

State of California
Fish and Game Commission
Final Statement of Reasons for Regulatory Action
Amend Section 363

Title 14, California Code of Regulations
Re: Pronghorn Antelope Tag Numbers

I. Dates of Statements of Reasons

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| (a) Initial Statement of Reasons | Date: | November 14, 2020 |
| (b) Date of Final Statement of Reasons | Date: | February 11, 2021 |

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 10, 2020	Location: Teleconference
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(b) Discussion Hearing

Date: January 12, 2021	Location: Teleconference
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(c) Adoption Hearing

Date: February 10, 2021	Location: Teleconference
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III. Update

The originally proposed regulatory language contained tag quota numbers for each pronghorn hunt zone and period, which were based on input from Department regional staff to address goals for each hunt zone. Final tag quotas as set forth in the attached Approved Regulatory Text were adopted by the Commission at its February 10, 2021 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 February 10, 2021 are included as Attachment A.

V. Location and Index of Rulemaking

A rulemaking with attached file index is maintained at:

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

VI. Location of Department Files:

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

VII. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Number of Tags

No alternatives were identified. Pronghorn tag quotas must be changed periodically in response to a variety of biological and environmental conditions. Additionally, if tags are reissued to hunters, the license system would have to be programmed to remove these tags from those available through the drawing process for 2021, thereby reducing the number of tags available for hunters in the 2021 big game drawing and changing the odds of being drawn. A reduction in available tags through the drawing could reduce participation in hunting by the public. More than 4 million acres have burned during the unprecedented 2020 fire season. While we currently do not have any evidence to suggest any significant impacts to big game populations, there is the potential that tag quotas could be adjusted for 2021 depending on population monitoring and habitat assessments. Depending on those efforts, there is the potential for changes that could complicate the feasibility of re-issuing the tags when there is a potential that some of these zones might have reduced or zero tags available for the 2021-2022 season

(b) No Change Alternative

Number of Tags

The “no-change” alternative was considered and rejected because it would not meet 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 pronghorn management plans specify objective levels for pronghorn numbers and the proportion of bucks in the herds. These numbers and ratios are maintained and managed in part by modifying the number of tags allocated for hunting. The “no change” alternative would not allow management of the desired proportion of bucks stated in the pronghorn management plan (California Department of Fish and Game 1989).

(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. The proposed action adjusts tag quotas for existing hunts. Considering the relatively small number of tags issued over the entire state, this proposal is 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.

UPDATED Informative Digest/Policy Statement Overview

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in updating antelope regulations. Section 363 provides descriptions of hunting zones, season opening and closing dates, and tag quotas (total number of hunting tags to be made available), and special conditions for pronghorn antelope. To maintain appropriate harvest levels and hunting quality, tag quotas must be adjusted periodically in response to dynamic environmental and biological conditions. Current regulations specify the number of pronghorn antelope hunting tags for the 2020 season—ranges that were last modified in 2017. The proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in the 2021–2022 season.

Proposed Amendments: The recommended quotas for pronghorn antelope hunting tags for 2021-2022 are presented in the proposed regulatory text of Section 363. Subsection 363(m) specifies pronghorn license tag quota ranges for each hunt, in accordance with management goals and objectives (Table 1).

Number of Tags

The proposed action amends subsection 363(m) to reduce hunting tag numbers for the Likely Tables General Season buck tags in Period 1 and Period 2, while maintaining previous year tag quotas for all other pronghorn antelope hunt zones and seasons. Recent population trends and hunter success suggest pronghorn antelope populations in the Likely Tables have decreased, but pronghorn antelope populations in all other hunt zones are stable. The proposed amendment to number of antelope hunting tags in subsection 363(m) is necessary to allow for a biologically appropriate harvest of bucks and does in the pronghorn antelope population, and will achieve/maintain buck ratios at or above minimum levels specified in appropriate management plans (California Department of Fish and Game 1989). Proposed tag quotas provided in Table 1 (below) are final recommendations of the California Department of Fish and Wildlife and are within conservative ranges identified in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting.

Benefits of the regulations

The proposed regulations will contribute to the sustainable management of pronghorn populations in California. Existing pronghorn herd management goals specify objective levels for the proportion of bucks to does in the herds, as well as population abundance. These ratios and abundance are maintained and managed in part by periodically modifying the number of tags. The final recommended number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates where appropriate.

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 existing state regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate pronghorn hunting in California. Commission staff has searched the CCR and has found the proposed changes pertaining to pronghorn tag allocations are consistent with sections 363, 702, 708.10 Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

UPDATE

The originally proposed regulatory language contained tag quota numbers for each pronghorn hunt zone and period, which were based on input from Department regional staff to address goals for each hunt zone. The Commission adopted the originally noticed text at its February 10, 2021 meeting.

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.