

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

Amend Subsection 361(b)  
Title 14, California Code of Regulations  
Re: Archery Deer Hunting

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<br>Location: Sacramento, CA |
| (b) Discussion Hearing | Date: February 21, 2020<br>Location: Sacramento, CA |
| (c) Adoption Hearing   | Date: April 16, 2020<br>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 361(b) provides definitions, hunting zone descriptions, season opening and closing dates, and tag quotas for Archery Deer Hunting.

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 361(b) 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 for area-specific archery 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 the 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 the buck to doe ratios at, or near, objective levels set forth in approved deer herd management plans. These final recommendations for the number of tags to be issued will be based upon findings from the annual harvest and herd composition counts.

2. Modify hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)

Existing regulations for A-33 provide for hunting to open beginning the first Saturday in October and continuing through November 12, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31. 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 beginning the first Saturday in October and continuing through November 11, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

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

3. Minor non-substantive correction for A-31 (Los Angeles Archery Either-Sex Deer Hunt).

Existing regulations incorrectly reference a definition for either-sex deer, it should be subsection 351(c), not (b).

(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, 3453, and 4370, Fish and Game Code.

Reference: Section(s) 200, 203, 203.1, 255, 265, and 4370, 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

No alternatives were identified.

##### (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 hunt for A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)

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.

#### 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. 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 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.

### **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 361, 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.