

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 265, 331, 332 and 1050 of the Fish and Game Code and to implement, interpret or make specific sections 200, 203, 203.1, 265, 331, 332, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 1745, 3682.1, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502 of said Code, proposes to amend sections 702 and 715, Title 14, California Code of Regulations (CCR), relating to special hunt permit issuance and drawings in the automated license data system.

Informative Digest/Policy Statement Overview

The amendments to Section 715, Title 14, CCR, are designed to facilitate the implementation of the goals and strategies outlined by the California Department of Fish and Wildlife's (Department) Recruitment, Retention and Reactivation (R3) Action Program and the R3 Action Plan and R3 Implementation Strategy. The R3 Program focuses on reversing the decline and reducing barriers associated with hunting, fishing, foraging and shooting sports participation.

Among the goals found in the R3 Implementation Strategy are to improve marketing and outreach activities that support outdoor pursuits, and the creation and integration of electronic resources to aid the public in accessing those outdoor pursuits. In part, the Department's R3 strategy highlights a need for the establishment of a better system to provide uniquely tailored hunting opportunities and social support to new adult and junior (under age 16) hunters, disabled/mobility impaired hunters, and military veteran hunters. Bringing new hunters into the field is essential to developing their experience and confidence, thus the Department's facilitation of these special hunt mentorship opportunities is key to securing a future for recreational hunting in California.

Presently, the Department provides special hunting opportunities according to the Policy and Definitions for Upland Game Bird Apprentice Hunts. In accordance with the policy, and since 2011, the Department has offered new and junior hunters opportunities through the Special and Apprentice Hunts Online Registration System (SAHORS) accessible only through the Department's website. There are substantial limitations for available hunts due to the outdated SAHORS system. The current provisions of Section 715 are limited to upland wild bird hunts, and do not include other hunting opportunities offered by the Department. Section 715 does not provide additional opportunity to new, disabled, or veteran hunters.

Subsection 702(c)(1)(X) specifies the Upland Game Bird Special Hunt Drawing Application Fee.

The new provisions of Section 715 change the Special Hunt Draws to the Automated License Data System (ALDS) which can store, query and reference customer data to provide a more tailored electronic resource for the public as well as provide the data integration and management necessary for the Department to assess the implementation of current strategies outlined in the R3 Implementation Strategy. ALDS is capable of adding new functionality to accommodate these special hunt opportunities. This will result in improved efficiency of permit application and issuance for the public. ALDS provides greater equity and transparency to the process of permit issuance and drawings. ALDS also has significant IT support within the Department.

Accessing drawing opportunities in ALDS is much more straight-forward for new hunters since all hunters must use this system to purchase licenses and validations and to apply for tags and other draws. ALDS is continuously updated to recognize a new hunter's eligibility for hunt groupings based on the upload of a recent California Hunter Education Certificate to that graduate's ALDS profile. Facilitation in ALDS is expected to increase application rates for these opportunities. This was observed when spring turkey hunts were moved from SAHORS to ALDS. Therefore, this move would support the Department's R3 Plan by providing information on the activity status of new hunters through time, something the Department needs in order to assess whether these hunting opportunities have an impact on retaining new hunters.

The Department recommends the following changes to sections 702 and 715, Title 14, CCR:

702(c)(1)(X) The Upland Game Bird Special Hunt Drawing Application fee will be renamed the Special Hunt Permit Application and will be increased to \$2.50.

715(a) will define terminology and provide opportunities for new hunters, apprentice hunters, mobility impaired/disabled hunters and veterans.

715(b) will enable the use of ALDS for special applications and the equitable distribution of available permits.

715(c) will set forth the issuance procedures for additional method "Issued Upon Request."

715(d) will provide procedures for "Draw-By-Choice."

715(e) will provide procedures for "Draw-By-Hunt."

715(f) will provide an easy method for successful applicants to access drawing results online through ALDS.

Benefits of the regulations:

The benefits of the proposed regulations are improved access to hunting opportunities for new and apprentice hunters, mobility impaired/disabled hunters and veterans. This is in accord with the goals of the Department and the Commission

Evaluation of incompatibility with existing regulations:

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 702 and Section 715 are neither inconsistent nor incompatible with existing State regulations. No other state agency has the authority to promulgate hunting regulations.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before August 9, 2023 at

the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 17, 2023.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Headquarters Building Auditorium, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, June 14, 2023, and may continue at 8:30 a.m. on Thursday, June 15, 2023. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California, which will commence at 8:30 a.m. on Tuesday, August 22, 2023, and may continue at 8:30 a.m. on Wednesday, August 23, 2023. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at FGC@fgc.ca.gov or at the preceding address or phone number. **Matt Meshriy, Upland Game Biologist, Department of Fish and Wildlife, (916) 801-8708, has been designated to respond to questions on the substance of the proposed regulations.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of

the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, 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 because this action is a Department administrative procedure.

- (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 does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation is administrative in nature and relates to internal Department processes for implementing existing Department-sponsored special hunting opportunities that will not affect existing businesses or prompt the expansion businesses in California. The Commission anticipates generalized benefits to the health and welfare of California residents, and no impacts to worker safety, or to the state's environment.

- (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 the proposed action. However, eligible hunters that choose to apply for special hunt drawings will incur an application fee of \$2.50 to enter each draw for special hunts.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department projects an estimated \$12,000 increase in special hunt draw application fee revenue in the current year and ongoing. The fee is established to re-cover the per item implementation costs of the program. No costs/savings to federal funding to the state is anticipated.

(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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Melissa Miller-Henson
Executive Director

Dated: May 19, 2023