STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission

1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899

www.fgc.ca.gov

Wildlife Heritage and Conservation
Since 1870

January 8, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to amending sections 265, 353, 360, 361, 362, 363, 364, 364.1 and 472; and adding Section 708.18, Title 14, California Code of Regulations, relating to mammal regulations for the 2016-2017 seasons, which will be published in the California Regulatory Notice Register on January 8, 2016.

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. Craig Stowers, Wildlife Branch, phone (916) 445-3553, 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, 3960, 3960.2 and 3960.4 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 207, 3960, 3960.2, 3960.4 and 4756 of said Code, proposes to amend sections 265, 353, 360, 361, 362, 363, 364, and 364.1; and add section 708.18 Title 14, California Code of Regulations (CCR), relating to Mammal regulations for the 2016-2017 seasons.

Informative Digest/Policy Statement Overview

265

Amend Section 265, Title 14, CCR, by deleting subsections (d)(1) and (d)(2). The current regulations prohibit the use of treeing switches and GPS collar equipment for dogs used in the taking of mammals. Recent changes to statutes have restricted the use of dogs by hunters to only the taking of wild pigs and deer. The prohibition on the use of treeing switches is therefore unnecessary. Allowing the use of GPS collar equipment will improve a hunter's ability to find and retrieve downed game and lost dogs.

353

Amend Section 353, Title 14, California Code of Regulations (CCR), Methods Authorized for Taking Big Game. The purpose of the proposed amendments is to specifically require compliance with sections 353 and 250.1 when taking big game, and to clarify which cartridges may be used by defining "softnose or expanding projectile."

The current regulations in Section 353, Title 14, CCR, provide method of take restrictions for big game using centerfire cartridges in rifles, pistols and revolvers. The projectiles used in these firearms are required to be "softnose or expanding." However, these words are not defined in the regulation. While "softnose or expanding" is commonly accepted from the standpoint of bullet design and trade industry terminology, some have suggested that it could include frangible bullets. The lack of distinction between projectile types is confusing to hunters and difficult to interpret by law enforcement. Furthermore, frangible bullets are not an efficient and effective means to take big game.

The proposed regulation changes are as follows:

1) Add clause to subsection 353(a) specifically making it unlawful to use methods of take or projectiles for big game other than what is authorized in Sections 250.1 and 353;

2) Add a new subsection 353(b)(1) to define "softnose or expanding projectile" based upon design and common accepted terminology of mushrooming, bullet diameter increase and bullet weight retention; and

3) Add a new subsection 353(b)(2) to clarify that "frangible" bullets are not softnose or expanding projectiles.

360(a)

Existing regulations provide for the number of license tags available for deer in 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 because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors including severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

	Deer: § 360(a) A, B, C, and D Zone Hunts - Tag Allocations		
§	Zone	Current 2015	Proposed 2016 [Range]
(1)	A	65,000	30,000-65,000
(2)	B	35,000	35,000-65,000
(3)	C	8,150	5,000-15,000
(4)	D3-5	33,000	30,000-40,000
(5)	D-6	10,000	6,000-16,000
(6)	D-7	9,000	4,000-10,000
(7)	D-8	8,000	5,000-10,000
(8)	D-9	2,000	1,000-2,500
(9)	D-10	700	400-800
(10)	D-11	5,500	2,500-6,000
(11)	D-12	950	100-1,500
(12)	D-13	4,000	2,000-5,000
(13)	D-14	3,000	2,000-3,500
(14)	D-15	1,500	500-2,000
(15)	D-16	3,000	1,000-3,500
(16)	D-17	500	100-800
(17)	D-19	1,500	500-2,000

360(b)

Existing regulations provide for the number of deer hunting tags for the X zones. The proposed action changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

	Deer: § 360(b) X-Zone Hunts - Tag Allocations		
§	Zone	Current 2015	Proposed 2016 [Range]
(1)	X-1	775	500-6,000
(2)	X-2	160	50-500
(3)	X-3a	315	100-1,200
(4)	X-3b	795	200-3,000

	Deer: § 360(b) X-Zone Hunts - Tag Allocations		
§	Zone	Current 2015	Proposed 2016 [Range]
(5)	X-4	435	100-1,200
(6)	X-5a	75	25-200
(7)	X-5b	50	50-500
(8)	X-6a	320	100-1,200
(9)	X-6b	305	100-1,200
(10)	X-7a	225	50-500
(11)	X-7b	135	25-200
(12)	X-8	210	100-750
(13)	X-9a	650	100-1,200
(14)	X-9b	325	100-600
(15)	X-9c	325	100-600
(16)	X-10	400	100-600
(17)	X-12	680	100-1,200

360(c)

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action 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 at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent 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 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days, inclusive of the Columbus Day holiday, in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift and move the seasons one week later to eliminate conflicts with elk hunting during the first week of October. The proposal would change the season dates to open on October 8 and October 15, for 3 and 2 consecutive days respectively, and include the Columbus Day holiday, in order to accommodate for Base operations.

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

The proposed action changes the number of tags for all existing hunts to a series of ranges as indicated in the table below.

	Deer: § 360(c) Additional Hunts - Tag Allocations

§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
(2)	G-3 (Goodale Buck Hunt)	35	5-50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (15 Military and 15 Public)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	250 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 Military*, DOD and as Authorized by the Installation Commander**	200 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	50-300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	25-100
(13)	G-37 (Anderson Flat Buck Hunt)	25	25-50
(14)	G-38 (X-10 Late Season Buck Hunt)	300	50-300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	5-150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	5	5-50
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50

	Deer: § 360(c) Additional Hunts - Tag Allocations		
§	**Hunt Number (and Title)**	**Current 2015**	**Proposed 2016 [Range]**
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military & 60 Public)	85 Tags Total* (25 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30

	Deer: § 360(c) Additional Hunts - Tag Allocations		
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
(43)	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

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposed action changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

	Archery Deer Hunting: § 361(b) - Tag Allocations		
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[150-3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	115	[50-1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[5-100]
(4)	A-5 (Zone X-3a Archery Hunt)	35	[10-300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[25-400]

	Archery Deer Hunting: § 361(b) - Tag Allocations		
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[25-400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[15-100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[5-100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[10-200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[10-200]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[10-200]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[5-100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[5-100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[50-500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[50-500]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[50-500]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[25-200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[50-500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[25-100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[200-1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[25-200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[20-75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[10-100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[5-75]

	Archery Deer Hunting: § 361(b) - Tag Allocations		
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(25)	A-30 (Covelo Archery Buck Hunt)	40	[20-100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[200-1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[50-300]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (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.*

362

The current regulation in Section 362, T14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed amendments are intended to adjust the number of hunting tags for the 2016 season based on the Department's annual estimate of the population in each of the nine hunt zones. The Department's final recommendations will ensure that the take will be no more than 15 percent of the mature rams estimated in each zone in accordance with Fish and Game Code Section 4902.

Preliminarily, the tag numbers are presented as ranges (e.g., [0 -3]) in the table in subsection 362(d) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 14, 2016, adoption hearing.

363

Amend Section 363, Pronghorn Antelope, Title 14, California Code of Regulations (CCR).

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for Pronghorn Antelope hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2015 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2016.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 14, 2016, adoption hearing.

Other minor changes to the regulatory text to reduce redundancy, improve accuracy and clarity are proposed.

364

Existing regulations in Section 364, Title 14, CCR, specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental

and biological conditions. The proposed amendments to Section 364 will establish 2016 tag quotas within each hunt adjusting for annual fluctuations in population number, season dates and tag distribution.

The complete amended text is found in the amended Regulatory Text of Section 364 with the Initial Statement of Reasons.

Proposed Amendments:

- The current Elk Hunt regulations in Title 14, Section 364, are overly long and the format makes it difficult to navigate to find pertinent hunting information. The Department of Fish and Wildlife (Department) is recommending placing a substantial amount of information from Section 364 in a Table to improve the hunting regulations and make them more user-friendly.

- In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Section 364 regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives.

- Remove, Amend, and Establish New Hunt Areas. The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20).

- Add New Opportunities for Specialized Hunts. The Department makes many different specialized hunts available to the public including Archery, Muzzleloader, and Apprentice hunts. Because of the new areas added, some new opportunities will be made available.

- Modify Season Dates and Hunt Periods. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of individual hunts and the number of days of hunting. The new Table sets forth the recommended days for each hunt.

- Modifications to Hunt Area Special Conditions.

- Current regulations require a hunter orientation in certain hunt areas prior to hunting. This requirement is not necessary in most areas since all pertinent information is sent to the successful tag purchaser (hunter) along with their tag. Tag holders are also provided contact numbers for local Department employees to answer any additional questions. Where required, the Special Conditions appear in regulation with the hunt area description. Special Conditions for hunting on military installations appear in new subsections (p) Fort Hunter Liggett Special Conditions; and, (q) Camp Roberts Special Conditions.

Minor Editorial Changes are proposed to improve clarity and reduce redundancy.

364.1

Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. In conjunction with proposed amendments to Section 364, Elk, which will delete, amend and add hunt areas, it is necessary to similarly amend Section 364.1 for consistency.

Preliminary tag quota ranges are indicated pending final 2016 tag allocations in accordance with elk management goals and objectives. Survey data collected between October 2015, and March 2016, will be the basis for the final tag numbers recommended to the Commission at the April 2016 adoption hearing. The quota ranges for 2016 elk tags are indicated in the proposed Regulatory Text.

Other minor editorial changes and renumbering have also been made.

The complete Table and text is found in the attached proposed Regulatory Text of Section 364.1.

708.18

Existing regulations in Section 708, T14, CCR specify procedures and conditions for returning or exchanging big game tags and refunding tag fees but do not identify similar procedures to allow the return of big game fund raising tags sold by qualifying non-governmental organizations at auction.

This proposal would add Subsection 708.18 to establish regulations which allow the return of the purchase price for fund raising tags. The new provisions set forth a few possible circumstances beyond the control of the holder under which, by example, the tag holder may not be able to use the FRT. These include, but are not limited to, illness, military deployment, and hunt area closure (i.e., fire, etc.). However, the request to return the tag must be made in writing to the Department, at least ten business days before the start of the season. If possible, the returned FRT will be made available for purchase by the next highest bidder(s).

Benefits of the regulations

Sections	
265	The regulation eliminates unnecessary language regarding the prohibition on the use of treeing switches; and, permits GPS equipped collars increasing the hunter's ability to find and retrieve downed wild pigs and deer as well as lost dogs.
353	The Commission anticipates benefits to the health and welfare of California residents and benefits to the State's environment because the proposed regulation assists the Department in the sustainable management of California's big game populations.
360 - 361	The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts.
362	The Nelson Bighorn Sheep management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys.
363	The management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys.
364 - 364.1	The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts where appropriate.
708.18	The Commission anticipates benefits to the health and welfare of California residents and benefits to the State's environment because the proposed regulations assist the Department in the sustainable management of California's natural resources.

Non-monetary benefits to the public

All Sections in this Notice	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.

Consistency with State or Federal Regulations

Sections	
265, 353, 360, 361	The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 360, 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations. The proposed amendments are consistent with federal laws.
362	The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate Nelson Bighorn Sheep hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to Nelson Bighorn Sheep tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.
363	The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate pronghorn antelope hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to pronghorn antelope tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.
364 - 364.1	The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.
708.18	The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate big game hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to the refund of the price of unused fund raising tags to be consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 11, 2016 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 in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Thursday, April 14, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on April 12, 2016. All comments must be received no later than April 14, 2016, at the hearing location listed above. 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, 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. **Roger Bloom, Department of Fish and Wildlife, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the various rulemaking documents are also available 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 Businesses to Compete with Businesses in Other States.

Sections	
265	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. Removing outdated prohibitions on treeing switches and GPS collars are not anticipated to affect current levels of hunting effort for species that can legally be pursued with dogs.
353	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 adds definitions to method of take regulations for big game in order to clarify regulations for law enforcement and legal applications, and eliminate possible confusion on the part of hunters. The proposal is economically neutral to business.
360(a), 360(b), 360(c), 361, 362, 363, 364, 364.1, 708.18	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 deer 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:

Sections

265, 353,360(a), 360(b), 360(c), 361, 362, 363, 364, 364.1	The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources. The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.
708.18	(in addition to the statement above) The Commission does a expect a small benefit to the State's environment because the proceeds of the sale of the fund raising tags are deposited to the Big Game Management Account established by the Legislature in Fish and Game Code Section 3953 for the sustainable management of the state's big game resources. The refund process, and subsequent re-sale of the tag, assures hunters that the money spent is worthwhile and without risk.

(c) Cost Impacts on Private Persons.

All Sections in this Notice	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

All Sections in this Notice	None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

All Sections in this Notice	None.

(f) Programs Mandated on Local Agencies or School Districts

All Sections in this Notice	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:

All Sections in this Notice	None.

(h) Effect on Housing Costs

All Sections in this Notice	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 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: December 15, 2015