

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

Amend Section 554  
Title 14, California Code of Regulations  
Re: Cooperative Deer Hunting Areas

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, 2024

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).

## **BACKGROUND**

The California Department of Fish and Wildlife (Department) has identified regulated hunting as a preferred tool to both manage deer populations and provide public recreation opportunities. The Fish and Game Commission (Commission) periodically considers the recommendations of the Department in establishing deer hunting regulations. Considerations included recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, and authorizing methods of take, among others, to help achieve management goals and objectives. Currently, deer tags are distributed through several issuance types governed by different sections under Title 14. Issuance types for deer tags include Section 360 and Section 361 for General and Archery hunting, respectively. Section 708.1 distinguishes between Premium, Restricted, and Unrestricted tags, and Section 708.14 specifies premium deer hunt tags distributed by drawing. First and second deer tags are explained in Section 708.3. Section 554 describes Cooperative Deer Hunting Area “Landowner” tags, and Section 601 Private Lands Wildlife Habitat Enhancement and Management Area (PLM) tags. Finally, Section 709.1 details the Hunter Education Instructor Incentive Program.

## **CURRENT REGULATIONS**

The Cooperative Deer Hunting Area (deer “landowner (LO) tags”) program was initially established as a public access program, to encourage protection and enhancement of deer habitat. With the creation of the Shared Habitat Alliance for Recreational Enhancement (“SHARE”) public access program in 2010, it became a landowner tag program. Current regulations for Cooperative Deer Hunting Areas (Section 554) are:

Landowners who own a minimum of 640 acres in a draw zone may apply for up to two deer tags. Landowners must apply for tags by the first Friday in August and must identify the customer(s) that the tags will be issued to and pay the appropriate fees with their application. For approved applications, the regions sell the tags to the identified customers in the Automated License Data System (ALDS).

There may not be more than two cooperative deer hunting area applicants for a given parcel of land. Section 554 states, “the applicant for a cooperative deer hunting area permit shall be an owner of said land,” but does not define the relationship of the second applicant.

Currently, LO tags are not limited by zone and tags are issued in addition to public tag quotas resulting in some zones issuing a greater proportion of LO to public tags. Tag issuance needs to be reduced in these zones.

The current regulation restricted applicants to using a ‘one-deer’ tag application – this ensured applicants could not get another premium or restricted tag at the time the Department had ‘one-deer’ tags. This is an outdated reference, as there is no longer a ‘one-deer’ application. The Department now uses first and second deer tags. Customers are prevented from getting more than one premium and restricted hunt through ALDS controls.

The authority cited is outdated due to the repeal and subsequent reimplementation of this program after the SHARE program was established.

## **PROPOSED REGULATORY CHANGES**

The Department has identified the necessity to modify regulations within Section 554 Cooperative Deer Hunting Areas to clarify the intent of the Cooperative Deer Hunting Area program.

Amend Section 554

The new subsections within subsection 554(b) are as follows:

- (b) Application Process.
  - (1) Definitions.
  - (2) Eligibility Requirements.
  - (3) Application Materials.
  - (4) Application Form.
  - (5) Review and Approval.

Necessity: Subsection (b) needs to be reorganized to accommodate an expanded application section and to clearly communicate the intent of the regulations. This

includes updating the name of the Department, mentioning an application form, and where it can be found by interested parties (Department's website, as well as regional offices).

The following regional office addresses require updates:

Region 3: 2825 Cordelia Rd, Suite 100 Fairfield 94594 (707) 428-2002

Region 5: 3883 Ruffin Road, San Diego 92123 (858) 467-4201

Region 6: 3602 Inland Empire Blvd., Ste C-220, Ontario 91764 (909) 484-0167

Subsection 554(b)(1): Provide a definition for immediate family member to clarify eligibility for LO tags. Currently there is no definition.

Subsection 554(b)(2): Clarify that a landowner application can be for up to two deer tags that can be designated to the landowner or an immediate family member of the landowner. Add "as defined by Fish and Game Code Section 67" to clarify landowner eligibility as it related to a person.

Subsection 554(b)(2): Reduce the number of available tags to one per application in zones X3a, X5a, and X5b.

From 2021-2023, LO tags were issued on average over 20% of the public quota in Zone X3a, 28% of the public quota in X5a, and 34% of the public quota in X5b. For reference, the average percent public quota for all other zones during that time was 3%. The number of tags issued in zones X3a, X5b, and X5a need to be reduced to align landowner tag allocations in these zones with allocations in the other zones.

Subsection 554(b)(2) and (b)(5): Update "one deer tag" language. Clarify that individuals shall not be eligible for a cooperative deer hunting tag if they hold a deer tag in the same license year for a premium or restricted hunt as defined in 708.1.

Section 554 originally prevented customers from obtaining a public drawing premium tag and a landowner tag by requiring a "one deer application. The "one deer tag" is an outdated reference. The department now utilizes "first" and "second" deer tags, which ALDS uses to prevent customers from acquiring more than one premium and restricted hunt, regardless of the purchase order.

Subsection 554(b)(3): Add application materials.

This subsection is necessary for application materials to be added; these include the application, proof of ownership, proof of property size, and applicable fees. The Unsuccessful Deer Tag Letter can be used as proof of payment.

Subsection 554(b)(4): Add application form.

This subsection is necessary to list the information required within an application form that will be provided by the department. The requested information serves to provide the Department with necessary contact information, including name of first and second applicant, as well as the ability to cross reference to Department data systems (such as GO ID number and Driver's License number).

Subsection 554(b)(5): Review and approval.

Subsection 554(c): update the reference for the valid deer season listed on the tag to subsections 360(a) and (b) of these regulations for improved enforceability.

Subsection 554 Authority and Reference:

The Cooperative Deer Hunting Area program was originally under the authority and reference of FGC sections 1570-1572. In 2004, FGC sections 1570-1572 were repealed and replaced with statutes establishing the SHARE program. The following year, Cooperative Hunting Areas were re-established for elk and deer hunting in FGC as Section 1575, but the authority and reference in Section 554 was not updated. Further, the fees referenced in Section 702 require a cross reference to Fish and Game Code Section 713 for annual adjustment pursuant to the Implicit Price Deflator. Accordingly, the authority and reference in Section 554 needs to be updated to reflect the change in FGC sections.

(b) Goals and Benefits of the Regulation

The goal and benefits of these regulations serve to update administration of the landowner tags through the Cooperative Deer Hunting Area program by updating the application instructions, correcting outdated terms within the regulation, and reducing the number of tags issued in zones of concern (X3a, X5a, and X5b).

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

Section 554:

Authority: 1575, Fish and Game Code

Reference: 713 and 1575, 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

Wildlife Resources Committee, May 2023

Wildlife Resources Committee, September 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

As an alternative to the one tag only rule for zones X3a, X5a, and X5b, a percentage (proposed 5-20 percent of the number of public license tags for the corresponding public hunt) could be used for the quota of deer landowner tags.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing landowner tags would remain unaddressed.

#### 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.

#### 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. Considering the relatively small number of deer landowner tags 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 Commission anticipates no impact on the creation or elimination of jobs within the state, no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial economic stimulus to the state.

(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

This regulatory action is not anticipated to induce 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 proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state.

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

The proposed regulation changes are unlikely to impact expansion of businesses currently doing business in the state.

(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.

(d) 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 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 deer to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically based deer seasons and tag quotas provides for the maintenance of deer populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

(g) Other Benefits of the Regulation

Corrected over-issuance of tags in zones where this problem was identified, updated language and information that will facilitate the landowner application process.

## 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).

The Cooperative Deer Hunting Area (deer “landowner (LO) tags”) program that is administered by the California Department of Fish and Wildlife (Department) was initially established as a public access program to encourage protection and enhancement of deer habitat. With the creation of the Shared Habitat Alliance for Recreational Enhancement (“SHARE”) public access program in 2010, it shifted to a landowner tag program. Current regulations for Cooperative Deer Hunting Areas (Section 554) require that landowners who own a minimum of 640 acres in a draw zone may apply for up to two deer tags. Landowners must apply for tags and identify the customer(s) that the tags will be issued to and pay the appropriate fees with their application. For approved applications, the regions sell the tags to the identified customers in the Automated License Data System (ALDS). There are several instances of outdated and confusing language within the regulation that need to be updated and clarified.

Currently, LO tags are not limited by zone and tags are issued in addition to public tag quotas resulting in some zones issuing a greater proportion of LO to public tags. Tag issuance needs to be reduced in these zones.

The proposed changes are as follows:

Amend Section 554(b)

Update regional office addresses and provide clarity to the application process.

- (b) Application Process.
  - (1) Definitions.
  - (2) Eligibility Requirements.
  - (3) Application Materials.
  - (4) Application Form.
  - (5) Review and Approval.

Add Section 554(b)(1): Provide a definition for immediate family member.

Add Section 554(b)(2): Clarify that a landowner application can be for up to two deer tags that can be designated to the landowner or an immediate family member of the landowner.

Add Section 554(b)(2): Reduce the number of available tags to one per application in zones X3a, X5a, and X5b.

Add Section 554(b)(2) and (b)(5): Update “one deer tag” language. Clarify that individuals shall not be eligible for a cooperative deer hunting tag if they hold a deer tag in the same license year for a premium or restricted hunt as defined in 708.1.

Section 554(b)(3): Add application materials.

Application materials need to be added; includes the application, proof of ownership, proof of property size, and applicable fees. Unsuccessful Deer Tag Letter can be used as proof of payment.

Section 554(b)(4): **Add application form.**

Need to list the information required within the application.

Add Section 554(b)(5): Review and approval process.

Benefit of the Regulations:

The goal and benefits of these regulations serve to update administration of the landowner tags through the Cooperative Deer Hunting Area program by updating the application instructions, correcting outdated terms within the regulation, and reducing the number of tags issued in zones of concern (X3a, X5a, and X5b).

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 landowner tags (California Fish and Game Code Section 1575). No other state agency has the authority to adopt regulations governing landowner tags. 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 landowner tag regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.