulation, so it would not affect them. A small percentage of hunters would choose to purchase a scale to measure their bow's draw weight to be sure they are in compliance with the law at a cost of about \$10 - \$20 each.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed regulation would save many hours of investigative costs associated with a wildlife officer's attempt to prove a seized bow had insufficient strength to cast an arrow at least 130 yards. Time would be spent seizing the bow as evidence and documenting its seizure, finding a safe place to test the bow's ability to cast an arrow 130 yards, finding the arrow and measuring its flight distance once it is tested, then possibly returning the bow to the hunter at the direction of the court. Minimal hard costs to the Department would be associated with the proposed regulation change. California's wildlife officers who regularly work archery seasons may have to purchase bow measuring devices. It is estimated that approximately a quarter of the state's wildlife officers, or about 100 would have to purchase them at a total one-time cost to the state of \$1,000 - \$2,000.

(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

The California Department of Fish and Wildlife (Department) proposes two amendments to Section 354, Title 14, California Code of Regulations, which are related to law enforcement.

First, the provision in subsection 354(f) requires that a bow “cast a legal hunting arrow ... 130 yards”, however this is unenforceable since it is impossible to demonstrate inside a courtroom. There is a need for clarification of the regulation to require that archery equipment be strong enough to project an arrow at a rate that it will be lethal to the game mammal and also be enforceable. For clarity, the Department proposes requiring a draw weight of at least **30** 40-pounds for a bow and 125 pounds for a crossbow to make it practical to demonstrate in the field and in a courtroom. Draw weight as used in archery sports is the measure of force required to draw the bow to a ready to fire position.

Second, the provision in subsection 354(h) states that “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.” The subsection also provides an exception, by reference to Fish and Game Code 4370, which permits peace officers to carry a concealed firearm. The Department proposes an amendment allowing possession of a concealable firearm while hunting big game other than deer (consistent with Fish and Game Code section 4370) under the authority of an archery only tag, provided the hunter does not use that firearm in any way to take the game animal.

Non-monetary Benefits to the Public

The Commission anticipates benefits to the health and welfare of California residents through the sustainable management of mammal populations. The Commission does not anticipate non-monetary benefits to 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 Existing Regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 354 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

The Commission published an amended ISOR on February 12, 2019, to notify the public about the requested change to the original ISOR published in December 2018. The change resulted from a request by the petitioner to reduce the minimum draw strength in subsection (f), from 40 pounds to 30 pounds, to accommodate youth or smaller statured persons. There were no other changes. The Commission adopted the proposed regulation based on the February 12, 2019 amended ISOR at the April 17, 2019 meeting.