

State of California
Fish and Game Commission
Final Statement of Reasons for Regulatory Action
Amend Subsection 361(b)
Title 14, California Code of Regulations
Re: Archery Deer 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) Date of Final Statement of Reasons: Date: May 1, 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 were adopted as set forth in the attached Approved Regulatory Text 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; Electronic 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.

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 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.

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.

Approved Amendments: Number of Tags. The proposed ranges of deer archery hunting with area-specific archery tags for 2020 are presented in the Proposed Regulatory Text of Section 361. Subsection 361(b) specifies archery deer license tag quotas for each hunt in accordance with management goals and objectives.

a) For 2020 the number of tags for each zone will not be changed except for the following Military hunt.

(28) A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) 50 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.

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.