

March 25, 2014, Public Hearing

A Public Hearing as previously noticed was opened at 1:30 pm. The Department was represented by Captain Roy Griffith, HEI Program Administrator, and Mike Randall, Regulations Unit Analyst. No members of the public attended the hearing and no testimony or other communication was received. The hearing was closed at 2:30 pm.

VI. Location and Index of Rulemaking File

A rulemaking file with attached file index is maintained at:

California Department of Fish and Wildlife
Regulations Unit
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

VII. Location of Department Files:

California Department of Fish and Wildlife - HEI Program
1701 Nimbus Road
Rancho Cordova, CA 95670

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Proposed Regulation Changes:

No alternatives were identified. The purpose of the proposed addition of subsection 360(e) is to implement the provisions of Section 3051, FGC, which directs the Department to provide special hunting opportunities to Hunter Education Instructors via a random drawing.

(b) No Change Alternative:

The no change alternative would leave the Department with no mechanism to provide special hunting opportunities to Hunter Education Instructors as required by FGC Section 3051 via a random drawing.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, would be as effective and less burdensome to the affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed regulation.

IX. Impact of the Regulation Changes

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories below have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States.

The proposed action will not change the number of deer tags issued for the X-Zone and therefore will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

(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 Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed regulation will not affect worker safety.

Benefits to the Health and Welfare of California Residents:

The Department 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. These benefits are maintained by improving the Department's capacity to recruit and retain volunteer Hunter Education Instructors who annually provide training to tens of thousands of California residents. Important aspects of the training include firearms safety, first aid, wildlife management and conservation among others. Maintaining a large number of qualified Hunter Education Instructors is vital, and the provision of a very small number of deer tags for the purpose of recruiting and keeping volunteer instructors is both economical and beneficial to the state.

Benefits to the State's Environment:

The Department anticipates benefits to the state's environment in the sustainable management of natural resources. It is the policy of this state to encourage the conservation and maintenance of the fish and wildlife resources of the state, for their use and enjoyment by the public. The new regulation will

aid the Department's capacity to recruit and retain volunteer Hunter Education Instructors who annually provide training to tens of thousands of California residents regarding hunting ethics, wildlife management and conservation among others.

(c) Cost Impacts on Representative Private Persons or Businesses:

The Department is not aware of any cost impact 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.

ATTACHMENT A

FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 360
Title 14, California Code of Regulations (CCR)
Re: Hunter Education Instructor Incentive Tags

COPIES OF COMMENTS RECEIVED

1. March 19, 2014. Letter from Modoc County Fish, Game and Recreation Commission.
2. March 22, 2014. Letter from Pacific Coast Hunter Education Association.
3. March 24, 2014. Letter from California Hunter Education Instructor Association.
4. March 24, 2014. Letter from Hunter Education Instructor Association of Southern California.

MODOC COUNTY
FISH, GAME & RECREATION COMMISSION
202 W 4TH STREET
ALTURAS, CA 96101

March 19, 2014

Roy Griffith, Program Administrator
CDFW – HEI Program
1701 Nimbus Road
Rancho Cordova, CA 95670

Re: Hunter Education Instructor Incentive Tags

Dear Mr. Griffith:

The Modoc County Fish, Game and Recreation Commission (Commission) would like to commend the California Department of Fish and Wildlife (DFW) on efforts to provide incentives for these hard working and dedicated volunteers.

COMMENT 1

In viewing the amended proposal and Title 14 Sections 709 and 709.1, we cannot find a description as to how these tags will be distributed with in the X-Zones. Will the tags come from a single zone or be distributed evenly from all of the X-Zones? Or will the chosen Instructors choose which Zone they would like to hunt in (which in retrospect, all 10 tags could come from a single Zone.)? The Commission would like to see wording included in the amendment that the tags are distributed evenly throughout all X-Zones and not a single Zone.

COMMENT 2

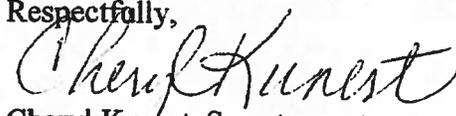
Another question we have is whether this amendment would add an additional 10 tags to be specifically used for deer X-Zone hunts (a total of 25 tags for Hunter Education Instructor Incentive Tags) or designate 10 tags for deer X-Zone hunts and 5 tags for other big game hunts?

COMMENT 3

The Commission has been exploring avenues for Youth/Apprentice Hunts. Since the DFW can create Code, why not designate an additional 10 tags for Youth deer X-Zone Hunts? These could be placed into a drawing and upon completion of the Hunter Education Program eligible youth could be submitted for the drawing? This approach would reward first time hunters for the hard work they have put into gaining their Hunter Safety Certification, rather than waiting for the Preference Point System to allot them a tag (which could be a wait of up to four or more years).

Thank you for considering our comments. A timely response to these comments would be greatly appreciated.

Respectfully,



Cheryl Kunert, Secretary
Modoc County Fish, Game and Recreation Commission

Charles Bonham, CDFW Director
Congressman Doug LaMalfa
Assemblyman Brian Dahle

Sonke Mastrup, CFGC Executive Director
Senator Ted Gaines



Pacific Coast Hunter Education Association, Inc.

PO Box 6678 Santa Rosa, CA. 95406
EIN 22-3913144
Ph: 831-421-2450

Roy Griffith, Program Administrator
CDFW - HEI Program
1701 Nimbus Road
Rancho Cordova, CA 95670
Telephone: (916) 358-2946
Fax: (916) 653-3772

3/22/2014

Dear Captain Griffith,

We, the Directors of the Pacific Coast Hunter Education Association, Inc. (PCHEA), are submitting this letter of recommendation regarding the Notice of Proposed Rulemaking: Hunter Education Instructor Incentive Tags (Title 14, Section 360, CCR). As the private, non-profit, hunter education instructor association for the North Coast Region of the department of Fish and Wildlife, PCHEA is the voice of approximately one quarter of the 880 hunter education instructors throughout California and we are the oldest instructor association in the state.

Hunter Education Instructors were responsible for volunteering thousands of our hours to certify over 32,000 students in Hunter Education in California in 2013. Instructors receive little or no recognition for the efforts we have put towards an outstanding State hunter education program. Instructors have also volunteered hundreds of hours of our time to assist the Department in the Advanced Hunter Education Program and numerous other outreach programs designed to attract new hunters and shooters towards our Hunter Education Program. The significance of this is a huge salary savings to the Department of Fish and Wildlife. The Department has also seen an increase in federal funding from the Pittman-Robertson Act as new hunters and shooters purchase new equipment. Hunter Education has also provided a positive impact to the State of California by reducing hunting related fatalities over the course of the program.

As an incentive to retain the volunteer instructor force, PCHEA believes that incentive tags, especially the addition of the ten deer tags in the "X" Zone areas, are a positive way to retain the instructors we have and a fantastic way to recruit new instructors into the program. PCHEA applauds the efforts you have made in the development of the incentive tag program. From what we can see by reading the language of Section 360, Title 14, CCR subsection (e), this rule change has had no significant impact on the state budget, the departments budget or an impact on the health and welfare of California residents. The language of the addition to Section 360, Title 14, CCR subsection (e) does benefit hunter education instructor retention throughout the state and is **RECOMMENDED** by the Pacific Coast hunter Education Association, Inc.

Sincerely,

Gary F. Brennan

For Chuck Giordanengo
President, Pacific Coast Hunter Education Association, Inc.

PCHEA Board of Directors President: Chuck Giordanengo Vice President: Gary Brennan Treasurer: Janice Goodman Secretary: Mary Hooker, Director: William Shepard, Director: Dr. William Plummer, Director: Steve Balbo, Director: Jim Hooker, Past President: Sam Grow

Passing on the tradition through education

Under the IRS code PCHEA has 501 (c) (3) status



California Hunter Education Instructor Association, Inc.

5673 Dolomite, El Dorado, CA 95623

EIN 01-0854995

Cell:(916) 812-3508

Email: huntinscott@gmail.net

Roy Griffith, Program Administrator
CDFW- HEI Program
1701 Nimbus Road
Rancho Cordova, CA 95670

Captain Griffith,

On behalf of the 320 hunter education instructors in Northern California I would like to submit a response to the proposed changes to California Code of Regulations Title 14 Section 360 (e). We are in support of this change as we believe this would be a beneficial incentive in the recruitment and retention of instructors. These instructors are volunteers and donate their time and resources to educate the public in conservation and safety. Over the last few years we have seen an increase in the demand for classes and these classes fill up rapidly. This can be seen in the nearly 32,000 students certified in 2013.

These newly certified hunters add additional revenue for the department in the purchase of licenses, tags and stamps. We as instructors receive only gratitude and pictures from students. Other states offer instructors gifts to mark accomplishments such as 10 years of service. As an example Texas offers a limited edition knife for 10 years of service and a rifle at 25 years.

The proposed change to the code would be a small token of appreciation to the instructor and would have little to no financial impact to the department. This would however, generate the ability to recruit new instructors and retain the quality instructors that the program has come to know.

Thank you for your consideration,

Scott Mc Intyre

President, California Hunter Education Instructor Association Inc.

Passing on the tradition through education

Under the IRS code CHEIA has 501 (c) (3) status



Hunter Education Instructor Association Of Southern California, Inc.

EIN 91-2112019 - IRS 501(c)(3) Non-Profit Corp. 600237096
P.O. Box 802738, Santa Clarita, Ca 91380-2738

Roy Griffith, Program Administrator
CDFW - HEI Program
1701 Nimbus Road
Rancho Cordova, CA 95670
Telephone: (916) 358-2946
Fax: (916) 653-3772

Dear Captain Roy Griffith,

March 24, 2014

The Board of Directors of the Hunter Education Instructor Association of Southern California, Inc. (HEIA-SC), would like to submit this letter of recommendation regarding the Notice of Proposed Rulemaking: Hunter Education Instructor Incentive Tags (Title 14, Section 360, CCR). As the, non-profit organization representing California Hunter Education Instructors in Southern California, HEIA-SC speaks for nearly 1/3 of the 880 hunter education instructors located throughout California.

Hunter Education Instructors were responsible for volunteering thousands of our hours to certify over 32,000 students in Hunter Education in California in 2013. Instructors receive little or no recognition for the efforts we have put towards an outstanding State hunter education program. Instructors have also volunteered hundreds of hours of our time to assist the Department in the Advanced Hunter Education Program and numerous other outreach programs designed to attract new hunters and shooters towards our Hunter Education Program. The significance of this is a huge salary savings to the Department of Fish and Wildlife. The Department has also seen an increase in federal funding from the Pittman-Robertson Act as new hunters and shooters purchase new equipment. Hunter Education has also provided a positive impact to the State of California by reducing hunting related fatalities over the course of the program.

As an incentive to retain the volunteer instructor force, HEIA-SC believes that incentive tags, especially the addition of the ten deer tags in the "X" Zone areas, are a positive way to retain the instructors we have and a fantastic way to recruit new instructors into the program. HEIA-SC applauds the efforts you have made in the development of the incentive tag program. From what we can see by reading the language of Section 360, Title 14, CCR subsection (e), this rule change has had no significant impact on the state budget, the department's budget or an impact on the health and welfare of California residents. The language of the addition to Section 360, Title 14, CCR subsection (e) does benefit hunter education instructor retention throughout the state and is **RECOMMENDED** by the Hunter Education Instructor Association of Southern California, Inc.

Sincerely,

Derek C Fong

President, Hunter Education Instructor Association of Southern California, Inc.

Hunter Education Instructor Association Of Southern California, Inc.
Under the IRS code HEIA-SC is a 501 (c) (3) Non-Profit Corp. 600237096

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
MINUTES OF THE PUBLIC HEARING

Date: March 25, 2014

Location: Resource Building
1416 Ninth Street, Room 1206
Sacramento, CA 95814

Re: Amend Section 360, Title 14, California Code of Regulations (CCR)
Hunter Education Instructor (HEI) Incentive Tags

CDFW staff attending: Mike Randall, Roy Griffith, Captain, HEI Program Manager

1:30 pm The meeting was opened by Mr. Randall.

Mr. Randall, AGPA, CDFW Regulations Unit, made introductory remarks and stated that the purpose of this public hearing is to receive comments orally or in writing on the proposed amendment of Section 360.

There were no persons present and no additional comments or correspondence were received.

2:30 pm The meeting was adjourned.

ATTACHMENT B

FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 360
Title 14, California Code of Regulations (CCR)
Re: Hunter Education Instructor Incentive Tags

DEPARTMENT RESPONSES TO COMMENTS RECEIVED

1. March 19, 2014. Letter from Modoc County Fish, Game and Recreation Commission.

Comment 1. How are X-Zone tags chosen?

Response: According to subsection 360(e)(1)(B) one tag is designated from any X- Zone with more than 100 allocated tags; and, in subsection 360(e)(4) a maximum of 10 tags are designated for the Hunter Education program. There are 16 X- Zones, one tag from any zone with at least 100 tags, no more than 10 tags total.

Comment 2. Does the proposed regulation add 10 tags to those already designated?

Response: No. Only 15 tags total are designated for Hunter Education program use by the Legislature. Subsection 360(e)(1)(B) designates only 10 of those tags from the X- Zones. The remaining 5 tags have not yet been designated for use in any hunt.

Comment 3. Could the Department adopt more Youth/Apprentice hunts?

Response: The comment is outside the scope of the proposed rulemaking; however, a response was provided directing the commenter to contact Mr. Craig Stowers, Game Program Manager.

2. March 22, 2014. Letter from Pacific Coast Hunter Education Association.

Comment 1. Supports the proposed regulation.

Response: The Department acknowledges support from the Pacific Coast Hunter Education Association.

3. March 24, 2014. Letter from California Hunter Education Instructor Association.

Comment 1. Supports the proposed regulation.

Response: The Department acknowledges support from the California Hunter Education Instructor Association.

4. March 24, 2014. Letter from Hunter Education Instructor Association of Southern California.

Comment 1. Supports the proposed regulation.

Response: The Department acknowledges support from the Hunter Education Instructor Association of Southern California.

UPDATED INFORMATIVE DIGEST
(Policy Statement Overview)

Amend Section 360, Title 14, CCR, by adding a new subsection 360(e) providing for Hunter Education Instructor Incentives.

The purpose of the proposed amendment is to add provisions to the regulations which will allow the use of 10 X-Zone deer tags by the Department for use as incentives to volunteer Hunter Education Instructors to join or remain in the program. This proposal would implement Section 3051 of the Fish and Game Code which directs the Department to use up to a maximum of 15 tags as incentives.

BENEFITS OF THE PROPOSED ACTION:

The Department anticipates nonmonetary benefits to the protection of public health and safety and to the environment. The Hunter Education Instructors work on a volunteer basis training tens of thousands of California residents each year. Important aspects of the training include firearms safety, first aid, wildlife management and conservation among others. Maintaining a large number of qualified Hunter Education Instructors is vital, and the provision of a very small number of deer tags for the purpose of recruiting and keeping volunteer instructors is both economical and beneficial to the state.

The Department does not anticipate nonmonetary benefits to the protection of worker safety, the prevention of discrimination, the promotion of fairness or social equity, or to the increase in openness and transparency in business and government

COMPATIBILITY WITH EXISTING STATE REGULATIONS:

The Department has reviewed Title 14, CCR, and determined that the proposed amendments to Section 360 are neither inconsistent nor incompatible with existing state regulations.

UPDATE

A Public Hearing was held on March 25, 2014 at the end of the 45-day comment period as described in the Notice of Proposed Rulemaking. No members of the public attended the hearing and no testimony was received. After considering the written comments received during the 45-day review period, the Department adopted the originally proposed text as described in the Notice, with a proposed effective date of July 1, 2014.