

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, 203, 203.1, 265, 332, 460, 1050, 3051, 3452, 3453, 3953, 4334, 4370, 4902, Fish and Game Code and to implement, interpret or make specific Sections 360, 361, 362, 364 and 364.1; Title 14, California Code of Regulations, relating to annual adjustments to mammal hunting tag quotas.

Informative Digest/Policy Statement Overview

Section 360: Existing regulations provide for the number of deer hunting tags in subsection 360(c) Additional Hunts. The proposed action provides a recommended range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April and analyzed.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the table below.

Deer: Section 360(c) Additional Hunts, Tag Allocations

- Hunt number G-1 (Late Season Buck Hunt for Zone C-4); Current 2019, 2,710; Proposed 2020 Range [0 - 5,000]
- Hunt number G-3 (Goodale Buck Hunt); Current 2019, 25; Proposed 2020 Range [0 – 50]
- Hunt number G-6 (Kern River Deer Herd Buck Hunt); Current 2019, 50; Proposed 2020 Range, [0 – 100]
- Hunt number G-7 (Beale Either-Sex Deer Hunt); Current 2019 20 Military* [20 Military*]
- Hunt number G-8 (Fort Hunter Liggett Antlerless Deer Hunt); Current 2019 10 Military* & 10 Public [20*]
- Hunt number G-9 (Camp Roberts Antlerless Deer Hunt); Current 2019, 0; Proposed 2020 Range, [30*]
- Hunt number G-10 (Camp Pendleton Either-Sex Deer Hunt); Current 2019, 250 Military*; Proposed 2020 Range, [250 Military*]
- Hunt number G-11 (Vandenberg Either-Sex Deer Hunt); Current 2019, 0; Proposed 2020 Range, [0 – 500]
- Hunt number G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt); Current 2019, 30; Proposed 2020 Range [0 – 50]
- Hunt number G-13 (San Diego Antlerless Deer Hunt); Current 2019, 300; Proposed 2020 Range [0 – 300]
- (Hunt number G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt); Current 2019, 25; Proposed 2020 Range [0 – 50]
- Hunt number G-21 (Ventana Wilderness Buck Hunt) Current 2019, 25; Proposed 2020 Range [0 – 100]
- Hunt number G-37 (Anderson Flat Buck Hunt); Current 2019, 25; Proposed 2020 Range [0 – 50]

- Hunt number G-38 (X-10 Late Season Buck Hunt); Current 2019, 300; Proposed 2020 Range [0 – 300]
- Hunt number G-39 (Round Valley Late Season Buck Hunt); Current 2019, 2; Proposed 2020 Range [0 – 150]
- Hunt number M-3 (Doyle Muzzleloading Rifle Buck Hunt); Current 2019, 20; Proposed 2020 Range [0 – 75]
- Hunt number M-4 (Horse Lake Muzzleloading Rifle Buck Hunt); Current 2019, 10; Proposed 2020 Range [0 – 50]
- Hunt number M-5 (East Lassen Muzzleloading Rifle Buck Hunt); Current 2019, 5; Proposed 2020 Range [0 – 50]
- Hunt number M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt); Current 2019, 80; Proposed 2020 Range [0 – 100]
- Hunt number M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt); Current 2019, 150; Proposed 2020 Range [0 – 150]
- Hunt number M-8 (Bass Hill Muzzleloading Rifle Buck Hunt); Current 2019, 20; Proposed 2020 Range [0 – 50]
- Hunt number M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt); Current 2019, 15; Proposed 2020 Range [0 – 100]
- Hunt number M-11 (Northwestern California Muzzleloading Rifle Buck Hunt); Current 2019, 0; Proposed 2020 Range [0 – 200]
- Hunt number MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt); Current 2019, 150; Proposed 2020 Range [0 – 150]
- Hunt number MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt); Current 2019, 150; Proposed 2020 Range [0 – 150]
- Hunt number J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt); Current 2019, 25; Proposed 2020 Range [0 – 25]
- Hunt number J-3 (Tehama Wildlife Area Apprentice Buck Hunt); Current 2019, 15; Proposed 2020 Range [0 – 30]
- Hunt number J-4 Shasta-Trinity Apprentice Buck Hunt); Current 2019, 15; Proposed 2020 Range [0 – 50]
- Hunt number J-7 (Carson River Apprentice Either-Sex Deer Hunt); Current 2019, 0; Proposed 2020 Range [0 – 50]
- Hunt number J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt); Current 2019, 15; Proposed 2020 Range [0 – 20]
- Hunt number J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt); Current 2019, 5; Proposed 2020 Range [0 – 10]
- Hunt number J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt); Current 2019, 25 Military & 60 Public; Proposed 2020 Range [30*]
- Hunt number J-11 (San Bernardino Apprentice Either-Sex Deer Hunt); Current 2019, 40; Proposed 2020 Range [0 – 50]
- Hunt number J-12 (Round Valley Apprentice Buck Hunt); Current 2019, 10; Proposed 2020 Range [0 – 20]
- Hunt number J-13 (Los Angeles Apprentice Either-Sex Deer Hunt); Current 2019, 40; Proposed 2020 Range [0 – 100]
- Hunt number J-14 (Riverside Apprentice Either-Sex Deer Hunt); Current 2019, 30; Proposed 2020 Range [0 – 75]

- Hunt number J-15 (Anderson Flat Apprentice Buck Hunt); Current 2019, 10; Proposed 2020 Range [0 – 30]
- Hunt number J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt); Current 2019, 75; Proposed 2020 Range [0 – 75]
- Hunt number J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt); Current 2019, 25; Proposed 2020 Range [0 – 25]
- Hunt number J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt); Current 2019, 75; Proposed 2020 Range [0 – 75]
- Hunt number J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt); Current 2019, 25; Proposed 2020 Range [0 – 40]
- Hunt number J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt); Current 2019, 20; Proposed 2020 Range [0 – 20]
- Hunt number J-21 (East Tehama Apprentice Either-Sex Deer Hunt); Current 2019, 50; Proposed 2020 Range [0 – 80]

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs. Military only tags are designated for Department of Defense and eligible personnel as authorized by the Installation Commander.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 7 and continue for three consecutive days and reopen on October 14 and continue for two consecutive days, including the Columbus Day holiday. The proposal would modify the season to account for the annual calendar shift. The proposal would change the season dates to open on October 3 and October 10, for two and three consecutive days respectively and include the Columbus Day holiday.

Section 361: Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposed action provides a recommended range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected and analyzed in March/April and analyzed.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the table below.

Archery Deer Hunting: Section 361(b)

- A-1 (C Zones Archery Only Hunt); Current 2019 1,945; Proposed 2020 [0 - 3,000]
- A-3 (Zone X-1 Archery Hunt); Current 2019 100; Proposed 2020 [0 - 1,000]
- A-4 (Zone X-2 Archery Hunt); Current 2019 10; Proposed 2020 [0 - 100]
- A-5 (Zone X-3a Archery Hunt); Current 2019 40; Proposed 2020 [0 - 300]
- A-6 (Zone X-3b Archery Hunt); Current 2019 70; Proposed 2020 [0 - 400]
- A-7 (Zone X-4 Archery Hunt); Current 2019 120; Proposed 2020 [0 - 400]
- A-8 (Zone X-5a Archery Hunt); Current 2019 15; Proposed 2020 [0 - 100]

- A-9 (Zone X-5b Archery Hunt); Current 2019 5; Proposed 2020 [0 - 100]
- A-11 (Zone X-6a Archery Hunt); Current 2019 50; Proposed 2020 [0 - 200]
- A-12 (Zone X-6b Archery Hunt); Current 2019 90; Proposed 2020 [0 - 300]
- A-13 (Zone X-7a Archery Hunt); Current 2019 45; Proposed 2020 [0 - 200]
- A-14 (Zone X-7b Archery Hunt); Current 2019 25; Proposed 2020 [0 - 100]
- A-15 (Zone X-8 Archery Hunt); Current 2019 40; Proposed 2020 [0 - 100]
- A-16 (Zone X-9a Archery Hunt); Current 2019 140; Proposed 2020 [0 - 500]
- A-17 (Zone X-9b Archery Hunt); Current 2019 300; Proposed 2020 [0 - 500]
- A-18 (Zone X-9c Archery Hunt); Current 2019 350; Proposed 2020 [0 - 500]
- A-19 (Zone X-10 Archery Hunt); Current 2019 100; Proposed 2020 [0 - 200]
- A-20 (Zone X-12 Archery Hunt); Current 2019 100; Proposed 2020 [0 - 500]
- A-21 (Anderson Flat Archery Buck Hunt); Current 2019 25; Proposed 2020 [0 - 100]
- A-22 (San Diego Archery Either-Sex Deer Hunt); Current 2019 1,000; Proposed 2020 [0 - 1,500]
- A-24 (Monterey Archery Either-Sex Deer Hunt); Current 2019 100; Proposed 2020 [0 - 200]
- A-25 (Lake Sonoma Archery Either-Sex Deer Hunt); Current 2019 35; Proposed 2020 [0 - 75]
- A-26 (Bass Hill Archery Buck Hunt); Current 2019 30; Proposed 2020 [0 - 100]
- A-27 (Devil's Garden Archery Buck Hunt); Current 2019 5; Proposed 2020 [0 - 75]
- A-30 (Covelo Archery Buck Hunt); Current 2019 40; Proposed 2020 [0 - 100]
- A-31 (Los Angeles Archery Either-Sex Deer Hunt); Current 2019 1,000; Proposed 2020 [0 - 1,500]
- A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt); 250; Proposed 2020 [0 - 300]
- A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt); Current 2019 50*; Proposed 2020 (25 Military and 25 Public) 50*

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs. Military only tags are designated for Department of Defense and eligible personnel as authorized by the Installation Commander.

Existing regulations for Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting to open beginning the first Saturday in October and continue through November 12, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31. The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open beginning the first Saturday in October and continue through November 11, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

Section 362: The current regulation in Section 362, Title 14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags available for the 2020 season based on bighorn sheep fall/winter population surveys conducted by the Department. Final tag quota recommendations will be

made pending completion of all surveys and data analyses. quota recommendations will be made pending completion of all surveys and data analyses.

Nelson Big Horn Sheep hunt zones followed by 2020 proposed range of tags.

- Zone 1 – Marble/Clipper Mountains [0-5]
- Zone 2 - Kelso Peak/Old Dad Mountains [0-4]
- Zone 3 - Clark/Kingston Mountain Ranges [0-4]
- Zone 4 - Orocopia Mountains [0-2]
- Zone 5 - San Gorgonio Wilderness [0-3]
- Zone 6 - Sheep Hole Mountains [0-2]
- Zone 7 - White Mountains [0-6]
- Zone 8 - South Bristol Mountains [0-3]
- Zone 9 – Cady Mountains [0-4]
- Zone 10 – Newberry, Rodman, Ord Mountains [0-6]
- Open Zone Fund-Raising Tag [0-1]
- Marble/Clipper/South Bristol Mountains Fund-Raising Tag [0-1]
- Cady Mountains Fund-Raising Tag [0-1]

Section 364: Current regulations in Section 364, Title 14, CCR, provide definitions, hunting zone descriptions, season dates, and elk license tag quotas. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish the 2020 tag quotas, season dates, and tag distribution within each hunt adjusting for annual fluctuations in populations.

1. Subsections 364(r) through (aa) specify elk license tag quota ranges for each hunt in accordance with management goals and objectives.
2. Modify Season Dates. Due to military use constraints at Fort Hunter Liggett, hunt dates are annually subject to change and may be adjusted or cancelled by the Commanding Officer.

Section 364.1: Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions.

Preliminary tag quota ranges are indicated pending final 2020 tag allocations in accordance with elk management goals and objectives. Survey data collected between August 2019, and March 2020, will be the basis for the final tag numbers recommended to the Commission at the April 2020 adoption hearing.

Goals and Benefits of the Regulation:

The proposed regulations will contribute to the sustainable management of native big game mammal populations in California. Existing elk herd management goals specify objective

levels for the proportion of bulls to cows in the herds. These ratios are maintained and managed in part by periodically modifying the number of tags. The final recommended number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates where appropriate.

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 Regulations

The Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate native big game mammal hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with 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 Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Friday, February 21, 2020, 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 the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Thursday, April 16, 2020 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 noon April 10, 2020 at the address given below, or by email to FGC@fgc.ca.gov. All comments (both oral and written) must be received no later than April 16, 2020, at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address. **Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.**

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at www.fgc.ca.gov. 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, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. 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 Melissa Miller-Henson or Jon Snellstrom at the preceding address or phone number. **Brad Burkholder, Environmental Program Manager, has been designated to respond to questions on the substance of the proposed**

regulations. He can be reached at (916) 445-1829 or via email at Brad.Burkholder@wildlife.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 265 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, 11346.8 and 11347.1 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 adjusts tag quotas for existing hunts and modifies season dates for hunts on military land. 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 proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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.

(c) Cost Impacts on a Representative Private Person or 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) 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.

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.

Dated: December 24, 2019

FISH AND GAME COMMISSION
David Thesell
Program Manager