

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 364.1
Title 14, California Code of Regulations
Re: Number of SHARE Elk Tags

- I. Date of Initial Statement of Reasons: November 15, 2018
- II. Date of Pre-adoption Statement of Reasons: April 4, 2019 and
- III. Date of Final Statement of Reasons: May 16, 2019
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside, CA
 - (b) Discussion Hearing Date: February 6, 2019
Location: Sacramento, CA
 - (c) Discussion Hearing Date: April 17, 2019
Location: Santa Monica, CA
 - (d) Adoption Hearing: Date: May 16, 2019
Location: Teleconference
- V. Update:

The originally proposed regulatory language contained elk tag quota ranges for the Northwestern and Northeastern elk zones. The specific tag quotas have been identified after regional and public input to address depredation concerns. In the Northwestern elk zone, 12 additional antlerless and 8 additional bull tags will be distributed to the SHARE landowners in Del Norte and Humboldt Counties to help alleviate property damage. The distribution will keep the tag allocations below 20% of minimum counts for each area. In the Northeastern elk zone, four additional elk tags, two bull and two either-sex, will be authorized to two landowners in Shasta County to alleviate property damage. Most elk in the Northeastern elk zone are harvested out of the Devil's Garden sub-herd area. The Department's efforts would focus on news SHARE properties in the area of the Shasta Lake sub-herd.

In addition to the selection of final tag quotas, the Department identified two errors in the proposed language of the Initial Statement of Reasons. Section (i)(2) listed an antlerless tag range of 0-32. It should have been 0-34. Section (j)(1) did not list a tag range for either-sex tags. It should have listed a tag range of 0-2. No other modifications were made to the amended proposed language of the Initial Statement of Reasons. The public and the commission were provided with this information at the April 17, 2019 meeting. The commission published notice with all interested and affected parties on April 19, 2019 identifying final tag considerations as well as the corrections noted above.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Responses to public comments, oral or in writing, regarding all proposed 2019 elk hunting regulations received through May 16, 2019 are included as "Comments received regarding proposed changes to Sections 364 and 364.1, Title 14, California Code of Regulations" Attachment A.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Wildlife
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified.

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Elk populations have increased, and landowner conflicts have also escalated in several areas. Adjusting tag quotas

provides for appropriate harvest levels within the hunt zones.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to 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.
- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

X. 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 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:

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.

- (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 Commission anticipates no to minor positive impacts on the creation or elimination of jobs within the state, and no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state. 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.

(c) Cost Impacts on a Representative Private Person or Business:

The agency 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: 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, Government Code: None.

(h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

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.

Preliminary tag quota ranges are indicated pending final 2019 tag allocations in accordance with elk management goals and objectives. Survey data collected between August 2018, and March 2019, will be the basis for the number of tags recommended to the Commission at the April 2019 adoption hearing.

The preliminary tag quota ranges for 2019 are found in the proposed Regulatory Text of Section 364.1

Benefits of the regulations:

The proposed regulations will contribute to the sustainable management of elk populations and to relieve depredation damage to land owners in California. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts where appropriate

Non-monetary benefits to the public:

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.

Evaluation of Incompatibility with existing regulations:

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.

On April 19, 2019 the Fish and Game Commission provided in a notice to all interested and affected parties a notice of the final tag quota determinations having been made following completion of surveys and data analysis. In addition, the notice extended the ranges for the Northwestern Elk Hunting Zone (subsection 364.1(i)(2)) from 0-32 to 34 antlerless tags and the Northeast California Elk Hunting Zone subsection 364.1(j)(1)) from 0 to 2 either sex tags. These amendments correct what is accurately reflected in the project as

described in the Environmental Document.

The corrected final number of tags in the proposed regulatory text and table reflect a proposed increase of 20 tags in the Northwestern elk zone in Section 364. The tag range for either sex tags in the Northeast California Hunt Zone was inadvertently left out of the Initial Statement of Reasons and is consistent with the approved tag quota ranges previously analyzed in the 2010 Environmental Document.

§	(A) Hunts	1.	2.	3.	4.
		Bull Tags	Antlerless Tags	Either-Sex Tags	Spike Tags
(B) Area					
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	2	2		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	7 <u>13</u>	20 <u>34</u>	0	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).			
(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts					
(1)	Northeast California	0 <u>2</u>	0	0 <u>2</u>	
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino	2	4		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5	10		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			

§	(A) Hunts	1.	2.	3.	4.
		Bull Tags	Antlerless Tags	Either-Sex Tags	Spike Tags
(3)	Bishop	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).			
(4)	Independence	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
(10)	Goodale	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).			
(11)	Grizzly Island	0	0		0
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A).			
(12)	Fort Hunter Liggett	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(A).			
(13)	East Park Reservoir	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(A).			
(14)	San Luis Reservoir	2	3		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(A).			

§	(A) Hunts	1.	2.	3.	4.
		Bull Tags	Antlerless Tags	Either-Sex Tags	Spike Tags
		(B) Area			
(15)	Bear Valley	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).			
(16)	Lake Pillsbury	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			
(17)	Santa Clara	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(A).			

At its May 16, 2019 teleconference, the Commission adopted the text of the regulations as originally notice and noticed again on April 19, 2019 as corrected.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.