

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Subsection 360(c)
Title 14, California Code of Regulations
Re: Deer: Additional Hunts

I. Date of Initial Statement of Reasons: November 13, 2019

II. Dates and Locations of Scheduled Hearings

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| (a) Notice Hearing | Date: December 11, 2019
Location: Sacramento, CA |
| (b) Discussion Hearing | Date: February 21, 2020
Location: Sacramento, CA |
| (c) Adoption Hearing | Date: April 16, 2020
Location: Sacramento, CA |

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing deer regulations. Subsection 360(c) provides definitions, hunting zone descriptions, season opening and closing dates, and tag quotas for Additional Hunts of deer.

In order to maintain appropriate harvest levels and hunting quality it is necessary to periodically adjust tag quotas (total number of hunting tags to be made available) in response to dynamic environmental and biological conditions. Current regulations in subsection 360(c) specify deer license tag quotas for each hunt zone in accordance with management goals and objectives.

The specific recommended regulation changes are:

1. Number of Tags

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action initially provides a range (e.g., [0 - 100]) of tag numbers for each zone from which a final number will be determined based on the post-winter status of each deer herd. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and the approved deer herd management plans. 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. A low-end quota range of zero (0) tags is used in the event final tag quotas need to be reduced. Hunts may be cancelled due to events such as fire, disease or other factors.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted allowable deer harvest (ADH) for next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus deer are likely to exist over and above the number required to maintain the desired buck to doe ratio objectives stated in approved deer herd management plans.

Actual tag numbers for each affected zone will be reflected in the Final Statement of Reasons and will be selected from the range of values recommended in this proposal. The recommended number of tags is intended to allow an appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining buck to doe ratios at, or near, objective levels set forth in approved deer herd management plans. The final recommendations for the number of tags to be issued will be based upon findings from the annual harvest and herd composition counts.

The current tag quota of zero (0) for additional deer hunt G-9 (Camp Roberts Antlerless Deer Hunt) reflects the Base's closure to hunting while construction was under way on the base. Construction was scheduled for completion in 2013; however, the timetable for resumption of base hunting programs has not been determined. The Department is currently in meetings with base command, and a decision regarding tag quotas is anticipated prior to the April 2020 Fish and Game Commission meeting. At this time, the current tag quota of zero (0) has been modified to the former tag quota of thirty (30) in anticipation of the possible resumption of deer hunting activities by the Base in the 2020/2021 season. However, if Base operations take precedence over conducting the G-9 hunt, the tag quota will be reduced to zero (0) and reflected in the Final Statement of Reasons.

2. Modify Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt)

Existing regulations for Additional Hunt G-8 provide for hunting to begin on October 7 and October 14, and continue for 3 and 2 days respectively, including the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities. Tags are split between military and the public.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on October 3 and continue for two (2) consecutive days, including the Columbus Day holiday, and reopen on October 10 and continue for three (3) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

The tag split will be deleted, and the tags will be available to any hunter, military or public.

3. Modify Additional Hunt J-10

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting to begin on October 7 and October 14, and continue for 3 and 2 days respectively, including the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities. Tags are split between military and the public.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on October 3 and continue for two (2) consecutive days, including the Columbus Day holiday, and reopen on October 10 and continue for three (3) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

The tag split will be deleted, and the tags will be available to any hunter, military or public.

(b) Goals and Benefits of the Regulation

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) Authority and Reference

Authority: Section(s) 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Section(s) 200, 203, 203.1, 255, 265, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change: None

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Fish and Game Commission Wildlife Resources Committee meetings held in Sacramento on May 16, 2019, and in Santa Rosa on September 10, 2019.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Additional Hunt G-8

There is no reasonable alternative to the proposed action.

3. Modify Season Additional Hunt J-10

There is no reasonable alternative to the proposed action.

(b) No Change Alternative

1. Number of Tags

The "No Change Alternative" was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks to does in the herds. These ratios are maintained and managed in part by modifying the number of tags. The "No Change Alternative" would not

allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify Additional Hunt G-8

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

3. Modify Additional Hunt J-10

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and/or unnecessarily restrict hunter opportunity.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and the approved deer herd management plans.

VI. 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 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

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The proposed regulation will benefit the health and welfare of California residents by maintaining sustainable deer populations and providing opportunities for the public to participate in a healthy outdoor activity.

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

(f) Benefits of the Regulation to the State's Environment

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

Informative Digest/Policy Statement Overview

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.

Benefits of the regulations

Deer herd management plans specify objective levels for the proportion of bucks to does in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final recommended values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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 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 allocations are consistent with sections 360, 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.