

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

Amend Section 360
Title 14, California Code of Regulations
Re: Deer Tag Numbers and Season Adjustments

I. Date of Initial Statement of Reasons: November 14, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 10, 2020

Location: Teleconference

(b) Discussion Hearing

Date: January 12, 2021

Location: Teleconference

(c) Adoption Hearing

Date: February 10, 2021

Location: Teleconference

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing deer regulations. Section 360 provides definitions, hunting zone descriptions, season opening and closing dates, and tag quotas (total number of hunting tags to be made available) for deer.

To maintain appropriate harvest levels and hunting quality, tag quotas must be periodically adjusted in response to dynamic environmental and biological conditions. Current regulations in subsections 360(a) through (c) specify deer license tag quotas for each hunt zone in accordance with management goals and objectives. Subsection 360(a) describes the area, season, bag and possession limit, and numbers of tags for zones A through D. Subsection 360(b) describes the area, season, bag and possession limit, and numbers of tags for zone X. Subsection 360(c) describes the area, season, bag and possession limit, numbers of tags, and any special conditions for Additional Hunts.

The specific recommended regulation changes are:

1. Number of Tags

The proposed action amends subsection 360(b)(4)(D) to reduce hunting tag numbers for the Zone X-3b General Season, while maintaining previous year tag quotas for all other

deer hunt zones. Recent population trends and hunter success suggest deer populations in the X-3b hunt zone have decreased. License tag numbers are based on input from Department regional staff and the public to address goals for the unit, including deer conservation and providing hunting opportunities.

The proposed amendment to the number of deer license tags in subsections 360 (b)(4) is necessary to allow the appropriate level of hunting opportunity and harvest of bucks in the population while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in the deer herd management plans. The number of deer license tags are based upon findings from the annual harvest and fall and spring surveys.

2. Modify Season for Additional Hunt G-8

Existing subsection 360(c)(5) regulations for Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for hunting to open on October 3 and continue for two (2) consecutive days, and reopen on October 10 and continue for three (3) consecutive days.

The current proposal would modify the season to account for the annual calendar shift by changing the season to open on the first Saturday in October and continue for two (2) consecutive days and reopen on the second Saturday in October and continue for three (3) consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

This change is necessary to minimize the need for annual regulatory adjustments for calendar progression as well as to allow the Fort Hunter Liggett Base Commander to maintain hunt dates in order to accommodate the military base operations. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

3. Modify Season for Additional Hunt J-10

Existing subsection 360(c)(32) regulations for Additional Hunt J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to open on October 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days.

The current proposal would modify the season to account for the annual calendar shift by changing the season to open on the first Saturday in October and continue for two (2) consecutive days and reopen on the second Saturday of October and continue for three (3) consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

This change is necessary to minimize the need for annual regulatory adjustments for calendar progression as well as to allow the Fort Hunter Liggett Base Commander to maintain hunt dates in order to accommodate the military base operations. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

(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 Sections from Fish and Game Code for Regulation

Authority: Sections 200, 203, 219, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Sections 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's Wildlife Resources Committee meeting held on September 14, 2020, virtual meeting.

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

Modify season to allow for the annual calendar shift. This proposal was approved because it reduces the need to make annual adjustments to the regulations for calendar progression and minimizes conflict with base operation scheduling with no loss of hunter opportunity.

3. Modify Season Additional Hunt J-10

Modify season to allow for annual calendar shift. This proposal was approved because it reduces the need to make annual adjustments to the regulations for calendar progression and minimizes conflict with military operations and provides hunter opportunity.

(b) No Change Alternative

1. Number of Tags

The "no change" alternative was considered and rejected because it would not meet the project objectives. Retaining the current number of tags for the hunts listed would not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks 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 Season for 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 and require annual adjustments to minimize likelihood of conflict with scheduled activities and/or unnecessarily restrict hunter opportunity.

3. Modify Season 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 and require annual adjustments to minimize likelihood of conflict with 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 proposed number of tags is within the range of tags analyzed in the Final Environmental Document regarding Deer Hunting (California Department of Fish and Game 2007) 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 proposed action will not provide benefits to worker safety. 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. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships among wildlife, habitat, and humans. That awareness provides an increased understanding of the role humans

play as caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(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

As set forth in Fish and Game Code Section 1801, it is the policy of the State to encourage the conservation, maintenance, and use of the State's living resources, and to conserve and maintain recreational uses of wildlife, including hunting California's wild deer populations. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of deer to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically based deer tag quotas provides for the maintenance of sufficient deer populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund wildlife conservation.

(g) Other Benefits of the Regulation

Hunting seasons provide incentives for private landowners to maintain habitats that benefit deer and other sympatric species.

Informative Digest/Policy Statement Overview

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing deer regulations. Current regulations in Section 360, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season dates, and deer license tag quotas. To achieve deer herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, and other criteria in response to dynamic environmental and biological conditions. The proposed regulatory action will amend Section 360 providing the number of tags and season dates for hunting in the 2021–2022 season.

Proposed Amendments: The recommended number of tags and season dates for deer hunting for 2021-2022 are presented in the proposed regulatory text of Section 360.

1. Number of Tags

The proposed action amends subsection 360(b)(4)(D) to reduce hunting tag numbers for the Zone X-3b, while maintaining previous year tag quotas for all other deer hunt zones. Recent population trends and hunter success suggest deer populations in the X-3b hunt zone have decreased. License tag numbers are based on input from Department regional staff and the public to address goals for the unit, including deer conservation and providing hunting opportunities.

The proposed amendment to the number of deer license tags in subsections 360 (b)(4) is necessary to allow the appropriate level of hunting opportunity and harvest of bucks in the population while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in the deer herd management plans. The number of deer license tags are based upon findings from the annual harvest and fall and spring surveys.

2. Modify Season

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 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days. The proposal would modify the season to account for the annual calendar shift. The proposal would change the season dates to open on the first Saturday in October and continue for two (2) consecutive days and reopen on the second Saturday in October and continue for three (3) consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

Benefits of the regulations

The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final 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 CCR 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 changes are neither inconsistent nor incompatible with existing State regulations.