

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

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
updated April 25, 2019
- III. Date of Final Statement of Reasons: May 17, 2019

IV. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside, CA
- (b) Discussion Hearing Date: February 6, 2019
Location: Sacramento, CA
- (c) Discussion Hearing Date: April 17, 2019
Location: Santa Monica, CA
- (d) Adoption Hearing: Date: May 16, 2019
Location: Teleconference

V. Update:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. At the commission's April 17, 2019 meeting the public and the commission were provided with the department's final tag quota recommendations for specific tag quotas in each hunt zone based on input from Department regional staff and the public to address goals for the units, including elk conservation, providing hunting opportunities and alleviating depredation concerns. Final tag quotas were provided to all interested and affected parties in a notice mailed on April 19, 2019 and adopted by the commission at its May 16, 2019 meeting.

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

Responses to public comments, oral or in writing, regarding all proposed 2019 elk hunting regulations received through May 16, 2019 are included as "Comments received

regarding proposed changes to Sections 364 and 364.1, Title 14, California Code of Regulations” Attachment A.

VII. Location and Index of Rulemaking File:

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

VIII. Location of Department Files:

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

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No other alternatives were identified.

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the relatively small number of tags issued over the entire state, this proposal is economically neutral to businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates no to minor positive impacts on the creation or elimination of jobs within the state, and no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state. The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

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.

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On April 19, 2019 the Fish and Game Commission provided in a notice to all interested and affected parties a notice of the final tag quota determinations have been made following completion of surveys and data analysis.

Following the notice of April 19, minor editorial correction tag numbers reported in the ISOR were corrected to reflect tag numbers appearing in the official text for Title 14, Section 364 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

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

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

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