

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

Amend Sections 708.14  
Title 14, California Code of Regulations  
Re: Big Game License Tag Drawing System

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, 2023                      Location: San Jose, CA

III. Update

At its April 18, 2024 meeting, the Fish and Game Commission (Commission) adopted the proposed update to the Big Game License Tag Drawing System, specifically as it pertains to the big game license tag system, as provided in the Final Regulatory Text, attached.

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

Comments from 12/13/24 to present.

Comment Number	Name, Organization, Type, and Date	Comment Summary	Response
1	Chris Bowles (California Bowmen Hunters/State Archery Association, President, 12/13/2024	Supports big game hunting in California.	The Department acknowledges support for the proposal.
2	Bill Gaines (WSF, CDA, RMEF), 12/13/24	In support of all proposed changes.	The Department acknowledges support for the proposal..
3	Bill Gaines (WSF, CDA, RMEF), 2/15/24	In support of all proposed changes	The Department acknowledges support for the proposal..
4	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.

No public comments specifically related to the changes proposed for Section 708.14 were received.

#### V. Description of Reasonable Alternatives to Regulatory Action

##### (a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of 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 landowner tags would remain unaddressed.

##### (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 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 amendments are 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. Californians should benefit generally through streamlined processes related to requirements and eligibility for hunting opportunities.

- (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.

- (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).

The California Department of Fish and Wildlife (Department) manages deer, bighorn sheep, pronghorn antelope, and elk resources in California. Deer hunting tags, bighorn sheep hunting tags, pronghorn antelope hunting tags, and elk hunting tags are required to hunt these species in California. The Department distributes hunting tags for certain deer, bighorn sheep, pronghorn antelope, and elk annually via the big game drawing. Public demand for deer, bighorn sheep, pronghorn antelope, and elk hunting tags exceeds the available opportunities; therefore, a modified preference point system (Section 708.14) provides preference to hunters who have applied for, but not received, tags in past drawings. Each year a hunter applies for a deer, bighorn sheep, pronghorn antelope, or elk hunting tag and is not drawn, that hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the tag quota for deer, bighorn sheep, pronghorn antelope, and elk tags are allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

A loophole issue was identified in regulation 708.14(b) and (e); in that hunters with few preference points can unduly benefit from hunters with many preference points to repeatedly get drawn for premium hunts by leveraging the party preference point system as currently written. We propose changes to remedy this issue.

Under current regulations, junior license hunters may apply and be drawn for multiple premium tags. The addition of the apprentice tag rule is to prevent abuse of gaining preference points while simultaneously keeping a premium tag.

Currently the regulation language does not explicitly state that the entire tag including the carcass portion must be returned for point reinstatement. We propose to make this explicit. Finally, it is proposed that apprentice hunters must return both drawing tags in order to receive preference point reinstatement since they are allowed to enter the drawing twice.

The proposed changes are as follows:

1. The party preference point rule needs to be changed regarding how tags may be returned. Propose that for pre-season tag returns, individual party members may return tags only if their points are less than or equal to the party points average. For party members who have more points than the party's point average, all members of the party must return their tags for point reinstatement.
2. Require a completed harvest report for postseason tag returns. Change wording to explicitly state that the entire tag needs to be returned (including carcass section) – otherwise the carcass section could be used illegitimately.
3. Apprentice hunters must return all premium first-choice tags to be eligible for preference points reinstatement since they can apply twice in the lottery and both tags carry full point value.
4. Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language has been made in this section.

### Benefit of the Regulations:

The proposed regulation changes will make hunting opportunities more equitable and close loopholes that allow leveraging of the system.

### 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 big game hunting (California Fish and Game Code Section 200). No other state agency has the authority to adopt regulations governing big game 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 big game hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Update: No changes were proposed following publication of notice. At its April 18, 2024 meeting, the Commission adopted the proposal as detailed in the Initial Statement of Reasons.**