

## STAFF SUMMARY FOR MAY 16, 2019

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

Consider adopting proposed changes to 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       |
| • Notice hearing                  | Dec 12-13, 2018; Oceanside          |
| • Discussion hearing              | Feb 6, 2019; Sacramento             |
| • Discussion hearing              | Apr 17, 2019; Santa Monica          |
| • <b>Today's adoption hearing</b> | <b>May 16, 2019; Teleconference</b> |

**Background**

FGC approves tag counts, hunt zones, and seasons for Nelson bighorn sheep and SHARE elk hunts. The final tag, zone, and season recommendations are provided in pre-adoption statements of reasons (PSORs; (exhibits 1 and 3, respectively).

Originally scheduled for adoption in Apr 2019, FGC moved to continue the item to today's teleconference to allow for completing the full California Environmental Quality Act (CEQA) document review period and a 15-day notice of several sufficiently-related changes (see Exhibit 5 for background). Public review of CEQA documents for bighorn sheep and elk commenced on Feb 19, 2019 and was extended until May 6, 2019.

In addition, edits have been made to the regulatory text provided in an Apr exhibit to correct the number of existing elk tag quotas portrayed in four subsections:

- Subsection 364(u)(5)(C), Lone Pine Period 4 – antlerless tags – should be 0 (not 1)
- Subsection 364(u)(9)(A), Whitney Period 2 – antlerless tags – should be 1 (not 0)
- Subsection 364(u)(10)(B), Goodale Period 2 – antlerless tags – should be 1 (not 0)
- Subsection 364(u)(11)(J), Grizzly Island Period 10 – bull tags – should be 3 (not 0)

The updated elk PSOR highlights the edits, which reflect both “no change” from existing regulatory text and are within the ranges noticed (Exhibit 2). Additionally, a typographical error is corrected in subsection 364(x)(4)(A).

Proposed tag countersigning/validation requirement changes are found in the initial statement of reasons (ISOR) published in Jan 2019 (Exhibit 4). No changes are proposed to the tag countersigning/validation requirements as proposed in the ISOR.

With regard to CEQA, the extended 45-day public comment period ended on May 6, 2019; final environmental documents for bighorn sheep and elk were still being completed at the time this binder was produced. Final environmental documents will be posted to the FGC website as soon as they are available.

## STAFF SUMMARY FOR MAY 16, 2019

**Significant Public Comments**

1. A representative from Del Norte County Board of Supervisors, during public testimony at the Apr FGC meeting, requested a higher allocation of elk tags in the Northwestern Zone. DFW has responded to the commenter in a letter provided as Exhibit 6.
2. No public comments have been received since the Apr 2019 discussion hearing regarding the proposed text of the regulations.
3. Two new public comments were received on the draft supplemental environmental document for elk (exhibits 7- 8) and are addressed with other previous comments in the final document.

**Recommendation**

**FGC staff:** Adopt the CEQA documents provided by DFW and adopt the proposed regulation changes as recommended by DFW.

**DFW:** Adopt the proposed changes to regulations for Nelson bighorn sheep and elk as proposed in the PSORS, and for deer/elk tag validation as proposed in the ISOR.

**Exhibits**

1. [Nelson bighorn sheep PSOR](#)
2. [Updated Elk PSOR](#)
3. [SHARE elk hunts PSOR](#)
4. [Tag countersigning/validation ISOR](#)
5. [Staff summary from Item 17, Mammal, at Apr 17, 2019 FGC meeting \(for background purposes only\)](#)
6. [Letter from DFW to the Del Norte County Board of Supervisors, dated May 2, 2019](#)
7. [Letter from Del Norte County Fish and Game Advisory Commission, dated May 2, 2019](#)
8. [Letter from Public Interest Coalition, dated May 3, 2019](#)

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission finds that the environmental documents reflect the independent judgment of the Commission, certifies the final environmental documents, adopts the proposed projects, and adopts the staff recommended changes to section 362, et al., regarding mammal hunting.

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-adoption Statement of Reasons)

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

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

The original proposed language provided a range of tag quota allocations for Nelson bighorn sheep hunting. The language has been modified to identify specific tag quotas determined based upon the completion of surveys and data analysis.
  - (b) Establishment of the Newberry, Rodman and Ord Mountains Hunt Zone

The original proposal seeks to establish the Newberry, Rodman and Ord Mountains Hunt Zone. The language describing the zone boundaries has been modified for clarity.

V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

(a) Number of tags

Section 4902 of the Fish and Game Code specifies the Commission may adopt regulations for the take of no more than 15 percent of the mature Nelson bighorn rams estimated in a management unit. The Department's final recommendation specifies tag allocations that fall within the allowable harvest:

Zone 1 – The number of mature Nelson bighorn rams estimated in the Marble and Clipper Mountains is 106. Resulting final recommendation of 5 tags is less than 15% of estimated mature rams.

Zone 2 – In May 2013, respiratory disease caused severe population decline in bighorn sheep in the Kelso Peak/Old Dad Mountain Unit. The Department continues to monitor this population. While the population has shown positive recruitment trends in recent years, and the current estimate of mature rams in this unit is 28, the final recommendation at this time is zero tags for this unit.

Zone 3 – The number of mature Nelson bighorn rams estimated in the Clark/Kingston Mountains is 87. Resulting final recommendation of 4 tags is less than 15% of estimated mature rams.

Zone 4 – The number of mature Nelson bighorn rams estimated in the Orocopa Mountains is 22. The resulting final recommendation of one tag is less than 15% of estimated mature rams.

Zone 5 – In December 2018, a disease causing a severe population decline was detected in bighorn sheep in the San Geronio Wilderness Unit. The Department has not yet identified the root cause of the disease, and will continue to monitor the unit. At this time the final recommendation is zero tags for this unit.

Zone 6 – The number of mature Nelson bighorn rams estimated in the Sheep Hole Mountains is 11. The resulting final recommendation of tag is zero.

Zone 7 – The number of mature Nelson bighorn rams estimated in the White Mountains is 54. The resulting final recommendation of six tags is less than 15% of estimated mature rams.

Zone 8 – The number of mature Nelson bighorn rams estimated in the South Bristol Mountains is 21. The resulting final recommendation of two tags is less than 15% of estimated mature rams.

Zone 9 – The number of mature Nelson bighorn rams estimated in the Cady Mountains is 24. The resulting final recommendation of two general lottery

tags and one Cady Mountains Fund-raising Tag for a total of three tags is less than 15% of estimated mature rams.

Zone 10 – The number of mature Nelson bighorn rams estimated in the Newberry, Rodman and Ord Mountains is 84. The resulting final recommendation of six tags is less than 15% of estimated mature rams.

(b) Establishment of the Newberry, Rodman and Ord Mountains Hunt Zone

The original zone boundary description for the proposed Newberry, Rodman and Ord Mountains Hunt Zone identified a road name that was used for multiple roads in different directions. The zone boundaries were modified to improve clarity.

Section 4902 authorizes the Commission to adopt regulations for the sport hunting of Nelson bighorn sheep rams in management units for which plans have been developed pursuant to Section 4901 of the Fish and Game Code. A unit plan has been completed, and surveys and data analysis estimate the population within the management unit to be approximately 256 desert bighorn sheep with a positive trend in recruitment.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

One public comment was received regarding proposed 2019 Nelson bighorn sheep hunting regulations as of March 20, 2019.

Comment:

Bill Gaines, Rocky Mountain Elk Foundation, and the California Chapter of the Wild Sheep Foundation.

February, 6, 2019, Fish and Game Commission Meeting:

Supports the Department's elk and bighorn sheep proposal.

Response: Thank you for your comment.

### Updated 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]
<b>TOTAL</b>	[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 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate wildlife hunting regulations.

**Tag quota determinations have been made, following completion of surveys and data analysis. Surveys and data analysis support the establishment of the Newberry, Rodman and Ord Hunt Zone based upon population size and current understanding of Nelson bighorn sheep health and recruitment. Zone boundaries for the Newberry, Rodman, and Ord Hunt Zone have been modified for clarity and will be included in a 15-day notice to interested and affected parties.**

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	<u>5</u>
Zone 2 - Kelso Peak/Old Dad Mountains	0
Zone 3 - Clark/Kingston Mountain Ranges	<u>4</u>
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	<u>0</u>
Zone 6 - Sheep Hole Mountains	0
Zone 7 - White Mountains	<u>6</u>

Zone 8 - South Bristol Mountains	<u>2</u>
Zone 9 – Cady Mountains	<u>2</u>
Zone 10 – Newberry, Rodman, Ord Mountains (New)	<u>6</u>
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Cady Mountains Fund-Raising Tag (New)	<u>1</u>
<b>TOTAL</b>	<u>29</u>



## 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. Interstate 40 and Barstow Road; South on Barstow Road to the junction with Northside Road; East on Northside Road to the intersection with Camp Rock Road; Northeast on Camp Rock Road to the intersection with Powerline Road; East on Powerline Road and continue on Transmission Line Road to the intersection with Interstate 40, West along 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</i>
<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Allocation</i>
Zone 1 - Marble/Clipper Mountains	-4- <u>5</u>
Zone 2 - Kelso Peak/Old Dad Mountains	0
Zone 3 - Clark/Kingston Mountain Ranges	-2- <u>4</u>
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	-2- <u>0</u>
Zone 6 - Sheep Hole Mountains	0
Zone 7 - White Mountains	-3- <u>6</u>
Zone 8 - South Bristol Mountains	-1- <u>2</u>
Zone 9 - Cady Mountains	-4- <u>2</u>
<u>Zone 10 – Newberry, Rodman, Ord Mountains</u>	<u>6</u>
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
<del>Kelso Peak/Old Dad Mountains</del> <u>Cady Mountains</u> Fund-Raising Tag	-0- <u>1</u>
Total:	-19- <u>29</u>

(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  
STATEMENT OF REASONS FOR REGULATORY ACTION  
(**Updated** Pre-adoption Statement of Reasons)

Amend Section 364  
Title 14, California Code of Regulations  
Re: Elk Hunts, Seasons, and Number of Tags

- I. Date of Initial Statement of Reasons: November 15, 2018
- II. Date of Pre-Adoption Statement of Reasons: April 4, 2019 and  
Updated April 25, 2019
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 13, 2018  
Location: Oceanside, CA
  - (b) Discussion Hearing: Date: February 6, 2019  
Location: Sacramento, CA
  - (c) Discussion Hearing: Date: April 17, 2019  
Location: Santa Monica, CA
  - (d) Adoption Hearing Date: May 16, 2019  
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. A specific tag allocation is proposed for each zone within these ranges.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. The Department's final recommendations for specific tag quotas in each hunt zone are set forth in the attached Regulatory Text. These are based on input from Department regional staff and public to address goals for the unit, including alleviating depredation concerns.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

See attachment.

## **Updated 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 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.

**The attached regulatory text and table has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with specific recommended tag quotas for each hunt.**

**Edits are made to the regulatory text in the preadoption statement of reasons used as an exhibit for the April 17, 2019 meeting, as shown in the following subsections:**

**364(u)(5)(C) Lone Pine Period 4 – antlerless tags – should be 0 and not 1**

**364(u)(9)(A) Whitney Period 2 – antlerless tags – should be 1 and not 0**

**364(u)(10)(B) Goodale Period 2 – antlerless tags – should be 1 and not 0**

**364(u)(11)(J) Grizzly Island Period 10 – bull tags – should be 3 and not 0**

**The numbers included in the April exhibit were not correct or representative of existing regulations. These edits reflect no change from existing regulatory text and are within the ranges originally noticed.**

**Additionally, subsection 364(x)(4(A) corrects the spelling from ‘forth’ Saturday to “fourth.”**

## 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	20		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	15	0	3	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	35	10		
		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	15			
		The bull season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	Northeastern California Antlerless		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		
		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			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			

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



(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(6)(A)	Tinemaha Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(7)(A)	West Tinemaha Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(8)(A)	Tinemaha Mountain Period 1	0			
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

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

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

(L)	Period 12	3	0		0
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	Period 13	0	8		0
		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		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	Period 2	0	0		
		Shall open November 22 and continue for 9 consecutive days.			
(C)	Period 3	0	0		
		Shall open on the third Saturday in December and continue for <del>16</del> <u>12</u> consecutive days.			
(13)(A)	East Park Reservoir	2	2		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(14)(A)	San Luis Reservoir	0	0	5	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(15)(A)	Bear Valley	2	1		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1		4		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	2			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(17)(A)	Santa Clara	0	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(18)(A)	Alameda	0	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 <u>4</u>	
		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	
		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	1	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza General Methods Tule Elk Apprentice	0	1		
		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		
		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
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0		2
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		3		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			
(D)	Period 4		0		2
		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		
		Shall open on the third Saturday in December and continue for 16 <u>12</u> consecutive days.			

(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast California Archery Only	0	0	10	
		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		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Lone Pine Archery Only Period 1	0	1		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Tinemaha Archery Only Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A)	Whitney Archery Only Period 1	0	0		
		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	
		Shall open on the last <del>Wednesday</del> <u>Saturday</u> in July and continue for 9 consecutive days.			
(B)	Fort Hunter Liggett General Public Archery Only Antlerless		4		
		<del>Shall open on the Tuesday preceding the fourth Thursday</del> <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		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(2)(A)	Independence Muzzleloader Only Period 1	1	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	Goodale Muzzleloader Only Period 1	0	1		
		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		
		Shall open on the <del>third</del> <u>fourth</u> Saturday in <del>December</del> <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 <u>10</u>	
		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		
		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		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		0		
		Shall open November 22 and continue for 9 consecutive days.			
(D)	Period 3	0			
		Shall open on the third Saturday in December and continue for <del>16</del> <u>12</u> consecutive days.			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	0	0		
		Shall open on the third Saturday in December and continue for <del>16</del> <u>12</u> consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either Sex			3	
		Shall open on the last <del>Wednesday</del> <u>Saturday</u> in July and continue for 9 consecutive days.			
(B)	Antlerless		4		
		<del>Shall open on the last Wednesday in September and continue for 9 consecutive days.</del> Shall open on the <u>Second Saturday in November and continue for 9 consecutive days.</u>			
(4)(A)	Fort Hunter Liggett Military Only Muzzleloader Only	4			
		Shall open on the third Saturday in <del>December</del> <u>November</u> and continue for <del>17</del> <u>9</u> 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  
STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-adoption Statement of Reasons)

Amend Section(s) 364.1  
Title 14, California Code of Regulations  
Re: Elk Hunts, Seasons, and Number of Tags

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

The originally proposed regulatory language contained elk tag quota ranges for the Northwestern and Northeastern Elk zones. The Department recommends specific tag quotas within these ranges for each elk zone.

Two errors in the proposed language of the Initial Statement of Reasons require correction. Section (i)(2) listed an antlerless tag range of 0-32. It should have been 0-34. Section (j)(1) did not list a tag range for either-sex tags. It should have listed a tag range of 0-2. No other modifications were made to the amended proposed language of the Initial Statement of Reasons.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained elk tag quota ranges for the Northwestern and Northeastern Elk zones. The specific tag quotas have been identified after regional and public input to address depredation concerns. In the Northwestern elk zone the additional 21 antlerless and 6 bull tags will be distributed to the SHARE landowners in Del Norte and Humboldt County to help

alleviate property damage. The distribution will keep the tag allocation below 20% of the minimum counts for each area. In the Northeastern elk zone an additional four elk tags, two bull and two either-sex, will be authorized to two landowners in Shasta County to alleviate property damage. Most elk in the Northeastern elk zone are harvested out of the Devil's Garden sub-herd area. The Department's efforts would focus on new SHARE properties in the area of the Shasta Lake sub-herd.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

This item will appear as an appendix to the Final Statement of Reasons.

## **Updated Informative Digest/Policy Statement Overview**

Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions.

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

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

### **Benefits of the regulations:**

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

**The following table has been amended from the version in the Initial Statement of Reasons. The Department requests FGC authorize a 15-day notice extending the ranges for the Northwestern Elk Hunting Zone (subsection 364.1(i)(2)) from 0-32 to 34 antlerless tags and the Northeast California Elk Hunting Zone subsection 364.1(j)(1)) from 0 to 2 either sex tags. These amendments correct what is accurately reflected in the project as described in the Environmental Document. The corrected tag range in the table below and the final number of tags in the proposed regulatory text and table reflect a proposed increase of 20 tags in the Northwestern elk zone in Section 364. The tag range for either sex tags in the Northeast California Hunt Zone was inadvertently left out of the Initial Statement**

**of Reasons and is consistent with the approved tag quota ranges previously analyzed in the 2010 Environmental Document.**

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	2	2		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	<del>7</del> 13	<del>13</del> [0-3234] <u>34</u>	0	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).			
(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts					
(1)	Northeast California	<del>0</del> 2	0	<del>0</del> 2	
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino	2	4		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5	10		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			
(3)	Bishop	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).			
(4)	Independence	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0	0		

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
(10)	Goodale	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).			
(11)	Grizzly Island	0	0		0
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A).			
(12)	Fort Hunter Liggett	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(A).			
(13)	East Park Reservoir	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(A).			
(14)	San Luis Reservoir	2	3		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(A).			
(15)	Bear Valley	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).			
(16)	Lake Pillsbury	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			
(17)	Santa Clara	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(A).			

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

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

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

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, 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:

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.

## 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.

## STAFF SUMMARY FOR APRIL 17, 2019

## 15. MAMMAL HUNTING

## Today's Item

Information ☐Action ☒

Consider adopting proposed changes to mammal hunting regulations for bighorn sheep, elk, elk (SHARE), and deer and elk tag validation.

*Staff recommends that this item be continued to the May 16, 2019 teleconference meeting for potential adoption.*

## Summary of Previous/Future Actions

- |  |                                   |
|--|-----------------------------------|
| • WRC vetting                          | Sep 20, 2018; WRC, Sacramento     |
| • Notice hearing                       | Dec 12-13, 2018; Oceanside        |
| • Discussion hearing                   | Feb 6, 2019; Sacramento           |
| • <b>Today's hearing</b>               | <b>Apr 17, 2019; Santa Monica</b> |
| • Adoption hearing (if approved today) | May 16, 2019; Teleconference      |

## Background

FGC approves tag counts, hunt zones, and seasons for Nelson bighorn sheep, elk, and SHARE elk hunts; final tag, zone, and season recommendations are provided in pre-adoption statements of reasons (PSOR) (exhibits 1, 4 and 5, respectively). Proposed tag countersigning/validation requirement changes are found in the initial statement of reasons (ISOR) published in Jan 2019 (Exhibit 10).

While public review of the California Environmental Quality Act (CEQA) documents for bighorn sheep and elk commenced on Feb 19, 2019, the full 45-day review period for CEQA documents filed with county clerks will not be completed until May 6, 2019. Therefore, continuing the adoption hearing to the May 16, 2019 teleconference would accommodate the additional CEQA review timeline. A 15-day notice that the adoption hearing may be continued from today's meeting to the teleconference, to allow for additional CEQA review, was published on Mar 22, 2019 in anticipation of today's potential action (Exhibit 11).

Additionally, DFW has identified minor changes, noted in the text of the PSORs, that will require a new 15-day notice:

- simplifying the boundary description of Zone 10 for Nelson bighorn sheep (Exhibit 1),
- updating the noticed range and final tag recommendation for the Northwestern Elk Hunting Zone (subsection 364.1(i)(2)), and
- change the number of antlerless tags for the Northeast California Elk Hunting Zone (subsection 364.1(j)(1)) (Exhibit 5).

No changes are proposed to the tag countersigning/validation requirements as proposed in the ISOR.

STAFF SUMMARY FOR APRIL 17, 2019

**Significant Public Comments**

1. No public comments have been received since the Feb 6, 2019 discussion hearing regarding the proposed text of the regulations.
2. Three comments have been received regarding concerns with the draft supplemental environmental document for elk (Exhibits 7-9).

**Recommendation**

**FGC staff:** Continue adoption of both the draft CEQA documents and the proposed regulation changes to the May 16, 2019 teleconference to allow for the full 45-day CEQA comment period, and authorize staff to publish a second 15-day notice with the additional proposed changes.

**Exhibits**

1. Nelson bighorn sheep PSOR
2. Nelson bighorn sheep management plan for the Newberry, Rodman and Oro Mountains Unit, dated April 14, 2019
3. Nelson bighorn sheep CEQA filing and draft environmental document, filed Feb 19, 2019
4. Elk PSOR
5. SHARE elk hunts PSOR
6. Elk CEQA notice of completion and draft supplemental environmental document, filed Feb 19, 2019
7. Email comments from Phoebe Lenhart regarding elk CEQA, received Apr 3, 2019
8. Letter and documents from Friends of Del Norte regarding elk CEQA, received Apr 4, 2019
9. Letter from the Environmental Protection Information Center regarding elk CEQA, received Apr 4, 2019
10. Tag countersigning/validation ISOR
11. 15-day notice, dated Mar 22, 2019

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes staff to publish notice confirming it has continued to its May 16, 2019 teleconference consideration of adopting proposed changes to sections 362, 364, 364.1 and 708.6 regarding mammal hunting and tag validation regulations, and to further notice sufficiently-related additional changes to sections 362 and 364.1.



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Deputy Director's Office  
Wildlife and Fisheries Division  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*EDMUND G. BROWN JR., Governor*  
*CHARLTON H. BONHAM, Director*



May 2, 2019

Chris Howard  
Del Norte County Board of Supervisors  
981 H Street, Suite 200  
Crescent City, California 95531

Dear Mr. Howard:

**Mammal Hunting Regulations Package Proposed Allocation of Elk Tags for 2019 in the Northwestern Zone**

The California Department of Fish and Wildlife (Department) would like to provide you and the Del Norte County Board of Supervisors with additional information to clarify the differences in possible numbers of elk tags between the draft Elk Supplemental Environmental Document and the Initial Statement of Reasons (ISOR) currently being considered for possible adoption by the Fish and Game Commission (Commission).

The Department's comprehensive elk monitoring program is in its third year of survey and data analysis. Population data collected and analyzed over the survey period to date include minimum counts (direct counts of individuals in a geographic subset of the population's range) and composition counts (counts of bulls, cows and calves). Analysis of data collected in these initial efforts suggests a healthy and growing population. Direct counts conducted from 2016 to 2017 resulted in a minimum count of 990 elk in 22 distinct groups. Preliminary results of 2018 surveys show a minimum count of 1,075. Tracking elk movements over the past two years using GPS collars, data from composition counts, and documentation of calf survival also suggest a 10 percent increase in the total number of elk in the Northwestern elk hunt zone.

Data from composition counts show stable calf:cow ratios at 32 and 34 calves to 100 cows. Bull:cow ratios have increased from 21 to 31 bulls to 100 cows. Within the surveyed area of the management unit, consisting primarily of private lands where conflicts and property damage continue to increase, the Department collared 58 calves from 2017 to 2018 to investigate calf survival. Initial analysis suggests juvenile survival may be as high as 80%. When combined with increases shown by observed count data and the high calf:cow ratio, these data indicate a growing population.

To evaluate different harvest strategies (tag quotas), the Department uses a spreadsheet model called Elk Pop (Smith and Updike 1987). This model, developed by the Department to analyze harvest alternatives, allows the user to vary carrying capacity to reflect real-world changes in habitat. Elk Pop employs data on age and sex

composition of the herd, maximum calf survival, estimated population, non-hunting mortality, and hunting mortality. Age and sex composition and maximum calf survival data used in the model are based on actual observed rates. Population level and non-hunting mortality rates are estimated based on literature. Herd response to harvest strategies was modeled for a 10-year period to help inform the Department's recommendation.

Based on the Department's ongoing monitoring and the results of the modeling, the Department recommends increasing the allocation of tags in the Northwestern Zone by 20 tags at this time. This increased level of harvest will not impact the population. Even at 100% hunter success, the total harvest would amount to less than 7% of the population. While the Department believes a potential increase by 60 tags in the Northwestern Zone would not result in significant population effects, the model results showed potential to limit population growth toward the end of 10 years. Calf:cow ratios are expected to increase in response to increased harvest under a 60 tag alternative, however, herd growth in Northwestern California may be limited if an increase of 60 tags annually was implemented for 10 years according to the model. While this level of harvest is unlikely to impact the environment and sustainability of California's elk population, the Department recommends a 20 tag increase alternative for the 2019 hunting season (see table below) and will evaluate opportunities to further modify tag allocations based on analysis of additional data from the ongoing monitoring program. The Department recognizes there have been significant increases in landowner conflicts and property damage in this zone and looks forward to working with stakeholders over the next several months to identify additional opportunities.

Current Tags Available			Tags Proposed in December ISOR			60 Tag Increase Alternative		
General and SHARE	PLM and Coop	Total	General and SHARE	PLM and Coop	Total	General and SHARE	PLM and Coop	Total
0-45	43	88	0-65	43	108	0-105	43	148

Although analyzed in the Supplemental Environmental Document, an increase of 60 elk tags for the Northwestern Zone has not been considered by the Commission for the 2019 Elk season. This current proposal would result in 108 total tags for general and SHARE tags (plus the 40 PLM tags and 3 Cooperative Elk tags). However, the tag range proposed in the ISOR is maximized at 65 total tags for general and SHARE tags (plus the 40 PLM tags and 3 Cooperative Elk tags). If directed by the Commission, the Department could propose a 60 tag increase but since the total tags would exceed what was proposed in the ISOR the entire regulatory package would have to be re-noticed to the public



Chris Howard  
Del Norte County Board  
Of Supervisors  
May 2, 2019  
Page 3

The result of re-notice of the ISOR and moving adoption to June 2019, would not allow the Department to hold the elk tag draw on June 2, 2019 due to not having official published regulations by that date.

As noted above, the Department looks forward to working with stakeholders over the next several months to identify additional opportunities, including a discussion about potential changes to the 2020 mammal regulations at the Commission's Wildlife Resources Committee meeting on May 17, 2019.

Should you have any further questions please contact Mr. Brad Burkholder at 916-445-1829 or email [brad.burkholder@wildlife.ca.gov](mailto:brad.burkholder@wildlife.ca.gov).

Sincerely,

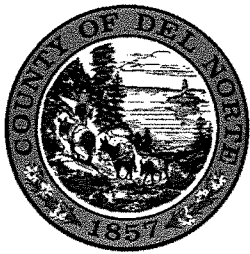


Stafford Lehr, Deputy Director  
Wildlife and Fisheries Division

ec: Melissa Miller Henson  
Acting Executive Director  
Fish and Game Commission

Kari Lewis  
Chief, Wildlife Branch  
California Department of Fish and Wildlife

Brad Burkholder  
Environmental Program Manager  
California Department of Fish and Wildlife



# COUNTY OF DEL NORTE

## Fish and Game Advisory Commission

*Advisory body to the Del Norte County Board of Supervisors on fish, wildlife, recreation, and natural resource issues*

981 H Street

Crescent City, CA 95531

Zack Larson,  
Chairman

Jennifer Jacobs,  
Vice-Chairman

District 1:  
Jimmy Faulkner  
Jennifer Jacobs  
District 2:

District 3:  
Zack Larson

District 4:  
Helen Ferguson  
Jaytuk Steinruck  
District 5:  
Kendell Smith

Secretary:  
Jaclyn Bennett

President Eric Sklar  
California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94244-2090

May 2, 2019

Re: Northwestern Elk Zone Tag Quotas  
Dear President Sklar,

We are writing in support of the Department of Fish and Wildlife (Department) proposal to increase the Northwestern Elk Zone tag quota range for Roosevelt elk by 20 tags, as described in the Department's 2018 Draft Supplemental Environmental Document (DSED). We are also providing comments regarding the Private Lands Management Program and elk relocation strategies that should be part of the 2018 Elk Conservation and Management Plan (Management Plan) and DSED.

### *Private Lands Management (PLM) Elk Tags:*

The Department has recommended that the number of PLM tags not exceed 50 percent of the general draw tags (Management Plan). We believe that PLM tags should be well below 50 percent of the general draw. In 2018, the PLM tags accounted for 44 percent of the elk harvested in the Northwest California Zone (DSED). The PLM uses up tags within the Northwestern Elk Zone that would otherwise be available for general draw tags. PLM Bull Roosevelt elk tags often sell for tens of thousands of dollars while a Northwestern Elk Zone tag costs \$459.25 for a California resident who successfully draws a tag.

Though PLM tags will not increase as a result of the proposed modifications to the current elk hunting regulations (2019-2020) we believe the public, particularly local hunters who apply for elk tags, unfairly lose opportunities to draw an elk tag in the Northwestern Elk Zone. **We understand that the PLM helps landowners alleviate depredation, however it does so at the expense of local hunters who likely can't afford to buy PLM tags.**

### *Elk Relocation Efforts:*

**We believe Roosevelt elk-specific relocation criteria, actions and strategies should be called out in the Management Plan and included in the DSED.** Relocation of Roosevelt elk does not appear to be part of the Management Plan even though past relocation efforts are responsible for the success of Roosevelt elk in California. We are concerned that the absence of Roosevelt elk relocation strategies in the Management Plan will preclude any efforts to relocate individual elk and/or herds to Six Rivers National Forest within Del Norte County.

While the Management Plan states that 60 percent of the North Coast Unit is privately owned, Del Norte County is actually mostly publicly owned land (>80 percent) with US Forest Service (Six Rivers National Forest) as the dominant land manager.



Ironically most of the elk in Del Norte County occur on private land and relatively few elk occur on public lands currently open to hunting.

Elk relocation efforts in the 1940s to early 1960s were thought to be unsuccessful. However it is unknown why. From 1982 through 2000 more than 350 elk were translocated to reestablish populations in Humboldt, Mendocino, Siskiyou and Trinity Counties (Management Plan). Since 1985, the Department has translocated more than 280 Roosevelt elk to reestablish populations in portions of southern Humboldt, Mendocino, Siskiyou, and Trinity counties (DSED SCH 2018112037).

The Management Plan states that elk in western Siskiyou County showed the same genetic characteristics as those in Del Norte and Humboldt Counties and that Interstate 5 may be a physical barrier to eastern elk populations. Therefore relocating animals within Del Norte County would have no effect on inland populations (genetics) in California and Oregon. **The Six Rivers National Forest in Del Norte County should be included as priority area for Roosevelt elk relocation effort.**

The North Coast Unit contains the least amount of habitat loss and fragmentation anywhere in the state. According to the Management Plan, Roosevelt elk populations are growing and expanding within the unit and both current population size and biological carrying capacity are likely much larger than estimated (Management Plan). Del Norte County includes abundant opportunities for reestablishing elk in wide, wildlife corridors within large interconnected regions that can maintain the genetic diversity of healthy populations.

Roosevelt elk are extremely important to Del Norte County for their consumptive, non-consumptive and intrinsic values. The Management Plan, with respect to the North Coast Unit, must favor the sportsman and include the opportunities to capture and relocate animals in order to alleviate road and private land conflicts and future public consumptive and non-consumptive uses.

We look forward to receiving a response from the Fish and Game Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Zack Larson', with a long horizontal flourish extending to the right.

Zack Larson, Chairman



## PUBLIC INTEREST COALITION



[sent via email: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)]  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

May 3, 2019

Ladies and Gentlemen:

**Re: Comments for FGC, 5/16/19, Agd Item 3**

Please accept our comments for both the May FGC meeting and inclusion as public comments in the administrative record of the CEQA review.

Bighorn Sheep Hunting

Hunting periods ranging from two to three months (as indicated in the “Statement of Reasons, page 9 of 270) are entirely too long. Disruptions and stress induced from being hunted and/or being shot at, wounded, maimed, etc., can cause targeted and non-targeted wildlife to become more skittish and secluded, thereby depriving the non-killing public (nonconsumptives) of their rightful viewing or photographing experiences. No hunting period should last more than six weeks at the most.

Draft Supplemental DED comments—Elk Hunting

We fully support comments submitted by Phoebe Lenhard (4/3/19), Supporters for Del Norte Rosevelt Elk and EPIC (4/4/19). We are very concerned that a ratio of 25 bulls, at a minimum, for 100 cows is recommended by the scientific community, but the DFW/FGC arbitrarily or carelessly recommends a reduction of bulls to 15 per 100 cows. Where is the peer-reviewed, scientific studies to support a 40% increase of bull killing?

We submit that such a drastic increase in the killing of bulls, is unacceptable. This is exacerbated when coupled with an apparent non consideration or factoring of maiming, wounding, and/or other subsequent lethal injuries created by failed attempts to kill where the animal is not retrieved. DFW/FGC needs to lean toward the Precautionary Principle and err on the side of caution.

We also agree and support most of the comments submitted by Friends of Del Norte (4/4/19).

One notable exception is: In our opinion, no one group, whether it be a nonprofit, religious, spiritual, conservation, environmental, tribal, political, public agency, or any other type of group or organization should ever be granted special privileges, priorities, or preferences over any other individual member of the public. IF tags are to be issued, they should be available to all, whether their intention is to view (nonconsumptive) or to kill (consumptive).

Free or discounted tags have no place in protecting and preserving the common good or any other resource held in public trust by DFW/FGC. Whether it's subsistence

food, religious food, and/or additional use of any parts of the animal for any type of spiritual ceremony, medicinal purposes, etc., is irrelevant and not the purview of DFW/FGC. As a public agency, DFW/FGC's role is simply to treat everyone equally and to ensure enforcement of regulations for full compliance is applied equally to all.

Should any member of the public wish to be included in a drawing or allocation of a tag, he/she should not have to buy a license to kill in order to do so. A license to view--not kill--should be available for the same nominal fee that is paid by those who choose to enter the drawing/allocation process. No tags or special allocations should ever be "gifted" to any group or individual, regardless of the purpose. Such a process creates an unacceptable perception of questionable practices and/or conflicts of interest.

Thank you for considering our views,

A handwritten signature in cursive script, reading "Marilyn Jasper".

Marilyn Jasper, Chair