

STAFF SUMMARY FOR DECEMBER 12-13, 2018

31. MAMMAL HUNTING**Today's Item****Information** ☐**Action** ☒

Consider authorization to publish notice of intent to amend mammal hunting regulations, including sheep/elk tag quotas and deer/elk tag validation.

Summary of Previous/Future Actions

- | | |
|---------------------------------|-----------------------------------|
| • WRC vetting | Sep 20, 2018; WRC, Sacramento |
| • Today's notice hearing | Dec 12-13, 2018; Oceanside |
| • Discussion hearing | Feb 6, 2019; Sacramento |
| • Adoption hearing | Apr 17-18, 2019; Los Angeles |

Background

Nelson Bighorn Sheep – Proposed changes as reflected in the initial statement of reasons (ISOR) (Exhibit 2):

- Adjust the number of Nelson bighorn ram tags available for the 2019 season based on bighorn sheep spring population surveys conducted by DFW. Final tag quota determinations will be made pending completion of all surveys and data analyses.
- Establish the Newberry, Rodman and Ord Hunt Zone as a new bighorn sheep hunt zone in San Bernardino County.
- Reallocate the Kelso Peak/Old Dad Mountains fund-raising tag due to a significant population decline in the herd unit following a recent outbreak of respiratory disease. The proposal would reallocate this fund-raising tag to be valid in the Cady Mountains Hunt Zone.

Elk – Proposed changes as reflected in the ISOR (Exhibit 3):

- Specify elk license tag quotas for each hunt in accordance with management goals and objectives. The proposed ranges of elk tags for 2019 are presented in subsections 364(r) through 364(aa).
- Amend and correct the Special Condition in subsection (d)(13)(B)3 for the East Park Reservoir General Methods Tule Elk Hunt, alerting hunters to the current Colusa County variance which permits the use of muzzleloaders. Additionally, due to military use constraints at Fort Hunter Liggett, alert hunters that hunt dates are annually subject to change and may be adjusted or cancelled by the base commander pursuant to subsection 364(p)(4).

SHARE Elk Hunts – Proposed changes as reflected in the ISOR (Exhibit 4):

- Adjust elk tag quotas for each hunt area, in response to dynamic environmental and biological conditions, to achieve elk herd management goals and objectives and maintain hunting quality. Preliminary tag quota ranges are provided; the number of tags

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recommended will be proposed prior to the Apr 2019 adoption hearing based on survey data collected between Aug 2018 and Mar 2019.

Tag Countersigning and Transporting Requirements – Proposed changes as reflected in the ISOR (Exhibit 5):

- Clarifies the regulatory requirement for countersigning deer and elk tags by an authorized person who physically signs their name to the tag attached to the deer or elk carcass. Specifically, clarifies for the public and law enforcement that “firefighters employed on a full-time basis” are authorized to countersign, in addition to the other authorized persons found in 708.6(c); part-time, volunteer, or other fire station personnel are not authorized to sign the tag.
- Also clarifies that the authorized persons “countersign” as the required action, corrects outdated state job title of Plant Quarantine Inspector, clarifies that the provisions apply both to deer and elk tags, and other minor editorial changes.

Significant Public Comments (N/A)

Recommendation

FGC staff: Authorize publication of a notice as recommended by DFW

Committee: Authorize publication of a notice as recommended by DFW

DFW: Authorize publication of a notice as proposed in the ISOR.

Exhibits

1. DFW memo, received Nov 21, 2018
2. Draft Nelson bighorn sheep ISOR
3. Draft elk ISOR
4. Draft SHARE elk hunts ISOR
5. Draft tag countersigning ISOR
6. Draft economic and fiscal impact statement (Std. 399)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 362, 364, 364.1 and 708.6 related to mammal hunting regulations.

2018 NOV 21 AM 8:00

Memorandum

Date: November 15, 2018

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Submittal of Initial Statement of Reasons to Amend Sections 362, 364, 364.1, and 708.6 ,Title 14, California Code of Regulations (CCR)**

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) to authorize publication of notice of its intent to amend Sections 362, 364, 364.1, and 708.6, Title 14, CCR. The Department is proposing the following changes to the existing mammal hunting regulations for the 2019-20 season:

1. Section 362 Bighorn Sheep:
 - a. Establish the Newberry, Rodman and Ord Hunt Zone in 362(a)
 - b. Reallocate the Kelso Peak/Old Dad Mountains to Cady Mountain Fund-Raising Tag in 362(b)
 - c. Modify the number of desert bighorn sheep tags in hunt zones in subsection by presenting a range which will be finalized prior to adoption of 362(d)
 - d. Make nonsubstantive editorial changes in 362(e)
2. Section 364 Elk:
 - a. Modify season dates for Fort Hunter Liggett Tule Elk Hunts in 364(e)(7)
 - b. Modify the number of elk tags in hunt zones in subsections 364(r) through (aa) by presenting a range which will be finalized prior to adoption
 - c. Make minor editorial changes for consistency and clarification in various subsections.
3. Section 364.1 SHARE Elk:
 - a. Modify the number of SHARE elk tags in hunt zones in subsections 364.1(i) through (l) by presenting a range which will be finalized prior to adoption
4. Section 708.6 Tag Countersigning and Transporting Requirements:
 - a. Add the term "full time firefighter" to the list of officials authorized to countersign deer and elk tags.

If you have any questions regarding this item, please contact Kari Lewis, Wildlife Branch Chief, at (916) 445-3789. The public notice for this rulemaking should identify Environmental Program Manager, Brad Burkholder as the Department's point of contact. He can be reached at (916) 445-1829 or via email at: Brad.Burkholder@wildlife.ca.gov.

Melissa Miller-Henson, Acting Executive Director
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Attachment

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

Amend Section 362
Title 14, California Code of Regulations
Re: Nelson Bighorn Sheep

I. Date of Initial Statement of Reasons: November 15, 2018

II. 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
- (c) Adoption Hearing: Date: April 17, 2019
 Location: Los Angeles

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

In accordance with management goals and objectives, and in order to maintain hunting quality, it is necessary to periodically consider tag quotas for hunting. Current regulations specify the number of bighorn sheep hunting tags for the 2018 season. This proposed regulatory action will amend subsection 362(d) providing the number of tags for bighorn sheep hunting in 2019.

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 recommendations for each zone will be identified and presented to the Fish and Game Commission and interested and affected parties prior to the adoption hearing, as soon as over-winter health of herds are assessed.

In order to maintain hunting quality, adjustments to the limited number of bighorn sheep tags, hunting zones, seasons, and conditions are necessary.

The specific recommended regulation changes are:

1) Number of Tags

Population estimates from recent surveys support an increase in tag quotas in several existing hunt zones. Final tag quotas for bighorn sheep cannot be determined until surveys are completed and all data are analyzed. Surveys

and analyses are scheduled for completion by Spring 2019. Final tag quotas will recommend a biologically appropriate harvest of bighorn sheep. Due to the timing of administrative procedures and requirements of the Fish and Game Code, the Department submits proposed regulatory changes to the Fish and Game Commission prior to completion of all surveys, necessitating a proposed range of tags. Monitoring continues and final tag quotas for each zone will be recommended in the Preadoption Statement of Reasons based upon findings from 2018-2019 fall/winter surveys.

2) Establishment of the Newberry, Rodman and Ord Hunt Zone

The proposed change adds this new bighorn sheep hunt zone in San Bernardino County. Bighorn sheep are widespread in San Bernardino County and the proposed change would increase the number of tags available and the geographic areas, or hunt zones, available for hunting.

Section 4902 of the Fish and Game Code authorizes the Commission to establish hunting regulations for mature Nelson bighorn rams in management units for which plans have been developed pursuant to Section 4901 of the Fish and Game Code. In an effort to expand biologically sound bighorn ram hunting opportunity consistent with the law, the proposed change creates one additional hunt zone consistent with Fish and Game Code Section 4902.

3) Reallocation of the Kelso Peak/Old Dad Mountains Fund-Raising Tag to the Cady Mountains Hunt Zone.

Existing regulations provide for allocation of a fund-raising tag in the Kelso Peak/Old Dad Mountains Hunt Zone. The Kelso Peak/Old Dad herd unit has experienced significant population decline following a recent outbreak of respiratory disease, and the Department continues to monitor the unit. The proposal would reallocate this tag to be valid in the Cady Mountains to maintain biologically sound hunting opportunities and continue to generate revenue.

This proposed regulatory action is consistent with providing fund-raising tags to generate revenue for bighorn sheep management projects. Fish and Game Code Section 4902 specifies that no more than 15 percent of the tags can be designated as fund-raising tags. In order to comply with Fish and Game Code Section 4902 and meet the objectives of the approved management plans for each unit, it is necessary to designate fund-raising tags for specific hunt zones.

4) Editorial Changes

Editorial changes are being made to update Department of Fish and Wildlife phone numbers.

(b) Goals and Benefits of the Regulation:

The goals and benefits of the regulations are to provide for the conservation and

maintenance of sufficient bighorn sheep populations to ensure their continued existence.

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.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 203, 265, 1050, and 4902, Fish and Game Code.

Reference: Sections 1050, 3950, and 4902, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change:

Bighorn Sheep Management Plan: Newberry, Rodman, Ord Mountains Management Unit

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

This proposal was discussed at the Wildlife Resources Committee Meeting on September 20, 2018 and a public scoping session will be held in November 2018.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No alternatives were considered.

(b) No Change Alternative:

1) Number or Tags

The no change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities while maintaining bighorn sheep populations within desired population objectives. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify desired percentage harvest levels. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

2) Establishment of the Newberry, Rodman, Ord Hunt Zone

The no-change alternative was considered and found inadequate to attain the program objective. Fish and Game Code Section 4902 provides for addition of

areas for hunting Nelson bighorn sheep. Nelson bighorn sheep hunting demand is high (11,440 applicants for 19 tags in June 2018), and this alternative would not increase hunting opportunity and would decrease revenue dedicated to bighorn sheep management.

- 3) Reallocation of the Kelso Peak/Old Dad Fund-Raising Tag to the Cady Mountains Hunt Zone.

The no-change alternative was considered and found inadequate, because it would continue to allocate a fund-raising tag in the Kelso Peak/Old Dad Hunt Zone, where current monitoring suggests population decline, and hunting is currently not supported. The no-change alternative would unnecessarily restrict revenue dedicated to the management and enhancement of bighorn sheep and their habitats.

- 4) Editorial Changes

The no-change alternative for the proposed administrative changes was considered and rejected. This alternative would result in regulations which would not reflect the necessary changes.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment and therefore would not require mitigation measures.

VI. 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 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. The proposed regulations adjust tag quotas for existing hunts and establish a new hunt zone to provide additional public recreational opportunity and could result in minor increases in hunting days and hunter spending on equipment, fuel, food, and accommodations. Given that the proposed regulation may introduce, at the most, a small increase in the overall number of tags available and the area over which they are distributed, the proposed regulations are anticipated to be economically neutral to slightly beneficial for 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:

The Commission anticipates no to minor positive impact 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 because hunting is an outdoor activity that can provide exercise, a greater awareness of the connections between wildlife and habitat, and fresh game to eat. The proposed regulation will not affect worker safety. The Commission anticipates benefits to the state's environment through the maintenance of sufficient populations of bighorn sheep to ensure their continued existence.

(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 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, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

No impacts to minor positive impacts on the creation of jobs within businesses that provide services to bighorn sheep hunters may result from the adoption of the proposed bighorn sheep hunting regulations for the 2019-20 season.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in

regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed variations in bighorn sheep tag quotas are, by themselves, unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulations is to sustainably manage bighorn sheep populations, and consequently, the long-term viability of various businesses that serve recreational bighorn sheep hunters.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulation will not affect worker safety.

(f) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of bighorn sheep to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based bighorn sheep seasons and tag quotas provides for the maintenance of sufficient bighorn sheep populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund wildlife conservation.

(g) Other Benefits of the Regulation:

Hunting seasons provide incentives for private landowners to maintain habitat for desert bighorn sheep and other desert dependent species.

Informative Digest/Policy Statement Overview

The current regulation in Section 362, Title 14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags available for the 2019 season based on bighorn sheep spring population surveys[conducted by the Department.

Final tag quota determinations will be made pending completion of all surveys and data analyses.

HUNT ZONE	NUMBER OF TAGS [proposed range]
Zone 1 - Marble Mountains	[0-5]
Zone 2 - Kelso Peak/Old Dad Mountains	[0-4]
Zone 3 - Clark/Kingston Mountain Ranges	[0-4]
Zone 4 - Orocopia Mountains	[0-2]
Zone 5 - San Gorgonio Wilderness	[0-3]
Zone 6 - Sheep Hole Mountains	[0-2]
Zone 7 - White Mountains	[0-6]
Zone 8 - South Bristol Mountains	[0-3]
Zone 9 – Cady Mountains	[0-4]
Zone 10 – Newberry, Rodman, Ord Mountains (New)	[0-6]
Open Zone Fund-Raising Tag	[0-1]
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	[0-1]
Cady Mountains Fund-Raising Tag (New)	[0-1]
TOTAL	[0-42]

Other Amendments:

- Establishment of the Newberry, Rodman and Ord Hunt Zone: The proposed change adds this new bighorn sheep hunt zone in San Bernardino County.
- Reallocation of the Kelso Peak/Old Dad Mountains Fund-Raising to the Cady Mountains: The Kelso Peak/Old Dad herd unit has experienced significant population decline following a recent

outbreak of respiratory disease. The proposal would reallocate this fund-raising tag to be valid in the Cady Mountains Hunt Zone.

- Amend the contact telephone number that is no longer in use for the program. The proposed Editorial Change provides a current contact phone number.

Benefits of the regulations

The benefits of the proposed regulations are consistency with statute and the sustainable management of the State's wildlife resources.

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 Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate wildlife hunting regulations.

Proposed Regulatory Language

Section 362, Title 14, CCR, is amended to read:

§362. Nelson Bighorn Sheep

(a) Areas:

. . . [No changes to subsections (a)(1) through (9)]

(10) Zone 10 – Newberry, Rodman and Ord Mountains: That portion of San Bernardino County beginning at the junction with Interstate Highway 40 and Fort Cady Road; West on Interstate Highway 40 to the junction with Barstow Road; South on Barstow Road to the junction with Northside Road; East on Northside Road to the intersection of Camp Rock Road; North on Camp Rock Road to the intersection with Powerline Road; East on Powerline Road and continue on Transmission Line Road to the intersection with Bessemer Mine Road/Canyon Route; North on Bessemer Mine Road/Canyon Route to the intersection with Troy Road; West on Troy Road to the intersection with Fort Cady Road; North on Fort Cady Road to the Junction with Interstate 40 to the point of the beginning.

(b) Seasons:

. . . [No changes to subsections (b)(1) through (2)]

~~(3) Kelso Peak and Old Dad Mountains~~ Cady Mountains Fund-raising Tag: The holder of the fund-raising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

~~(A) Zone 2:~~ Zone 9: Beginning the first Saturday in November and extending through the first Sunday in February.

(4) Except as provided in subsection 362(b)(1), the Nelson bighorn sheep season in the areas described in subsection 362(a) shall be defined as follows:

~~(A) Zones 1 through 4, 6, 8 and 9:~~ Zones 1, 2, 3, 4, 6, 8, 9, and 10: The first Saturday in December and extend through the first Sunday in February.

(B) Zone 5: The third Saturday in December and extend through the third Sunday in February.

(C) Zone 7: Beginning the third Saturday in August and extending through the last Sunday in September.

(5) Except as specifically provided in section 362, the take of bighorn sheep is prohibited.

. . . [No changes to subsection (c)]

d) Number of License Tags:

	<i>Tag Allocation</i>
<i>Nelson Bighorn Sheep Hunt Zones</i>	
Zone 1 - Marble/Clipper Mountains	-4[0-5]
Zone 2 - Kelso Peak/Old Dad Mountains	0
Zone 3 - Clark/Kingston Mountain Ranges	-2[0-4]
Zone 4 - Orocopia Mountains	-1[0-2]
Zone 5 - San Gorgonio Wilderness	-2[0-3]
Zone 6 - Sheep Hole Mountains	-0[0-2]
Zone 7 - White Mountains	-3[0-6]
Zone 8 - South Bristol Mountains	-1[0-3]
Zone 9 - Cady Mountains	-4[0-4]
<u>Zone 10 – Newberry, Rodman, Ord Mountains</u>	[0-6]
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Kelso Peak/Old Dad Mountains <u>Cady Mountains</u> Fund-Raising Tag	-0_1
Total:	-19[0-42]

(e) Conditions:

. . . [No changes to subsections (e)(1) through (3)]

(4) Successful general tagholders shall present the head and edible portion of the carcass of a bighorn ram to the department's checking station within 48 hours after killing the animal. All successful tagholders shall notify the department's Bishop office by telephone at (760) 872-1171 or ~~(760) 413-9596~~ (760) 872-1346 within 24 hours of killing the animal and arrange for the head and carcass to be examined.

. . . [No changes to subsections (e)(5) through (6)]

Note: Authority cited: Sections 200, 203, 265, 1050 and 4902, Fish and Game Code.
Reference: Sections 1050, 3950 and 4902, Fish and Game Code.

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

Amend Section 364
Title 14, California Code of Regulations
Re: Elk

I. Date of Initial Statement of Reasons: November 15, 2018

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 13, 2018
 Location: Oceanside, CA

(b) Discussion Hearings: Date: February 6, 2019
 Location: Sacramento, CA

(c) Adoption Hearing: Date: April 17, 2019
 Location: Los Angeles, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing elk regulations. Section 364 provides definitions, hunting zone descriptions, season opening and closing dates, and tag quotas for elk.

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

The specific recommended regulation changes are:

1) Number of Tags:

Proposed amendments to Section 364 will establish new tag quotas to adjust for periodic fluctuations in elk population numbers. Proposed tag quotas are presented as ranges shown in brackets, e.g. [0-4], in the tables of the amended Regulatory Text (subsections 364 (r) through (aa)) attached to this Initial Statement of Reasons. The ranges allow the final number of tags to be determined based on analysis of survey and harvest data from the 2018-19 hunt season. These results are anticipated in the spring of 2019 and will support the Department's recommendation for the number of tags to be allocated to each hunt prior to the Commission's adoption hearing in April 2019, following the over-winter herd analysis.

The proposed ranges of elk tags for 2019 are presented in the Proposed Regulatory Text of Section 364.

- 2) Amend and correct the Special Condition in subsection (d)(13)(B)3. alerting hunters to the current Colusa County variance which permits the use of muzzleloaders.
- 3) Modify Season Dates on Fort Hunter Liggett

Due to military use constraints at Fort Hunter Liggett, hunt dates are annually subject to change, and may be adjusted or cancelled by the base commander. There are a number of changes to the hunt openers on the Fort Hunter Liggett Military Base. The changes to the 2019 season openers will be:

(v) Department Administered Apprentice Hunts

(7)(A)5. General Method Apprentice: Shall open on the third Saturday in December and continue for 12 consecutive days.

(w) Department Administered Archery Only Hunts

(6)(A)5. Archery Only Either Sex: Shall open on the last Saturday in July and continue for 9 consecutive days.

(6)(B)5. Archery Only Antlerless: Shall open on the second Saturday in November and continue for 9 consecutive days.

(x) Department Administered Muzzleloader Only Tule Elk Hunts

(4)(A)5. Muzzleloader Only: Shall open on the fourth Saturday in November and continue for 12 consecutive days.

(aa) Military Only Tule Elk Hunts

(2)(A)5. General Method Apprentice: Shall open on the third Saturday in December and continue for 12 consecutive days.

(3)(A)5 Archery Only Either Sex: Shall open on the last Saturday in July and continue for 9 consecutive days.

(3)(B)5. Archery Only Antlerless: Shall open on the third Saturday in November and continue for 9 consecutive days.

(4)(A)5. Muzzleloader Only: Shall open on the third Saturday in November and continue for 9 consecutive days.

- 4) A minor editorial change is necessary to correct the name of the Department of Fish and Wildlife.

b) Goals and Benefits of the Regulations:

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 periodically modifying the number of tags. The final number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates where appropriate.

(c) Authority and Reference:

Note: Authority cited: Sections 200, 203, 203.1, 265, 332 and 1050, Fish and Game Code. Reference: Sections 332, 1050, 1570, 1571, 1572, 1573 and 1574, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: None

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

This proposal was discussed at the Wildlife Resources Committee Meeting on September 20, 2018 and a public scoping session will be held in November 2018.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No other 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 condition.

(c) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

This proposed action adjusts tag quotas and modifies season dates in an effort to meet management goals and provide hunting opportunities for the public. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen 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. Considering the relatively small number of tags issued over the entire state, this proposal is 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:

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 proposed action will not provide benefits to worker safety. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

- (c) Cost Impacts on Representative Private Persons 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 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: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action would not constitute a significant change from the 2018 elk season. The

number of tags to be set in regulation for 2019 is intended to achieve or maintain the levels set forth in the approved management plans and environmental documents to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

No impact to minor positive impacts on the creation of jobs within businesses that provide services to elk hunters may result from the adoption of the proposed elk hunting regulations for the 2019-20 season.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed minor variations in elk tag quotas are, by themselves, unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulations is to sustainably manage elk populations, and consequently, the long-term viability of various businesses that serve recreational elk hunters.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulation will not affect worker safety.

(f) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy

include, but are not limited to, the maintenance of sufficient populations of elk to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based elk seasons and tag quotas provides for the maintenance of sufficient elk populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund wildlife conservation.

(g) Other Benefits of the Regulations:

Hunting seasons provide incentives for private landowners to maintain habitats that benefit elk and other forest and upland dependent species.

DRAFT

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 364, Title 14, CCR, provide definitions, hunting zone descriptions, season dates, and elk license tag quotas. 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 the 2019 tag quotas, season dates, and tag distribution within each hunt adjusting for annual fluctuations in populations.

Proposed Amendments: The proposed ranges of elk tags for 2019 are presented in the Proposed Regulatory Text of Section 364.

1. Subsections 364(r) through (aa) specify elk license tag quotas for each hunt in accordance with management goals and objectives.
2. Amend and correct the Special Condition in subsection (d)(13)(B)3. East Park Reservoir General Methods Tule Elk Hunt, alerting hunters to the current Colusa County variance which permits the use of muzzleloaders.
3. Modify Season Dates. Due to military use constraints at Fort Hunter Liggett, hunt dates are annually subject to change and may be adjusted or cancelled by the base commander.

Benefits of the regulations

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 periodically modifying the number of tags. The final number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates 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 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.

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REGULATORY TEXT

Section 364 is amended to read as follows:

§364. Elk Hunts, Seasons, and Number of Tags.

. . . [No changes subsections (a) through (d)(10)]

(11) Grizzly Island General Methods Tule Elk Hunt:

(A) Area: Those lands owned and managed by the Department of Fish and ~~Game~~ Wildlife as the Grizzly Island Wildlife Area.

(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

. . . [No changes subsection (d)(12)]

(13) East Park Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Glenn and Colusa counties within a line beginning in Glenn County at the junction of Interstate Highway 5 and Highway 162 at Willows; west along Highway 162 (Highway 162 becomes Alder Springs Road) to the Glenn-Mendocino County line; south along the Glenn-Mendocino County line to the Glenn-Lake County line; east and then south along the Glenn-Lake County line to the Colusa-Lake County line; west, and then southeast along the Colusa-Lake County line to Goat Mountain Road; north and east along Goat Mountain Road to the Lodoga-Stonyford Road; east along the Lodoga-Stonyford Road to the Sites-Lodoga Road at Lodoga; east along the Sites-Lodoga Road to the Maxwell-Sites Road at Sites; east along the Maxwell-Sites Road to Interstate Highway 5 at Maxwell; north along Interstate Highway 5 to the point of beginning.

(B) Special Conditions:

1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

2. Access to private land may be restricted or require payment of an access fee.

3. A Colusa County ordinance prohibits firearms on land administered by the USDI Bureau of Reclamation in the vicinity of East Park Reservoir. ~~A variance has been requested to allow~~ A county variance currently allows for the use of muzzleloaders (as defined in Section 353) on Bureau of Reclamation land within the hunt zone, hunters are responsible for checking with county authorities for any change in the variance.

. . . [No changes subsections (d)(14) through (q)]

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(r) Department Administered General Methods Roosevelt Elk Hunts					
(1)(A)	Siskiyou	20 [0-38]	20 [0-42]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	45 [0-28]	0 [0-34]	3 [0-3]	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	35 [0-70]	40 [0-30]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(s) Department Administered General Methods Rocky Mountain Elk Hunts					
(1)(A)	Northeastern California Bull	45 [0-30]			
		The bull season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	Northeastern California Antlerless		40 [0-10]		
		The antlerless season shall open on the second Wednesday in November and continue for 12 consecutive days.			
(t) Department Administered General Methods Roosevelt/Tule Elk Hunts					
(1)(A)	Mendocino	2 [0-4]	0 [0-4]		
		The season shall open on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days.			
(u) Department Administered General Methods Tule Elk Hunts					
(1)(A)	Cache Creek Bull	2 [0-4]			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			

(B)	Antlerless		2 [0-4]		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			
(2)(A)	La Panza Period 1	6 [0-12]	5 [0-10]		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	Period 2	6 [0-12]	6 [0-12]		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	Bishop Period 3	0 [0-10]	0 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	Period 4	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	Independence Period 2	4 [0-10]	4 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	4 [0-10]	4 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0 [0-10]	4 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(5)(A)	Lone Pine Period 2	4 [0-10]	4 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	4 [0-10]	4 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			

(C)	Period 4	<u>[0-10]</u>	4 <u>[0-30]</u>		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(6)(A)	Tinemaha Period 2	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(7)(A)	West Tinemaha Period 1	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	\emptyset <u>[0-10]</u>	\emptyset <u>[0-30]</u>		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(8)(A)	Tinemaha Mountain Period 1	\emptyset <u>[0-8]</u>			
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

(B)	Period 2	θ [0-8]			
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	θ [0-8]			
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	θ [0-8]			
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	θ [0-8]			
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(9)(A)	Whitney Period 2	θ [0-4]	4 [0-10]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	θ [0-4]	θ [0-10]		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(C)	Period 4	θ [0-4]	θ [0-10]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	θ [0-4]	θ [0-10]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10)(A)	Goodale Period 1	θ [0-10]	θ [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	θ [0-10]	4 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	θ [0-10]	4 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	θ [0-10]	θ [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			

(E)	Period 5	\emptyset [0-10]	\emptyset [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(11)(A)	Grizzly Island Period 1	\emptyset [0-3]	\emptyset [0-12]		\emptyset [0-6]
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	Period 2	\emptyset [0-3]	2 [0-12]		4 [0-6]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3	\emptyset [0-3]	\emptyset [0-12]		\emptyset [0-6]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	Period 4	\emptyset [0-3]	4 [0-12]		2 [0-6]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(E)	Period 5	\emptyset [0-3]	8 [0-12]		\emptyset [0-6]
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	Period 6	\emptyset [0-3]	\emptyset [0-12]		\emptyset [0-6]
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	Period 7	\emptyset [0-3]	8 [0-12]		\emptyset [0-6]
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	Period 8	\emptyset [0-3]	\emptyset [0-12]		6 [0-6]
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	Period 9	\emptyset [0-3]	8 [0-12]		\emptyset [0-6]
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			
(J)	Period 10	3 [0-3]	\emptyset [0-12]		\emptyset [0-6]
		Shall open on the first Thursday following the opening of period nine and continue for 4 consecutive days.			
(K)	Period 11	\emptyset [0-3]	8 [0-12]		\emptyset [0-6]
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			

(L)	Period 12	3 [0-3]	[0-12]		0 [0-6]
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	Period 13	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period twelve and continue for 4 consecutive days.			
(12)(A)	Fort Hunter Liggett General Public Period 1	0	0 [0-16]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	Period 2	0	0 [0-16]		
		Shall open November 22 and continue for 9 consecutive days.			
(C)	Period 3	0 [0-14]	0		
		Shall open on the third Saturday in December and continue for 46 12 consecutive days.			
(13)(A)	East Park Reservoir	2 [0-4]	2 [0-8]		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(14)(A)	San Luis Reservoir	0 [0-10]	0 [0-10]	5 [0-10]	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(15)(A)	Bear Valley	2 [0-4]	4 [0-2]		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1		4 [0-4]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	2 [0-4]			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(16)(A) (17)(A)	Santa Clara	0 [0-4]	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(17)(A) (18)(A)	Alameda	0 [0-4]	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			

(v) Department Administered Apprentice Hunts					
(1)(A)	Marble Mountain General Methods Roosevelt Elk Apprentice			2 [0-4]	
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northeast California General Methods Rocky Mountain Elk Apprentice			2 [0-4]	
		Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(3)(A)	Cache Creek General Methods Tule Elk Apprentice	4 [0-2]	0 [0-2]		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza General Methods Tule Elk Apprentice	0 [0-2]	4 [0-2]		
		Shall open on the second Saturday in October and extend for 23 consecutive days.			
(5)(A)	Bishop General Methods Tule Elk Apprentice Period 2	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(6)(A)	Grizzly Island General Methods Tule Elk Apprentice Period 1		3 [0-4]		0 [0-4]
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0 [0-4]		2 [0-4]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		3 [0-4]		0 [0-4]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			
(D)	Period 4		0 [0-4]		2 [0-4]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(7)(A)	Fort Hunter Liggett General Public General Methods Apprentice	0 [0-2]	0 [0-8]		
		Shall open on the third Saturday in December and continue for 46 <u>12</u> consecutive days.			

(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast California Archery Only	0	0	40 [0-20]	
		Shall open on the Wednesday preceding the first Saturday in September and continue for 12 consecutive days.			
(2)(A)	Owens Valley Multiple Zone Archery Only	3 [0-10]	0 [0-5]		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Lone Pine Archery Only Period 1	0 [0-10]	4 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Tinemaha Archery Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A)	Whitney Archery Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(6)(A)	Fort Hunter Liggett General Public Archery Only Either Sex			3 [0-10]	
		Shall open on the last Wednesday <u>Saturday</u> in July and continue for 9 consecutive days.			
(B)	Fort Hunter Liggett General Public Archery Only Antlerless		-4[0-10]		
		Shall open on the Tuesday preceding the fourth Thursday <u>Second Saturday</u> in November and continue for 9 consecutive days.			
(x) Department Administered Muzzleloader Only Tule Elk Hunts					
(1)(A)	Bishop Muzzleloader Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(2)(A)	Independence Muzzleloader Only Period 1	4 [0-10]	0 [0-10]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	Goodale Muzzleloader Only Period 1	0 [0-10]	4 [0-10]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

(4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	4 [0-10]	0 [0-10]		
		Shall open on the third <u>fourth</u> Saturday in December <u>November</u> and continue for 17 <u>9</u> consecutive days.			
(y) Department Administered Muzzleloader/Archery Only Hunts					
(1)(A)	Marble Mountain Muzzleloader/Archery Roosevelt Elk			5 [0-20]	
		Shall open on the last Saturday in October and extend or 9 consecutive days.			
(z) Fund Raising Elk Tags					
(1)(A)	Multi-zone Fund Raising Tags	1			
		Siskiyou and Marble Mountains Roosevelt Elk Season shall open on the Wednesday preceding the first Saturday in September and continue for 19 consecutive days. Northwestern Roosevelt Elk Season shall open on the last Wednesday in August and continue for 30 consecutive days. Northeastern Rocky Mountain Elk Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days. La Panza Tule Elk Season shall open on the first Saturday in October and extend for 65 consecutive days.			
(2)(A)	Grizzly Island Fund Raising Tags	1			
		Shall open on the first Saturday in August and continue for 30 consecutive days.			
(3)(A)	Owens Valley Fund Raising Tags	1			
		Shall open on the last Saturday in July and extend for 30 consecutive days.			
(aa) Military Only Tule Elk Hunts					
(1)(A)	Fort Hunter Liggett Military Only General Methods Early Season	0 [0-2]	0 [0-2]		
		The early season shall open on the second Monday in August and continue for 5 consecutive days and reopen on the fourth Monday in August and continue for 5 consecutive days.			

(B)	Period 1		0 [0-16]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		0 [0-14]		
		Shall open November 22 and continue for 9 consecutive days.			
(D)	Period 3	0 [0-14]			
		Shall open on the third Saturday in December and continue for 16 12 consecutive days			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	0 [0-2]	0 [0-8]		
		Shall open on the third Saturday in December and continue for 16 12 consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either sex			3 [0-6]	
		Shall open on the last Wednesday Saturday in July and continue for 9 consecutive days.			
(B)	Antlerless		4 [0-10]		
		Shall open on the last Wednesday in September and continue for 9 consecutive days. Shall open on the Second Saturday in November and continue for 9 consecutive days.			
(4)(A)	Fort Hunter Liggett Military Only Muzzleloader Only	4 [0-6]			
		Shall open on the third Saturday in December November and continue for 17 9 consecutive days.			

Note: Authority cited: Sections 200, 203, 203.1, 265, 332 and 1050, Fish and Game Code. Reference: Sections 332, 1050, 1570, 1571, 1572, 1573 and 1574, Fish and Game Code.

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

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

I. Date of Initial Statement of Reasons: November 15, 2018

II. 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) Adoption Hearing:	Date:	April 17, 2019
	Location:	Los Angeles, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing elk regulations. Section 364.1 identifies hunting zones, season opening and closing dates, and tag quotas for SHARE Elk Hunts.

In order to maintain appropriate harvest levels and hunting quality it is necessary to periodically adjust tag quotas (total number of hunting tags to be made available) in response to dynamic environmental and biological conditions. Current regulations in Section 364.1 specify elk license tag quotas for each hunt zone in accordance with management goals and objectives.

1. Number of Tags

Proposed amendments to Section 364.1 will establish new tag quotas to adjust for periodic fluctuations in elk populations. The proposed tag quotas are presented within ranges shown in brackets, e.g. [0-4], in the tables of the amended Regulatory Text (subsections 364.1(i) through (j)) attached to this Initial Statement of Reasons. The ranges allow the final number of tags to be determined based on the analysis of survey and harvest data from the 2018-19 hunt season. These results are anticipated in the spring of 2019 and a final analysis will support the Department's recommendation for the number of tags to

be allocated to each hunt prior to the Commission's adoption hearing in April 2019.

The Shared Habitat Alliance for Recreational Enhancement (SHARE) Program private property elk hunts correspond with elk hunt zones identified in Section 364. These regulations authorize SHARE elk hunts with separate seasons and tag quotas. The SHARE program will issue tags under the Department's existing tag distribution procedures.

The proposed ranges for elk tags for 2019 are presented in the proposed Regulatory Text of Section 364.1.

(b) Goals and Benefits of the Regulations:

The proposed regulations will contribute to the sustainable management of elk populations and 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.

(c) Authority and Reference:

Authority: Sections 332 and 1050, Fish and Game Code.

Reference: Sections 332, 1050 and 1574, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: None

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

This proposal was discussed at the Wildlife Resources Committee Meeting on September 20, 2018 and a public scoping session will be held in November 2018.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

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) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

This proposed action adjusts tag quotas in an effort to meet management goals and provide hunting opportunities for the public. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen 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 proposed action will not provide benefits to worker safety. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

- (c) Cost Impacts on Representative Private Persons 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: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action would not constitute a significant change from the 2018 elk season. The number of tags to be set in regulation for 2019 is intended to achieve or maintain the levels set forth in the approved management plans and environmental documents to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Little to minor positive impacts on the creation of jobs within businesses that provide services to elk hunters may result from the adoption of the proposed SHARE elk hunting regulations for the 2019-20 season.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed SHARE elk tag quotas are, by themselves, unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulations is to sustainably manage elk populations, and consequently, the long-term viability of various businesses that serve recreational elk hunters.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulation will not affect worker safety.

(f) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of elk to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based elk seasons and tag quotas provides for the maintenance of sufficient elk populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund wildlife conservation.

(g) Other Benefits of the Regulations:

The SHARE Program provides incentives to private land owners to allow public access.

DRAFT

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 relieve depredation damage to landowners in California. The final number of tags 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 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.

DRAFT

REGULATORY TEXT

Section 364.1 is amended to read:

§ 364.1. Department Administered Shared Habitat Alliance for Recreational Enhancement (SHARE) Elk Hunts

. . . [No changes subsections (a) through (h)]

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	2 [0-10]	2 [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	7 [0-18]	13 [0-32]	0 [0-5]	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0 [0-10]	0 [0-15]		
		(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 [0-10]	0 [0-10]		
		(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 [0-4]	4 [0-4]		
		(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	4 [0-2]	4 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			

(2)	La Panza	5 [0-10]	40 [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			
(3)	Bishop	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).			
(4)	Independence	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0 [0-2]			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
(10)	Goodale	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).			
(11)	Grizzly Island	0 [0-2]	0 [0-10]		0 [0-10]
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A).			
(12)	Fort Hunter Liggett	0 [0-4]	0 [0-4]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(A).			
(13)	East Park Reservoir	4 [0-6]	4 [0-6]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(A).			

(14)	San Luis Reservoir	2 [0-5]	3 [0-5]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(A).			
(15)	Bear Valley	4 [0-2]	4 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).			
(16)	Lake Pillsbury	0 [0-4]	0 [0-4]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			
(17)	Santa Clara	0 [0-2]			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	0 [0-2]			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(A).			

Note: Authority cited: Sections 332 and 1050, Fish and Game Code.

Reference: Sections 332, 1050 and 1574, Fish and Game Code.

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

Amend Section 708.6
Title 14, California Code of Regulations
Re: Tag Countersigning and Transporting Requirements

I. Date of Initial Statement of Reasons: November 15, 2018

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing: | Date: | December 13, 2018 |
| | Location: | Oceanside |
| (b) Discussion Hearing: | Date: | February 6, 2019 |
| | Location: | Sacramento |
| (c) Adoption Hearing: | Date: | April 17, 2019 |
| | Location: | Los Angeles |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Critical to the management of California's game populations is the countersigning of deer and elk tags indicating that the animal has been legally taken and transported from the hunting area. Countersigning is done by an authorized person who physically signs their name to the tag attached to the deer or elk carcass. In subsection 708.6(c) it is necessary to clarify for the public and law enforcement that "firefighters employed on a full-time basis" are authorized to countersign, in addition to the other authorized persons listed in 708.6. Part time, volunteer, or other fire station personnel are not included and cannot countersign the tag.

The terms "validate" and "countersign" are currently used interchangeably throughout this section. Countersigning deer and elk tags involves having a designated person physically sign their name to the actual tag attached to the deer or elk carcass. The statute in 4341 FGC specifies that:

"Any person legally killing a deer in this state shall have the tag countersigned by ... a person designated for this purpose".

Section 708.11, Title 14, CCR, specifies that

"... Elk tags shall be countersigned before transporting such elk, except for the purpose of taking it to the nearest person authorized to countersign the license tag...."

Deer and Elk License Tags also specify, respectively, that

“Hunter must have tag countersigned” and “Elk tags must be countersigned”

For this reason, the proposed amendments clarify that “countersign (-ed, -ing, etc.)” is the required action, and removes text references to “validate (-ed, -tion, etc.)”. Other minor edits and renumbering are also proposed.

Deer and elk hunting is a highly regulated activity by both statute and regulation. It serves the public to have control over the number of game tags authorized for hunters in certain zones and, once game are taken by hunters, to have them properly accounted for. The first tool wildlife managers use to account for game harvest is the countersign requirement per subsection 708.6(b). Wildlife officers who frequently conduct poaching investigations and need to differentiate between a poached and legally taken deer or elk will check for the proper use of tags. Poached game is rarely properly tagged and countersigned, so it can be an excellent piece of evidence during a poaching investigation. If the tag is countersigned by an authorized person, it can also be a vital piece of evidence in an investigation because there is a named potential witness to the poaching event.

The data collected by hunters and submitted via mandatory reporting, including having those tags, is critical to managing deer and elk populations year-to-year and contributes to the continued availability of deer and elk hunting opportunities.

The Department recognizes the challenge for a person who returns from a successful hunting trip and needs the tag countersigned and must take the game to the nearest person authorized to countersign the license tag on the route followed from the point where the game was taken. Section 708.6 provides a list of persons authorized to validate deer and elk tags. Those classifications of employees of various governmental and non-governmental employers presumes some form of accountability since the authorization is granted as a condition of their employment. There is a presumption that the employees will exercise that authority in accordance with regulation.

Under existing regulation, a certain classification of firefighter is authorized to countersign tags. Section 708.6(c)(1)(C)1. describes them as “County Firemen at and above the class of foreman”. Outside of Department of Fish and Wildlife employees and offices, fire stations are the most commonly known places for hunters to have game tags countersigned. For that reason, all California Department of Forestry and Fire Protection (CALFIRE) employees, regardless of rank or job duties, are authorized to validate tags.

Since this regulation was adopted (2011) there has been a long standing assumption by the public that all firefighters can countersign game tags regardless of rank, or whether they work for a county, city, or district. Unfortunately, current regulation does not authorize non-county firefighters to validate tags.

Proposed Amendments to Regulation

- Subsections (a), and (c). The proposed amendments clarify that the authorized persons “countersign” as the required action. Reference to “validation” of the tags is removed. While the terms have been used interchangeably, the Fish and Game Code 4341 (deer) and Section 708.11, Title 14, CCR, (elk) and the license tags themselves all require that the tag be “countersigned”.
- Subsection (b) is deleted and rewritten as (d).
- Subsection (c) is deleted since it is repetitive of the next subsection (c)(1).
- Subsection (c)(1) is renumbered (c).
- Subsections (c)(1)(A), (B), and (C) are renumbered (c)(1), (2), and (3), with minor editorial changes. In (c)(3) the department acronym CALFIRE is added for clarity.
- Subsections (c)(1)(a)4. and 5. the outdated state job titles of Plant Quarantine Inspectors are deleted and replaced with (c)(1)(D) and the current job titles.
- Subsection (c)(1)(C)1. is deleted and changed to (c)(3)(A) adding “Firefighters employed on a full-time basis, only when the deer or elk carcass is brought to their fire station.”
- Subsection (d) is added.
- Authority and Reference. Deletes repealed or unnecessary sections, the remaining sections are more closely related to FGC authority; and making specific those provisions related to the subject of regulating deer and elk tags.

Department Recommendation

The Department believes it is reasonable to expand the category of firefighter that can countersign game tags by amending the subsection to describe them as “firefighters employed on a full-time basis”. Describing them as firefighters updates the outdated use of the term “firemen” and expands the classification of ranks to include all firefighters employed on a full-time basis. It continues to exclude volunteer firefighters who may not have the same level of accountability as full-time firefighters which is consistent with current regulation. It maintains existing regulatory requirements that the authority be granted only to deer and elk brought to a fire station.

Wildlife managers and law enforcement officers from the Department believe expanding the authority to countersign tags to include all firefighters will make it easier for the public to follow the law and increase the number of reliable witnesses in the event of an investigation of poaching.

(b) Goals and Benefits of the Regulation:

Wildlife managers and law enforcement officers from the Department believe expanding the authority to countersign tags to include all firefighters will make it easier for the public to follow the law and increase the number of reliable witnesses in the event of an investigation of poaching.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Note: Authority cited: Sections 200, 203, 332, and 4331, Fish and Game Code.

Reference: Sections 332, 4302, 4330, 4333, 4336, 4340, and 4341, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

A regulation change petition was submitted to the California Fish and Game Commission in October of 2016 – labeled 2016-028. The author of the petition, Sean Campbell, a firefighter who had been countersigning tags for 30 years, stopped providing this public service because there was confusion over the term “foreman”. Members of his fire department wanted to stay in strict compliance with the regulation and the petition was submitted to the Commission requesting clarification.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

The regulation change proposal was reviewed by the Wildlife Resources Committee on September 20, 2018 and garnered no public opposition.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change: None.

(b) No Change Alternative:

The regulation would remain the same authorizing county firemen to countersign but excluding other firefighters, which has caused problems with the public who assume their local fire department can perform this task.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no adverse impact on the environment; therefore, no mitigation measures are needed.

VI. 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 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. The proposed action expands the list of authorized firefighters able to perform a service for the public.

- (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 proposed regulation will not result in the creation or elimination of jobs within the state, cause the creation of new businesses or the elimination of existing businesses or result in the expansion of businesses in California, because it only expands the list of authorized firefighters able to perform a service for the public.

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, these provisions provide other opportunities for the public to comply with the regulation of hunting.

- (c) Cost Impacts on Representative Private Persons/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:

The proposed action will have no statewide economic or fiscal impact because the proposed action would implement a Departmental administrative process to increase efficiency that will only affect the work tasks of Department and Commission staff.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies: No nondiscretionary costs are passed on to local agencies (city, district, or county fire departments) since the authorized action of countersigning the deer or elk tag is entirely discretionary to the local firefighter and department. No costs have been associated with the occasional public request to have a tag countersigned by the listed public officials.
- (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.

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action would implement a Departmental administrative process to increase efficiency that will only affect the work tasks of Department and Commission staff. The proposed alternative process to set big game tag quotas would reduce the annual regulatory workload, and permit both the Commission and the Department to devote staff resources to achieve other core missions.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because the proposed action does not change the level of hunting activity in California.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not promote the creation of new businesses or the elimination of businesses within the State because the proposed action does not change the level of hunting activity in California.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State:

The regulation will not affect the expansion of businesses currently doing business in the State because the proposed action does not change the level of hunting activity in California.

- (d) Benefits of the regulation to the health and welfare of California residents:

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.

- (e) Benefits of the regulation to worker safety:

The proposed regulation would not affect worker safety.

- (f) Benefits of the regulation to the State's environment:

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources, these provisions provide other opportunities for the public to comply with the regulation of hunting.

DRAFT

Informative Digest/Policy Statement Overview

Critical to the management of California's game populations is the countersigning requirement of deer and elk tags by an authorized person who physically signs their name to the tag attached to the deer or elk carcass. In subsection 708.6(c), Title 14, CCR, Deer and Elk Tags, Persons Authorized to Validate, it is necessary to clarify for the public and law enforcement that "firefighters employed on a full-time basis" are authorized to countersign, an addition to the other authorized persons found in 708.6(c). Part time, volunteer, or other fire station personnel are not included and cannot sign the tag. The added text maintains the existing regulatory requirement that the countersigning may be done only for deer and elk brought to a fire station.

Wildlife managers and law enforcement officers from the Department believe expanding the authority to countersign tags to include all firefighters will make it easier for the public to follow the law and increase the number of reliable witnesses in the event of an investigation of poaching.

The amendment also clarifies that the authorized persons "countersign" as the required action; corrects outdated state job titles of Plant Quarantine Inspector; clarifies that the provisions apply both to deer and elk tags; and other minor editorial changes.

Non-monetary Benefits to the Public

The Commission anticipates benefits to the health and welfare of California residents through the sustainable management of mammal populations. The Commission does not anticipate non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources, these provisions provide other opportunities for the public to comply with the regulation of hunting.

Consistency and Compatibility with Existing Regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 708.6 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

Proposed Regulatory Language

Section 708.6 is amended to read:

§ 708.6. Tag Validation, Countersigning and Transporting Requirements.

(a) Any person legally killing a deer in this state shall have the deer license tag ~~validated and countersigned~~ by a person authorized by the commission as described ~~below in subsection (c)~~ before transporting such deer, except for the purpose of taking the deer to the nearest person authorized to countersign the license tag, on the route being followed from the point where the deer was taken (refer to Fish and Game Code, Section 4341).

~~(b) No person may validate or countersign his/her own deer tag or tag.~~

(b) Any person legally killing an elk in this state shall have the elk license tag countersigned by a person authorized by the commission as described in subsection (c) before transporting such elk, except for the purpose of taking the elk to the nearest person authorized to countersign the license tag, on the route being followed from the point where the elk was taken.

~~(c) Deer and Elk Tags, Persons Authorized to Validate Countersign.~~

~~(1) (c)~~ The following persons are authorized to ~~validate or countersign~~ deer and elk tags:

~~(A) (1)~~ State:

~~1. (A)~~ Fish and Game Commissioners

~~2. (B)~~ Employees of the Department of Fish and Game Wildlife, including Certified Hunter Education Instructors

~~3. (C)~~ Employees of the California Department of Forestry and Fire Protection (CAL FIRE)

~~4. Supervising Plant Quarantine Inspectors~~

~~5. Junior, Intermediate and Senior Plant Quarantine Inspectors~~

(D) Plant Quarantine Inspector, Supervisor I, and Supervisor II

~~(B) (2)~~ Federal:

~~1. (A)~~ Employees of the Bureau of Land Management

~~2. (B)~~ Employees of the United States Fish & Wildlife Service

~~3. (C)~~ All Uniformed Personnel of the National Park Service

~~4. (D)~~ Commanding Officers of any United States military installation or their designated personnel for deer or elk taken on their reservation.

~~5. (E)~~ Postmasters & Post Office Station or Branch Manager for deer or elk brought to their post office.

~~(C)~~ (3) Miscellaneous:

~~1. County firemen at and above the class of foreman for deer brought into their station.~~

(A) Firefighters employed on a full-time basis, only when the deer or elk carcass is brought to their fire station.

~~2. (B)~~ Judges or Justices of all state and United States courts.

~~3. (C)~~ Notaries Public

~~4. (D)~~ Peace Officers (salaried & non-salaried)

~~5. (E)~~ Officers authorized to administer oaths

~~6. (F)~~ Owners, corporate officers, managers or operators of lockers or cold storage plants for deer or elk brought to their place of business.

(d) No person may countersign his/her own deer tag or elk tag.

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 332, 1050, 1572, 4302, and 4331, 4336, 4340, 4341 and 10502, Fish and Game Code. Reference: Sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 332, 1050, 1570, 1571, 1572, 3950, 4302, 4330, 4331, 4332, 4333, 4336, 4340, and 4341, 10500 and 10502, Fish and Game Code.

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

[SAM Section 6601-6616](#)**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret.Duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Mammal Regulations for 2019-2020			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

Minor amendments to hunting regulations with no private sector costs.***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.******If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total
businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with
other states by making it more costly to produce goods or services here?☐ YES☐ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____
- a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
- b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
- c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____
- d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ _____

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**[SAM Section 6601-6616](#)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____
Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____
Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

Instructions and Code Citations:

SAM Section 6601-6616**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE



DATE

11/5/18

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



DATE

11/29/18

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

DRAFT