EDMUND G. BROWN, JR.
Governor

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2013 JAN -8 A 11:01

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STATE OF CALIFORNIA

Fish and Game Commission

January 4, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 354, 360, 361, 362, 363, 364 and 708, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations for the 2013-2014 season, which are published in the California Regulatory Notice Register on January 4, 2013.

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

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Mr. Brad Burkholder, Department of Fish and Wildlife, phone (916) 445-1829, has been designated to respond to questions on the substance of 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, 215, 219, 220, 331, 332, 460, 1050, 1572, 3452, 3453, 4302, 4334, 4902 and 10502; reference sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 458, 459, 460, 713, 1050, 1570, 1571, 1572, 1575, 2005, 3452, 3453, 3950, 3951, 4302, 4334, 4902, 10500 and 10502, Fish and Game Code; proposes to Amend Sections 354, 360, 361, 362, 363, 364 and 708, Title 14, California Code of Regulations (CCR), relating to Mammal Hunting Regulations for the 2013-2014 season.

INFORMATIVE DIGESTS

Section 354

There have been recent changes in technology regarding equipment used for archery hunting. There is currently an arrow developed and being used by hunters that has a nock that emits light. This allows the arrow to be seen better as it travels through the air and the ability to see the arrow path after it leaves the bow is improved. This can assist the hunter in determining whether they accurately hit the intended target. If the arrow hits an animal and it does not pass through the animal in a low light situation, the hunter may be able to see the lighted nock attached to the animal and track the light to assist in finding a dead or wounded animal and recovering the animal.

Fish and Game Code (FGC) section 2005 regulates the use of lights and gives the Fish and Game Commission authority to regulate the use of lights while taking game. Wording in FGC 2005 makes it illegal to use lights while taking big game and other game under certain areas and situations. FGC section 2005 allows the use of a lantern as long as the lantern does not cast a directional light. The intent of FGC section 2005 is to not allow someone to cast a large directional beam of light while taking game.

It is illegal to waste game, and this technology will assist hunters in retrieving animals and therefore decrease loss and waste. The regulation needs to be revised to add to the archery regulations that a lighted nock that does not send out a directional beam of light is a legal arrow.

Subsection 360(a)

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 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 into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

Deer: § 360(a) A, B, C, and D Zone Hunts Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	35,000	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

Deer: § 360(a) A, B, C, and D Zone Hunts Tag Allocations		
Zone	Current	Proposed
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

Subsection 360(b)

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 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 into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Deer: § 360(b) X-Zone Hunts Tag Allocations		
Zone	Current	Proposed
X-1	1,150	1,000-6,000
X-2	175	50-500
X-3a	310	100-1,200
X-3b	935	200-3,000
X-4	385	100-1,200
X-5a	65	25-200
X-5b	140	50-500
X-6a	325	100-1,200
X-6b	315	100-1,200
X-7a	230	50-500
X-7b	140	25-200
X-8	240	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	860	100-1,200

Subsection 360(c)

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. Due to this, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

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 6 and continue for three (3) consecutive days and reopen on October 13 and continue for two (2) 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 5 and October 12 (for 2 and 3 consecutive days), respectively, in order to accommodate for Base operations.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

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* & 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	0	0
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military *, DOD and as Authorized by the Installation Commander **	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)	5	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)	10	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
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* & 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

Deer: § 360(c) Additional Hunts Tag Allocations		
Hunt Number (and Title)	**Current**	**Proposed**
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.*

Section 361

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 into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

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)	125	50-1,000
A-4 (Zone X-2 Archery Hunt)	15	5-100
A-5 (Zone X-3a Archery Hunt)	40	10-300
A-6 (Zone X-3b Archery Hunt)	90	25-400
A-7 (Zone X-4 Archery Hunt)	140	25-400
A-8 (Zone X-5a Archery Hunt)	10	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)	110	10-200
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)	50	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)	190	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
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	5	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

Archery Deer Hunting: § 361 Tag Allocations		
Hunt Number (and Title)	**Current**	**Proposed**
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* & 25 Public	25 Military* & 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.*

Section 362

The existing regulation provides for limited hunting of 27 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on Department's annual estimate of the population in the management unit. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2012 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 2013 pending completion of 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	1-4
Zone 2 - Kelso Peak/Old Dad Mountains	1-4
Zone 3 - Clark/Kingston Mountain Ranges	1-2
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Gorgonio Wilderness	1-3
Zone 6 - Sheep Hole Mountains	1-2
Zone 7 - White Mountains	1-5
Zone 8 - South Bristol Mountains	1-3
Zone 9 – Cady Mountains	1-4
Open Zone Fund-Raising Tag	0-1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	0-1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0-1
TOTAL	9-32

Section 363

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 2013. 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 2013 tag allocation ranges for the hunt zones are as set forth below.

2013 Pronghorn Antelope Tag Allocation Ranges						
Hunt Area	***Archery-Only Season***		***General Season***			
			Period 1		**Period 2**	
	Buck	**Doe**	**Buck**	**Doe**	**Buck**	**Doe**
Zone 1 – Mount Dome	0-10	0-3	0-60	0-20	0	0
Zone 2 – Clear Lake	0-10	0-3	0-80	0-25	0	0
Zone 3 – Likely Tables	0-20	0-7	0-150	0-50	0-130	0-50
Zone 4 – Lassen	0-20	0-7	0-150	0-50	0-150	0-50
Zone 5 – Big Valley	0-15	0-5	0-150	0-50	0	0
Zone 6 – Surprise Valley	0-10	0	0-25	0-7	0	0
Likely Tables Apprentice Hunt	N/A		0-5 Either-Sex		0	
Lassen Apprentice Hunt	N/A		0-15 Either-Sex		0	
Big Valley Apprentice Hunt	N/A		0-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		0-4 Either-Sex		0	
Fund-Raising Hunt	N/A		0-10 Buck			

Section 364

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.

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	**Bull**	**Antlerless**	**Either-Sex**	**Spike**
Apprentice Hunts				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2
Fort Hunter Liggett P1		0-4		
Fort Hunter Liggett P2		0-4		
Fort Hunter Liggett P3	0-2			
Archery Only Hunts				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
Muzzleloader Only Hunts				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	**Bull**	**Antlerless**	**Either-Sex**	**Spike**
Fort Hunter Liggett Muzzleloader Only	0-6			
Muzzleloader/Archery Only Hunts				
Marble Mountains Muzzleloader/Archery Only			0-10	
General Roosevelt Elk Hunts				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
General Rocky Mountain Elk Hunts				
Northeastern California	0-30	0-10		
General Roosevelt/Tule Elk Hunts				
Mendocino	0-4	0-4		
General Tule Elk Hunts				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6
Fort Hunter Liggett Period 1		0-16		

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	**Bull**	**Antlerless**	**Either-Sex**	**Spike**
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
Fund Raising Tags				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
Military Only Elk Tags				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			

Section 708

The purpose of this proposed change is to clarify that fund-raising tags are defined in Section 362 of Title 14, California Code of Regulations, and not in Section 708.9 of Title 14; and to propose the Commission, based on public input and Commission interest, consider increasing the maximum number of non-residents general license tags from one to a maximum of ten percent (10%) of the bighorn sheep tags available.

Existing Section 708.9, Title 14, California Code of Regulations is inconsistent with fundraising tags defined in Section 362 for bighorn sheep. Section 708.9 needs to be updated to accurately reflect and refer to the correct fund-raising tags available for bighorn sheep.

Existing Section 708.9, Title 14, California Code of Regulations limits the number of bighorn sheep general license tags to non-resident hunters to one. The number of general license tags has increased over the years and now averages 24 tags (when the regulation was established there were less than 5 general tags issued annually). Non-resident general license tags have remained capped at one (1) so to remain consistent in the distribution of tags, there is a need to develop flexibility and allow more non-resident general license tags as the number of tags change over time.

The benefits of the proposed changes are to maintain or increase big game populations and to ensure their continued existence.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate big game hunting regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at a hearing to be held in the Mt. Shasta Hatchery Museum,

#3 North Old Stage Road, Mt. Shasta, California, on Wednesday, March 6, 2013 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, on all options relevant to this action at a hearing to be held at the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Wednesday, April 17, 2013 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 3, 2013 to be included in the Commissioners' briefing materials, 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 12:00 noon on April 15, 2013 to be delivered by staff to the meeting; or be presented to Commission staff at the meeting no later than the agenda item is heard on April 17, 2013, in Santa Rosa, 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 all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Mr. Brad Burkholder, Wildlife Branch, Department of Fish and Game, telephone (916) 445-1829, 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/Results of the Economic Impact Analysis

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.

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. 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 proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2012-2013. The best available information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about $659,366,000 on hunting trip-related and equipment expenditures in California in 2006. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase game hunting populations, and subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's big game resources.

(c) Cost Impacts on Representative Private Person or Business

The Fish and Game 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.

There are no costs or savings with regard to state agencies or federal funding to the State.

(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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: January 4, 2013