

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

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

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 12, 2024

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 12, 2025

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 16, 2025

Location: Sacramento, 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 section 363(m). The last time these regulations were subject to major amendment was 2023-2024. The proposed amendments here represent the culmination of the Department's internal discussion regarding pronghorn antelope population status. The proposed changes are necessary to maintain sustainable hunt opportunity and manage harvest for the population size.

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.

Existing Authorities

Current statutory authorities focus mostly on the take and possession of animals and include:

F&G Code Section 200 provides the Commission with the power to regulate the take or possession of birds, mammals, fish, amphibians, and reptiles.

F&G Code Section 203 specifies that the Commission has authority to promulgate regulations concerning open and closed seasons, bag and possession limits, hunt zones, methods of take, and restrictions based on physical distinctions.

F&G Code Section 203.1 requires the Commission to consider populations, habitat, food supplies, animal welfare, and other pertinent facts.

F&G Code Section 325 provides conditions by which the Commission may adopt special hunting seasons, provide for increased bag limits, or remove sex restrictions.

F&G Code Section 331 provides guidelines for the issuance of pronghorn antelope hunting tags, fundraising tags, a non-resident tag, and applicable tag fees.

F&G Code Section 1050 describes the process and procedure for assigning fees to hunting entitlements.

F&G Code Section 3950 provides a definition for game mammals: deer, elk, prong-horned antelope, black and brown or cinnamon bears, mountain lions, jackrabbits, and varying hares, brush rabbits and pygmy rabbits, and tree squirrels. Nelson bighorn sheep are game mammals only for the purposes of sport hunting as described in F&G Code section 4902.

Current Regulations

Section 350 defines big game species.

Section 352 provides hunting and shooting hours on big game.

Section 353 provides methods that are authorized for taking big game.

Section 363 provides 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.

Proposed Regulations

The proposed regulations amend subsection 363(m) to potentially adjust hunting tag numbers for each of the six hunt zones (currently shown as ranges). Previous surveys have suggested declines in population of pronghorn antelope, and the Department reduced tag allocations for the 2023-24 hunt year. 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 management recommendations. The Department is prioritizing additional surveys in January and February of 2025 to continue to assess pronghorn antelope population status and will make a final recommendation following the completion of surveys and data analysis. Unfortunately, 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 a range of numbers with this Initial Statement of Reasons. Final proposed tag quotas would be provided with the Final Statement of Reasons.

Section 363 Pronghorn Antelope

Amend subsection 363(m) to modify tag quotas for archery-only season and general season pronghorn antelope Period 1 and Period 2 for buck hunts. Tag allocations may need to be adjusted to manage harvest following the completion of population surveys.

Table 1. 363 (m)

| 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 | 2 [0-2] | 0 | N/A | 0 | 0 | 0 |
| Zone 2 -- Clear Lake | 4 [0-1] | 0 | 12 [0-12] | 0 | N/A | 0 | 0 | 0 |
| Zone 3 -- Likely Tables | 5 [0-5] | 0 | 5 [0-5] | 0 | 5 [0-5] | 5 [0-5] | 0 | 0 |
| Zone 4 -- Lassen | 5 [0-5] | 0 | 35 [0-35] | 0 | 5 [0-5] | 35 [0-35] | 0 | 0 |
| Zone 5 -- Big Valley | 4 [0-1] | 0 | 5 [0-5] | 0 | 4 [0-1] | 0 | 0 | 0 |
| Zone 6 -- Surprise Valley | 4 [0-1] | 0 | 10 [0-10] | 0 | 4 [0-4] | 0 | 0 | 0 |

| | | | | | | | | |
|-----------|---|---|---|---|---|---|---|---|
| Zones 1-6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
|-----------|---|---|---|---|---|---|---|---|

(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: 200, 204, 219, 331, and 1050, Fish and Game Code
Reference: 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

- Report to follow completion of winter surveys in February 2025

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

- Wildlife Resources Committee, May 2024
- Wildlife Resources Committee, September 2024

IV. 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 tag quotas in subsection 363(m) would remain unaddressed. Retaining the current number of tags for the hunts listed would not be responsive to changes in pronghorn 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 Antelope 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 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 action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals 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 does not anticipate impacts on the creation or elimination of jobs or businesses within the State; no significant impacts to the creation of new business, the elimination of existing businesses, or the expansion of businesses in California are anticipated because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to significantly stimulate demand for goods or services related to pronghorn antelope hunting. As previously mentioned, periodic or annual 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 management recommendations. If greater numbers of hunters visit the areas in the state with increased annual opportunities, businesses that provide goods and services to hunters could benefit from small increases in sales for that license year. The Commission does not anticipate direct benefits to the general health and welfare of California residents or to worker safety but anticipates benefits to the environment.

(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:

No new costs/savings or changes to federal funding are anticipated for state agencies. However, the Department may experience a change in tag sales that may prompt change to Department revenue (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 businesses or the elimination of existing businesses within the state because the potential economic impacts of the proposed regulations vary annually as tag quotas change, and are unlikely to be substantial enough to stimulate demand for goods or services related to pronghorn antelope hunting in the long run due to annual variability.

(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 potential economic impacts of the proposed regulations vary annually as tag quotas change, and are unlikely to be substantial enough to stimulate demand for goods or services related to pronghorn antelope hunting in the long run due to annual variability.

(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.

(g) Other Benefits of the Regulation:

The Commission does not anticipate other benefits from the proposed regulation.