

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

I. Dates of Statements of Reasons

- | | |
|---------------------------------------|-----------------------|
| (a) Initial Statement of Reasons | Date: October 1, 2023 |
| (b) Pre-adoption Statement of Reasons | Date: March 20, 2024 |
| (c) Final Statement of Reasons | Date: April 29, 2024 |

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. Update

At its April 18, 2024 meeting, the Fish and Game Commission (Commission) adopted the proposed changes that focus on pronghorn antelope tag quotas under section 363(m), as provided in the Final Regulatory Language, attached. Previously on April 5, 2024, the Commission posted notice of proposed amended regulatory language for subsection 363(m) to expand the proposed tag ranges for Zone 3 – Likely Tables from 15-25 to 0-25 tags for General Season Period 1 Buck and from 10-25 to 0-25 tags for General Season Period 2 Buck. On April 10, 2024, the Commission posted notice of proposed amended regulatory language for subsection 363(m) to include the allocation for Zone 3 – Likely Tables Archery-Only Season Buck changed from a finite quota of 15 to a range of 0-15.

IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations

Comments from 12/13/23 to present.

Comment Number	Name, Organization, Type, and Date	Comment Summary	Response
1	Chris Bowles (California Bowmen Hunters/State Archery Association, President, 12/13/2023)	Supports big game hunting in California.	The Department acknowledges support for the proposal.
	Bill Gaines (WSF, CDA, RMEF), 12/13/23	In support of all proposed changes	The Department acknowledges support for the proposal.
	Bill Gaines (WSF, CDA, RMEF), 12/13/23	In support of all proposed changes	The Department acknowledges support for the proposal.
	J.R. Young, 2/15/24	In support of all proposed changes	The Department acknowledges support for the proposal.
5	Marilyn Jasper, 2/15/24	Asks the Commission to be aware of a recent United Nations report called "State of the World's Migratory Species."	Comment noted.
6	Agua Caliente Band of Cahuilla Indians	Antelope are culturally important animals and need to persist into the future.	The Department acknowledges support for the proposal.
7	Chris Bowles (California Bowmen Hunters/State Archery Association, President, RMEF), 4/18/2024	Recognize that science supports the reduction of sheep and antelope tags	The Department acknowledges support for the proposal.

V. 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 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).

(c) Consideration of Alternatives

No reasonable alternative considered by the Fish and Game Commission or that has otherwise been identified and brought to the attention of the Fish and Game 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 regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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 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

None.

(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.

(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

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 364(b)(4)(B) to update the name of the Department of Fish and Game to the Department of Fish and Wildlife. The Department was renamed in 2012.

Amend Subsection 363(m) to modify hunt tag quotas to 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.

Update: There were no public comments pertaining specifically to the proposals for pronghorn antelope.

On April 5, 2024, the Commission sent a notice to interested and affected parties that included revised proposed regulatory language regarding pronghorn quota ranges.

On April 10, 2024, the Commission sent a subsequent notice that included another revision to Section 363(m) - buck archery tags in Zone 3 - Likely Tables.

At its April 18, 2024 meeting, the Commission adopted the proposed regulations as recommended in the pre-adoption memorandum, dated April 10, 2024. The adoption was made consistent with the Department's recommendation based on population survey data and analysis completed in the Spring of 2024.