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STATE OF CALIFORNIA

Fish and Game Commission

2011 FEB 23 A 10:10
BOARD OF SUPERVISORS

February 18, 2011

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 7.00 and 7.50, Title 14, California Code of Regulations, relating to Central Valley sport fishing, which will be published in the California Regulatory Notice Register on February 18, 2011.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Mr. Stafford Lehr, Chief, Fisheries Branch, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5, of said Code, proposes to amend sections 7.00 and 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing regulations.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 10, 2011 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 14, 2011 meeting.

Although there are no PFMC regulatory options to review at this time, there exists a possibility of continued ocean water closures off California due to low Chinook salmon returns to the Central Valley River System in 2010. These ocean closures may result in PFMC recommendations for Central Valley salmon fishery closures.

The Department is proposing a range of varied salmon season dates in the American, Feather and Sacramento rivers to encompass possible PFMC 2011 recommendations for Central Valley salmon stocks in mid-April. The scope of this option is intentionally broad to increase flexibility for development of the final Central Valley salmon seasons.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2010 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2011 Ocean Salmon Fisheries*, are available in late February 2011.

Present Regulations

The current regulations allow for no salmon fishing in all anadromous Central Valley rivers and streams except for the following short fishing seasons to achieve the 2010 PFMC harvest target of 8,200 Sacramento River Fall Chinook and allow continuance of the Central Valley Late-Fall Chinook fishery.

- 1) The American River downstream of the southwest boundary of Ancil Hoffman Park [subsection 7.50(b)(5)], was open to salmon fishing from October 30 to November 28 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 2) The Feather River downstream of 1000 feet below the Thermalito Afterbay Outfall [subsection 7.50(b)(68)], was open to salmon fishing from July 31 to August 29 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 3) The Sacramento River, subsection 7.50(b)(156) was open to salmon fishing as follows;
 - a. between Deschutes Road bridge and Red Bluff Diversion Dam from October 9 to October 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (H)];

- b. between Sycamore Boat Ramp and Highway 113 bridge from October 9 to December 12 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (J)]; and
- c. between Highway 113 bridge and Carquinez bridge from September 4 to October 3 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (K)].

Proposed Regulations

The range of varied season dates for the American, Feather and Sacramento rivers are proposed to cover the possible PFMC recommendations for the Commission's final action and other associated items are shown below:

American River, subsection 7.50(b)(5)

- 1) Subsection (D) is proposed to be split into two subsections. Subsection (D) will apply to the American River from the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street Bridge. New subsection (E) will apply to the American River from the Jibboom Street Bridge to the mouth.
- 2) The American River from Nimbus Dam to the mouth [subsections (A) through (E)] will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
- 3) The American River from Nimbus Dam to Hazel Avenue Bridge [subsection (A)]; from the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street Bridge [subsection (D)]; and from the Jibboom Street Bridge to the mouth [subsection (E)].
 - a. The proposal is a range of varied dates between July 16 and December 31 to be open to salmon fishing with existing trout and steelhead bag limits.
- 4) The American River from Hazel Avenue Bridge to the USGS gauging station cable crossing near Nimbus Hatchery [subsection (B)].
 - a. The proposal is a range of varied dates between July 16 and September 14 to be open to salmon fishing with existing trout and steelhead bag limits.
- 5) The American River from the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park [subsection (C)].
 - a. The proposal is a range of varied dates between July 16 and October 31 to be open to salmon fishing with existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) There are no proposed changes for the Feather River between Fish Barrier Dam to 1000 feet below the Thermalito Afterbay Outfall [subsections (A) through (C)].
- 2) The Feather River from 1,000 feet below the Thermalito Afterbay Outfall to the mouth [subsection (D)].
 - a. This segment of the Feather River will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
 - b. The proposal is a range of varied dates between July 16 and December 31 to be open to salmon fishing with existing trout and steelhead bag limits.
- 3) A line delineating the regulatory boundary at the Feather River mouth is proposed to be added to subsection (D).

Sacramento River above Keswick Dam, subsection 7.50(b)(156)

- 1) Subsection 7.50(b)(156) is proposed to be split into two subsections to separate the non-anadromous sections of the Sacramento River (upstream of Keswick Dam) from the anadromous sections (downstream of Keswick Dam).
- 2) Subsections (A) through (E) which apply only to non-anadromous salmonid regulations above Keswick Dam will remain in subsection (156).
- 3) There are no other proposed changes for subsections (A) through (E).
- 4) Subsections (F) through (K) are proposed to be moved to new subsection 7.50(b)(156.5).

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- 1) Subsections (A) through (F) will keep the same area structure of subsections (F) through (K) of Section 7.50(b)(156).
- 2) The Sacramento River from Keswick Dam to the Carquinez Bridge [subsections (A) through (F)] will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
- 3) A range of varied dates between July 16 and December 31 is proposed for the Sacramento River from Keswick Dam to the Carquinez Bridge [subsections (A) through (F)] to be open to salmon fishing with existing trout and steelhead bag limits.

Associated Items

- 1) The Sacramento River note in the Sierra District regulations, subsection 7.00(b)(1), will be revised to include the new subsection 7.50(b)(156.5).
- 2) The bag limit of two Chinook is proposed to remain in place for all areas open to salmon fishing in 2011.
- 3) A minor change is proposed to the note describing wild trout at the end of subsection 7.50(b) to improve clarity and reduce public confusion.
- 4) Additional minor changes are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport–North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Thursday, April 21, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 15, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 20, 2011. All comments must be received no later than April 21, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Stafford Lehr, Branch Chief, Fisheries Branch, Department of Fish and Game, (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 Business, 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 changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (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: None.

(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 the 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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Jon K. Fischer
Acting Executive Director

Dated: February 8, 2011

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BOARD OF SUPERVISORS
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STATE OF CALIFORNIA
Fish and Game Commission

February 18, 2011

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 353, 354, 360, 361, 362, 363, 364, 365, 366.702, 708, 711 and new Sections 708.1, 708.2, 708.3, 708.4, 708.5, 708.6, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16 and 708.17, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations, which will be published in the California Regulatory Notice Register on February 18, 2011.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Mr. Dan Yparraguirre, Wildlife Program Manager, Department of Fish and Game, phone (916) 928-6881, has been designated to respond to questions on the substance of big game changes and Ms. Maria Melchiorre, License and Revenue Branch, Department of Fish and Game, phone (916) 928-6881, has been designated to respond to questions on the substance of permit procedures in the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 205, 215, 219, 220, 240, 331, 332, 460, 1050, 1053, 1055, 1055.1, 1572, 3452, 3453, 3454, 4302, 4331, 4336, 4340, 4347 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 201, 202, 203, 203.1, 205, 206, 207, 210, 215, 219, 220, 240, 331, 332, 458, 459, 460, 713, 1050, 1053, 1055, 1055.1, 1570, 1571, 1572, 3452, 3453, 3454, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4902, 10500 and 10502, of said Code, proposes to amend Sections 360, 361, 362, 363, 364, 365, 366 702 and 711, and subsections 353(k), 354(j), and 478.1(a) and (c); and add Sections 708.1 through 708.17; and repeal Section 708, Title 14, California Code of Regulations, relating to mammal hunting regulations.

Informative Digest/Policy Statement Overview

360(a) Re: Deer A, B, C and D Zone Hunts

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(a) A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	8,150	5,000-15,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

360(b) Re: Deer X-Zone Hunts

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-1	1,275	1,000-6,000
X-2	190	50-500
X-3a	230	100-1,200
X-3b	875	200-3,000
X-4	355	100-1,200
X-5a	65	25-200
X-5b	110	50-500
X-6a	325	100-1,200
X-6b	370	100-1,200
X-7a	200	50-500
X-7b	120	25-200
X-8	220	100-750
X-9a	650	100-1,200
X-9b	325	100-600
X-9c	325	100-600
X-10	400	100-600
X-12	760	100-1,200

360(c) Re: Deer Additional Hunts

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 2 and continue for two (2) consecutive days and reopen on October 9 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 1 and October 8, respectively, in order to accommodate for Base operations.

Existing regulations provide for additional premium deer hunts on several military bases (Hunts G-7, G-8, G-9, G-10, G-11 and J-10). Under Special Conditions for these deer hunts, it specifies that in the event the Base Commander cancels the hunt, tagholders will only have the option of exchanging the unused tag for any remaining deer tag or receiving a refund. However, current regulations only provide for the refund of deer tag application fees under a very limited set of circumstances and conditions as specified in

Section 708.14. These military hunt Special Conditions are in direct conflict with tag application refund policies addressed in Section 708.14 and may create confusion in the event of hunt cancellation. In addition, existing regulations for these premium deer hunts on military bases do not address the restoration of accumulated or earned preference points for tags issued through the Big Game Drawing in the event of hunt cancellation. The proposed change would eliminate reference to tag application fee refunds for cancelled military hunts under Special Conditions, thereby eliminating conflict with other regulations and policies. In the event of hunt cancellation, the proposal would also provide for the restoration of accumulated and earned preference points for those tags issued through the Big Game Drawing following procedures described in Section 708.14.

Deer: § 360(c) Additional Hunts		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military *	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military * and 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	15 Military * and 15 Public	15 Military * and 15 Public
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military * and DOD **	500 Military *, DOD and as Authorized by the Installation Commander **
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	10	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150

Deer: § 360(c) Additional Hunts Tag Allocations		
Hunt Number (and Title)	Current	Proposed
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military * and 75 Public	10 Military * and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

**DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.

361 Re: Archery Deer Hunting

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through November 8, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The Base Commander has requested the season be modified to include weekdays as well, and extend the season through the Veterans Day holiday

(original proposed season from 2007 Environmental Document), in order to provide equal hunting access and opportunity to those military personnel normally assigned to work on weekends and holidays. The proposal would modify the season to include all weekdays and weekends between the season opener and Veterans Day. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

Existing regulations provide for additional premium deer hunts on military bases (Hunt A-33). Under Special Conditions for these deer hunts, it specifies that in the event the Base Commander cancels the hunt, tagholders will only have the option of exchanging the unused tag for any remaining deer tag or receiving a refund. However, current regulations only provide for the refund of deer tag application fees under a very limited set of circumstances and conditions as specified in Section 708.14. These military hunt Special Conditions are in direct conflict with tag application refund policies addressed in Section 708.14 and may create confusion in the event of hunt cancellation. In addition, existing regulations for these premium deer hunts on military bases do not address the restoration of accumulated or earned preference points for tags issued through the Big Game Drawing in the event of hunt cancellation. The proposed change would eliminate reference to tag application fee refunds for cancelled military hunts under Special Conditions, thereby eliminating conflict with other regulations and policies. In the event of hunt cancellation, the proposal would also provide for the restoration of accumulated and earned preference points for those tags issued through the Big Game Drawing following procedures described in Section 708.14.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	130	50-1,000
A-4 (Zone X-2 Archery Hunt)	10	5-100
A-5 (Zone X-3a Archery Hunt)	30	10-300
A-6 (Zone X-3b Archery Hunt)	90	25-400
A-7 (Zone X-4 Archery Hunt)	115	25-400
A-8 (Zone X-5a Archery Hunt)	15	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	140	10-300
A-13 (Zone X-7a Archery Hunt)	50	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	40	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	170	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75

Archery Deer Hunting: § 361 Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	25 Military* and 25 Public	25 Military* and 25 Public

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

362 Re: Nelson Bighorn Sheep

The existing regulation provides for limited hunting of 22 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on biennial bighorn sheep population surveys conducted by the Department. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2010 estimate of the bighorn sheep population in each zone. Tags are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by February of 2011 pending completion of all surveys and analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3-4
Zone 2 - Kelso Peak/Old Dad Mountains	3-4
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Gorgonio Wilderness	2-3
Zone 6 - Sheep Hole Mountains	1-2
Zone 7 - White Mountains	3-5
Zone 8 - South Bristol Mountains	2-3
Zone 9 - Cady Mountains	3-4
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	1
TOTAL	23-32

Existing regulations provide for limited hunting of Nelson bighorn rams in 7 hunt zones located in San Bernardino, Inyo, and Riverside counties. The proposed change creates two additional (Zone 8 and Zone 9) hunt zones located in the South Bristol Mountains and Cady Mountains (San Bernardino County),

respectively. This proposal is in compliance with Fish and Game Code Section 4902, which provides for limited hunting of Nelson bighorn sheep in management units for which herd plans have been prepared.

Existing Regulations define the boundaries of the Kelso Peak/Old Dad Mountains Hunt Zone. The proposed change will modify the western boundary of this hunt zone to exclude the South Soda Mountains. This change is intended to facilitate expansion of the population of bighorn sheep now established in the South Soda Mountains which will no longer be part of the Kelso Peak/Old Dad Mountains Hunt Zone.

Existing regulations provide for a fund-raising tag to be allocated in the Marble/Clipper and Sheep Hole Mountains hunt zones. The proposed change would remove the Sheep Hole Mountains and add the South Bristol Mountains as valid hunt zones permitted for this fund-raising tag. This change to the fund-raising tag zone is necessary to take advantage of the potentially higher revenue generated from adding a hunting opportunity in a new area where mature rams are known to occur.

363 Re: Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2011. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed 2011 tag allocation ranges for the hunt zones are as set forth below.

2011 Pronghorn Antelope Tag Allocation Ranges						
<i>Hunt Area</i>	<i>Archery-Only Season</i>		<i>General Season</i>			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 – Mount Dome	1-10	0-3	3-60	0-20	0	0
Zone 2 – Clear Lake	1-10	0-3	5-80	0-25	0	0
Zone 3 – Likely Tables	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4 – Lassen	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5 – Big Valley	1-15	0-5	3-150	0-50	0	0
Zone 6 – Surprise Valley	1-10	0	3-25	0-7	0	0
Likely Tables Apprentice Hunt	N/A		1-5 Either-Sex		0	
Big Valley Apprentice Hunt	N/A		1-15 Either-Sex		0	
Lassen Apprentice Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

364 Re: Elk

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
Roosevelt Elk										
Siskiyou	0-30		0-30							
Del Norte	0-20		0-15							
Marble Mountains										
Marble Mtns (Apprentice)		0-4								
Marble Mtns Muzzleloader/ Archery		0-10								
Klamath	0-20		0-20							
Big Lagoon	0-10		0-10							
Northwestern California										
		0-30								
Rocky Mountain Elk										
Northeastern	0-10		0-30					0-20		
Northeastern Apprentice		0-4								
Roosevelt/Tule Elk										
Mendocino	0-4		0-4							
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-10		0-12							
Period 1 Apprentice	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Multiple-Zone									0-10	0-10
Bishop										
Period 1 Muzzleloader					0-10	0-30				
Period 2 Apprentice	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Independence										
Period 1 Muzzleloader					0-10	0-10				
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Lone Pine										
Period 1 Archery									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							

2011 Proposed Elk Tag Allocation											
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull	
Period 5	0-30		0-10								
Tinemaha & West Tinemaha											
Period 1 Archery									0-30	0-20	
Period 2	0-30		0-20								
Period 3	0-30		0-20								
Period 4	0-30		0-20								
Period 5	0-30		0-20								
Tinemaha Mountain											
Period 1			0-8								
Period 2			0-8								
Period 3			0-8								
Period 4			0-8								
Period 5			0-8								
Whitney											
Period 1 Archery									0-30	0-10	
Period 2	0-10		0-4								
Period 3	0-10		0-4								
Period 4	0-10		0-4								
Period 5	0-10		0-4								
Grizzly Island											
Period 1	0-12		0-3	0-6							
Period 1 Apprentice	0-2			0-2							
Period 2	0-12		0-3	0-6							
Period 2 Apprentice				0-2							
Period 3	0-12		0-3	0-4							
Period 4	0-4		0-2	0-2							
Period 5	0-4		0-2	0-2							
Fort Hunter Liggett											
Archery Only								0-12	0-20		
Period 1	0-28										
Period 1 Apprentice	0-8										
Period 2	0-32										
Period 3			0-28								
Period 3 Apprentice			0-4								
Muzzleloader Bull					0-12						
Early Season Bull			0-4								
East Park Reservoir											
Period 1			0-4								
Period 3	0-8										
San Luis Reservoir	0-5	0-10	0-10								
Bear Valley	0-2		0-4								
Lake Pillsbury	0-4		0-4								
Alameda			0-4								
Santa Clara			0-4								

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposal modifies the following: modifies the period three bull (general and apprentice) from the fourth Wednesday in December to the fourth Thursday in December continuing for twelve consecutive days; modifies the early

season bull hunt from the second Tuesday in September to the third Wednesday in August continuing for five consecutive days and reopening on the fourth Wednesday in August continuing for five consecutive days.

Existing regulations specify bull and antlerless tag holder's hunt during the same time frame for the Lake Pillsbury tule elk hunt. The proposal modifies the following: modifies the Lake Pillsbury antlerless hunt from the second Wednesday in September to the Wednesday preceding the second Saturday in September and continuing for ten consecutive days; modifies the Lake Pillsbury bull hunt from the second Wednesday in September to the Monday following the fourth Saturday in September and continuing for ten consecutive days.

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest in the Tinemaha and West Tinemaha zones in the Owens Valley. The proposal will authorize tags valid in both the Tinemaha and West Tinemaha zones utilizing the existing hunt periods. The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations specify three hunt periods during the Grizzly Island elk hunts. In an effort to better distribute hunters the current proposal adds two additional hunt periods. The proposal adds the following hunt periods; Period four, the season for antlerless elk shall open on the second Tuesday in September and continue for four consecutive days, whereas the season for bulls and spike bulls shall open on Thursday following the second Tuesday and continue for four consecutive days; Period five, the season for antlerless elk shall open on the third Tuesday in September and continue for four consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday following the third Tuesday in September and continue for four consecutive days.

Currently the Mendocino elk hunt is classified as a tule elk hunt. Since there are both Roosevelt elk and tule elk within the zone it does not accurately reflect the current status of elk and creates confusion among hunters as to which subspecies they are actually hunting. The proposal modifies the name of the hunt to the Mendocino elk hunt.

365 Re: Bear

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season, because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.

366 Re: Archery Bear Hunting

Existing Section 366, Title 14, California Code of Regulations, provides a statewide archery bear hunting season beginning the third Saturday in August for 23 consecutive days. The proposed change would begin the archery bear seasons with the archery deer seasons. This would eliminate a problem in deer hunting zone A, where the general bear hunting season opens before the archery bear hunting season.

Current regulations specify that one bear may be taken per season. This is confusing for individuals who hunt both the general and archery seasons, because only one bear may be taken per year. The proposed change clarifies that one bear may be taken per license year.

Currently, subsection 366(f) specifies that "no more than 15,000 bear tags shall be issued pursuant to section 367." Section 367 was repealed by regulatory action in 2002. The proposed change deletes this subsection.

363(k), 354(j), 478.1(a) and (c), 702, 708, and 711 (and Add 708.1 through 708.17)
Re: Methods Authorized to Take Big Game, Archery Equipment and Crossbow Regulations,
Bobcat Hunting Tags, Hunting Applications and Fees, Cold Storage/Frozen Food Locker Plant
Records and Distribution of Big Game License Tags and Reporting Procedures in an
Automated License Data System

Existing regulations specify rules to issue big game license tags in a paper license system. The Department began piloting an Automated License Data System (ALDS) in August 2010. Beginning in 2011, recreation licenses will be issued via ALDS point of sale terminals at Department license sales offices and license agents.

ALDS customers no longer need to fill out multiple paper applications or forms to apply for a license or other entitlement. Items such as deer tags and bear tags, that were previously only available at nine Department license sales offices, will now be issued to hunters at point of sale terminals from a network of approximately 1,400 license agents located throughout the state and neighboring states. Hunters would now be able to apply for premium deer, elk antelope or big horn sheep tags issued from the big game drawing at any Department sales office or license agent. Hunters would receive a paper receipt from the point of sale terminal as proof of entering the big game drawing.

Establish specific dates for hunters to apply for the annual big game drawing, leftover and restricted deer tags and payment of fees for elk, antelope, and bighorn sheep tags. Under existing regulations, deer tags are issued based on the tag choice the hunter entered on the deer tag application. This proposal would allow restricted deer tags to be issued if available and would not be dependent on what order the hunter requested the tag. The instructions for filling out a big game tag would also be standardized.

Establish procedures to replace big game tags and limit the number of replacements to prevent issuing hunters more tags than are allowed.

Standardize renewal eligibility requirements for some disabled hunting permits.

Adjust the hunting fees in regulation as allowed under Fish and Game Code.

Editorial division and relocation of Section 708 to new Sections 708.1. through 708.16 is proposed to establish individual sections based on subject and to improve readability for the public.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport –North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lake Arrowhead Room, Doubletree Hotel, Ontario Airport, 222 North Vineyard Avenue, Ontario, California, on Thursday, May 5, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 21, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on May 4, 2011. All comments must be received no later than May 5, 2011, at the hearing in Ontario, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Dan Yparraguirre, Department of Fish and Game, (916) 445-3685, has**

been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 Businessmen to Compete with Businesses in Other States.

360(a) - 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.

360(b) – 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.

360(c) – 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 would adjust tag quotas for existing hunts, modify season dates for two hunts and clarifies refund and preference point policies in the event of military hunt cancellation. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

361 – 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, modifies the season for one hunt and clarifies refund and preference point policies in the event of military hunt cancellation. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

362 – 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.

363 – 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 small number of tags issued over the entire state, this proposal is economically neutral to business.

364 – 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 small number of tags issued over the entire state, this proposal is economically neutral to business.

365 – 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 modifies the statewide black bear harvest. Given the number of individuals willing to participate in bear hunting will remain relatively stable statewide, this proposal is economically neutral to business.

366 – 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 season dates for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

353(k), 354(j), 478.1(a) and (c), 702, 708, 708.1 through 708.17 and 711 – 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.

None.

- (c) Cost Impacts on Private Persons.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

None.

- (e) Other 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.

None.

- (h) Effect on Housing Costs.

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 8, 2011

Jon K. Fischer
Acting Executive Director