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**CORRESPONDENCE 3**

STATE OF CALIFORNIA

**Fish and Game Commission**

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BOARD OF SUPERVISORS

February 22, 2008

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 360, 361, 362, 363, 364 and 702, Title 14, California Code of Regulations, and relating to tag quota changes, clarifications and urgency changes for the 2008-2009 mammal hunting regulations, which will be published in the California Regulatory Notice Register on February 22, 2008.

**Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Documents relating to the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov> or may be obtained by writing to our office at the above address.

Sincerely,

Jon D. Snellstrom  
Associate Government 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, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 360, 361, 362, 363, 364 and 702, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2008-2009 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 8, 2008, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2008-2009 seasons: proposes to amend sections 360, 361, 362, 363, 364, and 702, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2008-2009 Mammal Hunting Regulations.

**Informative Digest/Policy Statement Overview**

**Section 360, subsection (a), 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Existing regulation inaccurately describe the A zone South Unit 110. This regulatory proposal includes portions of the counties of Madera, Merced, and Tulare in the area description.

<b>Deer: § 360(a) A, B, C, and D Zone Hunts</b>		
<b>Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	8,575	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

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

**Section 360, subsection (b), 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 overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(b) X-Zone Hunts</b>		
<b>Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
X-1	2,230	1,000-6,000
X-2	180	50-500
X-3a	280	100-1,200
X-3b	795	200-3,000
X-4	415	100-1,200
X-5a	55	25-200
X-5b	115	50-500
X-6a	335	100-1,200
X-6b	390	100-1,200
X-7a	250	50-500
X-7b	120	25-200
X-8	250	100-750
X-9a	750	100-1,200
X-9b	325	100-600
X-9c	325	100-600

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-10	400	100-600
X-12	805	100-1,200

**Section 360, subsection (c), Additional Hunts**

Existing regulations for Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for hunting to begin on the Thursday preceding the Columbus Day weekend and run for five consecutive days to accommodate Base operations and other hunt opportunities. The proposal would modify the season by splitting a five consecutive day season into two periods (one of two days, the other of three) in order to accommodate other hunts and Base operations.

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting to begin on October 4 and extend for five consecutive days and reopen October 13 and extend for two consecutive days. The proposal would modify the season by removing two days from the season in order to accommodate Base operations

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	2,850	500-5,000	M-11	20	20-200
G-3	35	5-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	10 Military * 10 Public	10 Military * and 10 Public	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	400 Military *	400 Military *	J-7	15	10-50
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10-20
G-12	30	10-50	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 75 Public	10 Military * 75 Public
G-19	25	10-50	J-11	40	10-50

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
G-39	5	5-150	J-15	10	5-30
M-3	20	10-75	J-16	75	10-75
M-4	15	5-50	J-17	25	5-25
M-5	10	5-50	J-18	75	10-75
M-6	80	25-100	J-19	25	10-40
M-7	150	50-150	J-20	20	5-20
M-8	10	5-50	J-21	50	20-80
M-9	15	5-100			

\* 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

**Section 361, Archery Deer Hunts**

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 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 overwinter 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 the Veteran's Day holiday. The proposal would modify the season by removing two days from the end of the season in order to accommodate Base operations.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	2,045	150-3,000
A-3 (Zone X-1 Archery)	265	50-1,000
A-4 (Zone X-2 Archery)	10	5-100
A-5 (Zone X-3a Archery)	35	10-300
A-6 (Zone X-3b Archery)	90	25-400

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-7 (Zone X-4 Archery)	105	25-400
A-8 (Zone X-5a Archery)	20	15-100
A-9 (Zone X-5b Archery)	5	5-100
A-11 (Zone X-6a Archery)	55	10-200
A-12 (Zone X-6b Archery)	175	10-300
A-13 (Zone X-7a Archery)	30	10-200
A-14 (Zone X-7b Archery)	20	5-100
A-15 (Zone X-8 Archery)	25	5-100
A-16 (Zone X-9a Archery)	130	50-500
A-17 (Zone X-9b Archery)	300	50-500
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	115	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)	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)	New	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.

**Section 362, Nelson Big Horn Sheep**

Existing regulations provide for the number of bighorn sheep 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 survey results that should be completed by March of 2008. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest

of bighorn sheep. 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	3-5
Zone 2 - Kelso Peak/Old Dad Mountains	4-6
Zone 3 - Clark/Kingston Mountain Ranges	1-3
Zone 4 - Orocopia Mountains	0-1
Zone 5 - San Gorgonio Wilderness	0-2
Zone 6 - Sheep Hole Mountains	1-3
Zone 7 - White Mountains	3-6
Open Zone Fund-Raising Tags	1-3
<b>TOTAL</b>	13-29

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2007 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone.

**Section 363, 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 2008. 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 tag allocation ranges for the hunt zones are as set forth below.

Pronghorn Antelope Tag Allocation Ranges - 2008						
Hunt Area	Archery-Only Season		General Season			
			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
Big Valley Junior Hunt	N/A		1-15 Either-Sex		0	
Lassen Junior Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Junior Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

**Section 364, 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.

2008 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antlerless	Muzzle-loader either-sex	Archer y Either-Sex	Archer y Antlerless	Archer y Bull
<b>Roosevelt Elk</b>										
Siskiyou	0-30	0-30								
Del Norte	0-20		0-10							
<b>Marble Mountains</b>										
Marble Mtns Junior		0-4								
Klamath	0-20		0-20							
Big Lagoon		0-10								
<b>Northwestern California</b>										
		0-25								
<b>Rocky Mountain Elk</b>										
<b>Rocky Mtn Elk</b>										
Northeastern		0-20						0-10		
Northeastern Junior		0-4								
<b>Tule Elk</b>										
Cache Creek	0-4		0-4							
Cache Creek Junior			0-2							
<b>La Panza</b>										
Period 1	0-12		0-10							
Period 1 (Junior)			0-2							
Period 2	0-12		0-12							
<b>Owens Valley</b>										
Region Wide								0-10		
<b>Bishop</b>										



Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2 Junior	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Independence</b>										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Lone Pine</b>										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Tinemaha &amp; W. Tinemaha</b>										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5)	0-30	0-10	0-10							
<b>Grizzly Island</b>										
Period 1	0-12			0-6						
Period 1 Junior	0-2			0-2						
Period 2	0-12		0-2	0-6						
Period 3	0-12		0-2	0-4						
<b>Fort Hunter Liggett</b>										
Archery Only								0-6	0-10	
Period 1	0-14									
Period 1 Junior	0-4									
Period 2	0-14									
Period 3			0-14							
Period 3 Junior Elk			0-2							
<b>East Park Reservoir</b>										
Period 1			0-2							
Period 2			0-2							
Period 3	0-10									
<b>San Luis Reservoir</b>	0-5	0-10	0-10							

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett do not change the number of days. These regulations slightly modify the season dates for period 1 antlerless hunt (including the junior hunt) and the archery antlerless hunt from the first to the second Thursday in October; the period 2 antlerless hunt from the third to the fourth Wednesday in November; the period 3 bull hunt (including the junior hunt) from the fourth Thursday to the fourth Saturday in December; the archery either-sex hunt from the first Saturday in September to the last Saturday in August.

Existing regulations define bull and antlerless elk. The proposed regulations modify these definitions because under field conditions it is very difficult to identify antlers above the hairline but less than four inches and there have been several incidents where antlerless elk hunters have inadvertently harvested a bull (by definition) with antlers less than four inches.

Existing regulations for the Big Lagoon and Northwestern Roosevelt elk hunt reference Simpson Timber Company under area description. The proposed regulation replaces Simpson Timber Company with California Redwood Company to reflect the current organizational structure of the Company.

The proposed amendment makes minor changes in the La Panza Tule Elk Hunt section to improve clarity and consistency, and reduce redundancy.

### **Section 712, Restriction of Importation of Hunter-Harvested Deer and Elk Carcasses**

Section 712 has become one of the higher profile regulations due to the Department's educational and enforcement efforts. Noteworthy progress has been made in educating the public about chronic wasting disease and the illegal importation of cervid (deer, elk) body parts.

Clarification of Section 712 can help further educate the public and supply more enforcement consistency.

It is prudent that potential questions, concerns and potential enforcement problems get addressed. Questions, problems and concerns concerning Section 712 can be directly addressed by amending the present wording of the section. By making the section more clear our constituents and enforcement officers can more readily understand the nuances of the mandates within the section. The proposal also allows additional and reasonable flexibility

The proposal will clarify what is meant by a clean skull plate, clarifies that processed meat cannot include spinal column or portions of the head, allows noncommercial processed cuts of meat to be imported, and clarifies that antlers in the velvet stage are permitted for importation.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on Friday, March 7, 2008 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 UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay California, on Friday, April 11, 2008 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 Beach Resort Monterey, La Grande Room, 2600 San Dunes Drive, Monterey, California, on Friday, May 9, 2008), at 10:00 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 May 7, 2008 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto: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 7, 2008. All comments must be received no later than May 9, 2008 at the hearing in Monterey, 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, John Carlson, Jr., 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 John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, 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:

**Sections 360(a)(b) and (c), 361, 362, 363, 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. 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.

**Section 712** - 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 proposal clarifies and simplifies the basic purpose of the current wording of Section 712.

#### **The following "impacts of Regulatory Action apply to all sections in this notice:**

- (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: 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.

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

John Carlson, Jr.  
Executive Director

Dated: February 13, 2008