

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): California Fish and Game
Commission

County Clerk
County of: N/A

(Address)

Project Title: Amend Section 354, Archery, Title 14 CCR.

Project Applicant: California Fish and Game Commission

Project Location - Specific:
Statewide

Project Location - City: N/A Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:
First, requiring a bow draw weight of at least 40 pounds and a crossbow draw weight of at least 125 pounds, to increase enforceability of the regulation. Second, allowing possession of a concealable firearm while archery hunting (so long as not used for take).

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: § 15061(b)(3), Title 14, CCR
Statutory Exemptions. State code number:

Reasons why project is exempt:

The proposed amendments do not have the possibility of impact on the environment because the changes are not anticipated to increase hunting, do not increase take levels, and aim to facilitate the safety of hunters.

Lead Agency
Contact Person: Melissa Miller-Henson Area Code/Telephone/Extension: 916-653-4899

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [ ] Yes [ ] No

Signature: Melissa A. Miller-Henson Date: Apr. 18, 2019 Title: Acting Executive Director

[X] Signed by Lead Agency [ ] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

Governor's Office of Planning & Research

APR 19 2019

STATE CLEARINGHOUSE Revised 2011

January 8, 2019

**ATTACHMENT TO NOTICE OF EXEMPTION**  
**Amendments to Section 354, Title 14, California Code of Regulations**

The California Fish and Game Commission (Commission) will take final action under the Fish and Game Code and the Administrative Procedure Act (APA) with respect to the project mentioned on December 13, 2018 and February 6, 2019. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 *et seq.*), and on April 17, 2019 the Commission plans to adopt the regulations relying on the CEQA exemption for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).)

**Regulations**

To remove obsolete provisions and allow the carrying of lawful firearms to archery hunting, the Fish and Game Commission's (Commission) Wildlife Resources Committee (WRC) in 2018 recommended amending the language in Section 354 of Title 14 of the California Code of Regulations:

First, the current provision in subsection 354(f) requires that a bow "cast a legal hunting arrow ... 130 yards", however this is impractical for both the public and law enforcement. For clarity, the Department proposes requiring a bow draw weight of at least 30 pounds, and crossbow draw weight of at least 125 pounds, to make it practical to demonstrate in the field and in a courtroom. Draw weight as used in archery sports is the measure of force required to draw the bow to a ready-to-fire position. A common method of measurement is the use of a handheld scale.

Second, the current provision in subsection 354(h) permits peace officers to carry a concealed firearm while archery hunting. The Department proposes an amendment allowing legal possession of a concealable firearm while hunting, but not for deer, under the authority of an archery only tag, provided the hunter does not use that firearm in any way to take the game animal.

**Common Sense Exemption for Projects With No Possibility of Significant Effect on the Environment**

The purpose of this memo is to describe staff's analysis of use of the common sense exemption (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3)) under the California Environmental Quality Act (CEQA) as it relates to this regulatory action.

In regards to the first amendment, changing the method of measuring bow strength, the provision does not have any potential to impact the environment. The change from a casting distance of 130 yards to a bow draw weight of 30 pounds (125 for crossbow) does not affect the environment, or public. The change is consistent with the ethical use of weapons to assure a lethal kill of the targeted animal.

The second amendment, permitting the legal carry of a concealed firearm during an archery season or with an archery tag (except for deer) does not have the potential to impact the environment. The change acknowledges the need for self-defense in carrying a concealed firearm; and, the firearm may not be used for the take of any animal while the hunter is under the archery only tag or archery only season. Such firearms are permitted without exception during the general season for all mammals.

### **Conclusion**

In staff's view, there is no possibility that these regulations could have a significant effect on the environment. Therefore, the Commission's adoption of these regulations is an activity that is the proper subject of the common sense exemption under CEQA. (Cal. Code Regs., tit 14, § 16061, subd. (b)(3)).