

State of California
Fish and Game Commission
Final Statement of Reasons for Regulatory Action
Amend Subsection 360(c)
Title 14, California Code of Regulations
Re: Deer: Additional Hunts

I. Date of Statement of Reasons:

- (a) Initial Statement of Reasons Date: November 13, 2019
- (b) Pre-adoption Statement of Reasons: Date: April 2, 2020
- (c) Final Statement of Reasons: Date: April 27, 2020

II. Dates and Locations of Scheduled Hearings

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

III. Update

At the Commission's April 16, 2020 meeting the public and the Commission were provided with the Department's final tag quota recommendations for specific tag quotas in each hunt zone based on input from Department regional staff and the public to address goals for the units, including deer conservation, providing hunting opportunities and alleviating depredation concerns. Final tag quotas as set forth in the attached Approved Regulatory Text were adopted by the Commission at its April 16, 2020 meeting.

IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Responses to public comments, oral or written, regarding proposed regulatory changes received through April 16, 2020.

- 1. G. Kent Webb, Professor, San Jose State University; Email comment February 12, 2020
 Comment: Included an excerpt from and full copy of his published research regarding an analysis of timber management practices in California and how those habitat conditions may affect deer population as represented by the buck harvest using a daily internet search of news and other content related to public discussion about forest management in California as a result of several catastrophic wildfires.
 Response: The Department appreciates the information provided; however, it was not specific to the tag quota ranges, by hunt zones, under the current proposal.
- 2. Bill Gaines, verbal comment April 16, 2020
 Comment: Supported the deer proposals as noticed.

Response: Support noted.

V. Location and Index of rulemaking

A rulemaking with attached file index is maintained at:

California Fish and Game Commission
1416 9th Street
Sacramento, California 95814

VI. Location of Department files:

Department of Fish and Wildlife
1010 Riverside Parkway
West Sacramento, California 95605

VII. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified. Deer license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, overwinter survival rates, and landowner interest.

(b) No Change Alternative

The no-change alternative was considered and rejected because it would not attain project objectives. Deer hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Adjusting tag quotas provides for appropriate harvest levels within the hunt zones.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None.

VIII. 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.

(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 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.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

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

The agency 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 Cost: None

UPDATED 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.

UPDATE

At the Fish and Game Commission’s April 16, 2020, meeting the public and the Commission were provided with the Department’s final tag quota recommendations for specific tag quotas in each hunt zone based on input from Department regional staff and the public to address goals for the units, including deer conservation, providing hunting opportunities and alleviating depredation concerns. Final tag quotas as set forth in the attached Approved Regulatory Text were adopted by the Commission at its April 16, 2020 meeting.

Adopted Amendments:

- a) **Number of Tags: For 2020 the number of tags for each zone will not be changed, except for two Military hunts:**
 - (5) G-8 (Fort Hunter Liggett Antlerless Deer Hunt) 20 Public
 - (32) J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) 30 Public
- b) **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.**

The attached Approved Regulatory Text has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with approved tag quotas for each hunt. There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

At the Commission’s April 16, 2020 meeting the public and the Commission were provided with the Department’s final tag quota recommendations for specific tag quotas in each hunt zone based on input from Department regional staff and the public to address goals for the units, including deer conservation, providing hunting opportunities and alleviating depredation concerns. Final tag quotas as set forth in the attached Approved Regulatory Text were adopted by the Commission at its April 16, 2020 meeting.