

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

Amend Section 363
Title 14, California Code of Regulations
Re: Pronghorn Antelope

I. Date of Initial Statement of Reasons: October 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2023

Location: San Jose, CA

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 updating pronghorn antelope regulations. Considerations include recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, authorizing methods of take, among others, to help achieve management goals and objectives for pronghorn antelope. Section 363 provides descriptions of hunt zone boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only, apprentice), tag designations (buck, doe), tag quotas (total number of hunting tags to be made available), bag and possession limits, and special conditions for pronghorn antelope. To maintain appropriate harvest levels and hunting quality, tags must be adjusted periodically in response to dynamic environmental, biological, and social conditions.

The proposed changes focus on pronghorn antelope tag quotas under subsection 363(m). The last time these regulations were subject to major amendment was 2020-2021. The proposed amendments here represent the cumulation of the Department's internal discussion/data analysis. The proposed changes are necessary to maintain appropriate harvest levels.

BACKGROUND

The goal of the Department's pronghorn antelope program is to maintain viable, healthy pronghorn populations, provide a variety of recreational activities, including harvest

opportunity, and to minimize conflicts with humans (Pyshora 1982, California Department of Fish and Game [CDFG] 2004). A limited number of pronghorn antelope hunting tags are offered annually via the Big Game Drawing, and public demand for pronghorn antelope hunting tags has annually exceeded tag availability for the last ten years. In addition to harvest opportunity, public pronghorn antelope hunting also provides data that enhances the Department's ability to monitor pronghorn antelope populations including spatial, age, genetic, and disease information.

CURRENT REGULATIONS

Current regulations provide descriptions of hunt zone boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only, apprentice), tag designations (buck, doe), tag quotas (total number of hunting tags to be made available), bag and possession limits, and special conditions for pronghorn antelope. Individuals are awarded a pronghorn antelope hunting tag through the Department's Big Game Drawing.

PROPOSED REGULATIONS

The proposed regulations amend subsection 363(m) to adjust hunting tag numbers across all six hunt zones. While the observed range wide buck (bb) -doe (dd) ratio (42 bb:100dd) is above objective (24bb:100dd), fawn-doe ratios, hunter harvest success, and age-at-harvest data suggest pronghorn antelope populations may be declining in Hunt Zone 3 – Likely Tables and Hunt Zone 5 – Big Valley (Batter 2023). Data for other hunt zones suggest populations may be relatively stable. Proposed regulations are in compliance with CDFW's Pronghorn Antelope Management Plan (Pyshora 1982, Sommer 2012). The proposed amendment to the number of pronghorn antelope hunting tags in subsection 363(m) is necessary to allow for a biologically appropriate harvest of bucks in the pronghorn antelope populations and will achieve/maintain buck ratios at or above the 24bb:100dd objective in relation to population abundance/trends as described in the appropriate management plans and related documents (Pyshora 1982, Sommer 2012, Batter 2023). Proposed tag quota ranges provided in Table 1 are the recommendations of the Department and are within conservative ranges identified in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting (CDFG 2004). Administrative procedures and the Fish and Game Code require the Commission to receive proposed changes to existing regulations prior the completion of surveys and analyses, thus necessitating the proposed range of tags per zone. Analyses are scheduled for completion by March 2024.

Additional changes are made in subsection 363 for punctuation and re-arrangement of certain language regarding the descriptions of the hunt zones adds clarity to how the hunt zone areas and seasons are described and consistency with other big game sections in Title 14. Additional changes include corrections for gender neutral language, updates to the Department's name, and other corrections to punctuation throughout Section 363 are non-substantive.

Section 363(m).

The regulatory changes the Department is proposing are described below by subsection.

The proposed changes to Section 363 include the following:

- Amend subsection 363(m) to modify tag quotas as ranges for general season pronghorn antelope Period 1 and Period 2 (Table 1, Table 2).

The Department recommends decreasing tag quotas for Hunt Zones 3 and 5 (Likely Tables Period 1 and Period 2 and Big Valley), respectively, to adjust for reduced population abundance and depressed productivity (low fawn ratios). Adjustments in other zones may also be recommended as appropriate. The final recommended number of tags will be based upon findings from annual harvest, summer composition counts, and 2023–2024 winter abundance estimates.

Table 1. Subsection 363(m) with proposed tag ranges for pronghorn antelope to begin with the 2024 hunt season. Parenthetical values next to ranges indicate the current condition. Numbers without ranges indicate no change from the current condition is proposed. Final recommendations will be made after completion of winter abundance surveys.

Hunt Area	Archery-Only Season Buck	Archery-Only Season Doe	General Season Period 1 Buck	General Season Period 1 Doe	General Season Period 1 Apprentice Either-Sex	General Season Period 2 Buck	General Season Period 2 Doe	Fundraising
Zone 1 - Mount Dome	0	0	0-5	0	N/A	0	0	0
Zone 2 - Clear Lake	1	0	5-15	0	N/A	0	0	0
Zone 3 - Likely Tables	15	0	15-25	0	5	10-25	0	0
Zone 4 - Lassen	5	0	25-50	0	5	25-50	0	0
Zone 5 - Big Valley	1	0	5-20	0	1	0	0	0
Zone 6 - Surprise Valley	1	0	10-15	0	4	0	0	0
Zones 1-6	0	0	0	0	0	0	0	2

Table 2. Current buck tag quota (2023), proposed buck tag quota range (2024), and the potential net change from the current and proposed conditions for general season pronghorn antelope tag quota adjustments.

Hunt Code	Hunt Zone	2023	2024	Potential Net Change
710	Zone 1 – Mount Dome	2	0-5	-2, +3
720	Zone 2 – Clear Lake	15	5-15	-10, +0
730	Zone 3 – Likely Tables Period 1	25	15-25	-10, +0
732	Zone 3 – Likely Tables Period 2	25	10-25	-15, +0
740	Zone 4 – Lassen Period 1	35	25-50	-10, +15
742	Zone 4 – Lassen Period 2	35	25-50	-10, +15
750	Zone 5 – Big Valley	20	5-20	-15, +0
760	Zone 6 – Surprise Valley	10	10-15	-0, +5
	Total General Tags	167		-65, +18

(b) Goals and Benefits of the Regulation

The proposed regulations will contribute to the sustainable management of pronghorn antelope populations in California. Population objectives are maintained and managed in part by periodically modifying the number of hunting tags distributed.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 204, 219, 331, 1050, and 10502, Fish and Game Code

Reference: Sections 331, 1050, 10500, and 10502, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change

Batter, T.J. 2023. Summary report on pronghorn antelope road composition surveys in northeastern California, July 2023. West Sacramento, CA. 11 pp.

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213789>

CDFG (California Department of Fish and Game). 2004. Final environmental document regarding pronghorn antelope hunting. Sacramento, CA. 91 pp.

Pyshora, L. 1982. Pronghorn antelope management plan. California Department of Fish and Game. Redding, CA. 122 pp. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216423>

Sommer, M. 2012. 2012 California pronghorn antelope status report and management plan update. Sacramento, CA. 48 pp. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216424>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- Wildlife Resources Committee, May 2023
- Wildlife Resources Committee, September 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified or brought to the attention of the Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing subsection 363(m) would remain unaddressed. Retaining the current number of tags for the hunts listed would not be responsive to changes in population status. The pronghorn antelope management plan specifies 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 (Pyshora 1982).

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 maximum number of tags available in the proposed

range is at or below the number of tags analyzed in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting.

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 regulation 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. This regulatory action will not impose cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed regulation.

(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 impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to substantially stimulate demand for goods or services related to pronghorn antelope hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to pronghorn antelope hunters could benefit from small increases in sales. Conversely, if fewer tags are awarded and less hunters visit the areas in the state with decreased opportunities, businesses that provide goods and services to pronghorn antelope hunters could be negatively affected from small decreases in sales. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however California residents will benefit generally through access to the expanded recreational opportunities created by the proposed changes.

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

The Commission does not anticipate significant impacts on the representative private persons or businesses.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The Department Wildlife program oversight, Law Enforcement Branch, and License and Revenue Branch work is projected to be unchanged from currently existing budgets and resources. However, the Department revenue is expected to decline with a reduced number of tags available in zones 3 and 5 (See STD399 and Addendum).

(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 Commission does not anticipate impacts on the creation or elimination of jobs within the state.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate impacts on the creation of new business, the elimination of existing businesses within the state because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to stimulate demand for goods or services related to pronghorn antelope hunting.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate impacts on the expansion of businesses currently doing business within the state because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to stimulate demand for goods or services related to pronghorn antelope hunting.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. 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 between wildlife, habitat, and humans, and can be a family tradition and a bonding activity.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on worker safety.

(f) Benefits of the Regulation to the State's Environment

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of populations of pronghorn antelope to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically based pronghorn antelope seasons and tag quotas provides for the maintenance of pronghorn antelope populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

Informative Digest/Policy Statement Overview

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

Current regulations in Section 363 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for pronghorn antelope hunting. Individuals are awarded a pronghorn antelope hunting tag through the California Department of Fish and Wildlife (Department's) Big Game Drawing. A limited number of fundraising tags are also available for purchase, usually by auction, via non-governmental organizations that assist the Department with fundraising.

Harvest of a pronghorn antelope is authorized for an individual with a tag for a respective hunt zone and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution.

The proposed changes are as follows:

Amend Subsection 363(m) to modify hunt tag quotas as ranges for each zone.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of pronghorn antelope and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission (Commission) to receive proposed changes to existing regulations prior to the completion of surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in Section 363.

Benefit of the Regulations:

The goals and benefits of the regulations are to help maintain sustainable populations of pronghorn antelope, maintain sustainable hunt opportunities, and achieve management recommendations in existing unit plans.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing pronghorn antelope hunting (California Fish and Game Code Section 331). No other state agency has the authority to adopt regulations governing pronghorn antelope hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of pronghorn antelope hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.