

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: Santa Monica, 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 (l)) 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.

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.