

**Comments received regarding proposed changes to Sections 364 and 364.1,  
Title 14, California Code of Regulations**

**A. Oral comments received at the February 6, 2019 Fish and Game Commission meeting:**

1. **Comment:** “Supports the proposed elk tag increase in the Northwestern elk zone”:

- a. Noelle Cremers, California Farm Bureau Federation
- b. Bill Gaines, Rocky Mountain Elk Foundation
- c. Chris Howard, Del Norte County Board of Supervisors

**Response:** Thank you, comment noted

2. **Roy Griffith, California Rifle and Pistol Association**

**Comment:** “They would like to see most of the elk tags go to youth hunters.”

**Response:** There is a high demand for elk tags and the Department recommends allocations considering both youth hunters and adult hunters, commensurate with the population status. Two of the tags will be Apprentice only either-sex hunts in the Marble Mountain Hunt Zone. SHARE currently has four antlerless elk hunts in Del Norte and Mendocino counties.

3. **Jeff Miller, Center for Biological Diversity**

**Comment:** “It would be helpful if the public knew the population sizes and trends of the herds where we plan to increase tags. They are really concerned with the Alameda/San Joaquin, the Santa Clara, and the Central Coast tule elk herds.”

**Response:** The Department is working on elk population estimates across the state and will provide population estimates to the Commission. The Department is not currently proposing an increase in elk tags in the Alameda/San Joaquin, the Santa Clara, and the Central Coast Tule elk herds.

**B. Oral comments received at the April 17, 2019 Fish and Game Commission Meeting:**

1. **Comment:** “Supports the proposed 20 elk tag increase in the Northwestern elk zone”:

- a. Wayne Raupe, California Bowman Hunters
- b. Rick Travis, California Rifle and Pistol Association

**Response:** Thank you, comment noted

2. **Comment:** “Supports the 2019 Draft Supplemental Environmental Document Alternative 2 of a 60 elk tag increase in the Northwestern elk zone”:

- a. Noelle Cremers, California Farm Bureau Federation
- b. Bill Gaines, Rocky Mountain Elk Foundation
- c. Chris Howard, Del Norte County Board of Supervisors

**Response:** The proposed rulemaking action was to increase the tag limit by 20 tags, and we appreciate the comment requesting an increase in tags. The Commission could consider an increase of 60 elk tags, however that option was not included in the Initial Statement or Reasons. In order to comply with the Administrative Procedures Act, the regulatory package would have to be updated and then re-noticed. The soonest a re-noticed option could be adopted by the Fish and Game Commission would be at their June 12 and 13, 2019 meeting, after the application due date of June 2, 2019 for big game tags. Additionally, the proposed tag increase for this year provides a more conservative action to ensure that population growth goals are met.

C. **Written comments received in support of the proposed elk tag increase in the Northwestern elk zone:**

1. County of Del Norte Board of Supervisors - Letter dated January 22, 2019  
**Response:** Thank you, comment noted

D. **Phoebe Lenhart – E-mail dated January 31, 2019**

1. **Comment:** “I request, again, that the Roosevelt elk in Del Norte County be separated from the Roosevelt elk in Humboldt County due to their unique circumstances here. The "groups" of Roosevelt elk in DNC are no more than 100 members and are too small to hunt. They are also said to be of pure genetic Roosevelt elk, not hybrids.”

**Response:** As free ranging mammals, elk have the ability to move throughout the entire North Coast Roosevelt Elk Management Unit as described in the 2018 Elk Conservation and Management Plan. While some features may restrict the movement of elk, nothing completely impedes the ability of elk to move throughout the unit. The Department’s 2018 Elk Conservation and Management Plan contains management goals and objectives for the North Coast Roosevelt Elk Management Unit (EMU) (Del Norte, and most of Humboldt counties). Goals of the EMU include, but are not limited to, improving habitat and increasing elk on public lands, and alleviating depredation. This EMU plan is considered a placeholder and starting point to initiate work with local stakeholders to develop a refined plan for the unit which could involve establishing separate EMUs for Del Norte and Humboldt counties, respectively.

2. **Comment:** “I bring to your attention, again, that according to your report, the study of the Roosevelt elk by the DFW and Humboldt State University will not be complete until shortly before the meeting planned on April 17-18, 2019. I think the public has the right to review the information for 45 days before there is any "final" decision made by the FGC on the 2019-2020 hunting season (as it pertains to the Roosevelt elk).”

**Response:** Statistically-derived population estimates with reliable confidence intervals are difficult to obtain for elk inhabiting closed canopy

forests of the North Coast. Based on data collected over the past three years, the Department currently estimates that the North Coast Roosevelt EMU currently contains at least 1,600 elk. This information was presented and made available to the public in the Draft Supplemental Environmental Document filed with the State Clearinghouse on February 19, 2019. Elk hunting has occurred annually in Del Norte County since 1993, while the PLM Program has issued tags since 2008. Statewide and EMU elk population estimates have increased steadily over time (2018 Elk Conservation and Management plan).

3. **Comment:** “It is common knowledge that the DFW/FGC planned to do a major cull of the Roosevelt elk last year (in what is referred to as the Smith River Herd (SRH)). It appears that the DFW/FGC determined to cull the SRH previous to revealing their intentions to the public. At this point, it appears that the DFW/FGC are only "going through the motions" to do what they intended to implement last year without considering the public's concern.

The DFW/FGC have been increasing the number of Roosevelt elk to be killed year after year. Where is the DFW/FGC research on populations of Roosevelt elk in DNC to support your decision? You do not have any. You have been increasing the sale of hunting permits without knowing anything about the population of the Roosevelt elk and/or the distribution of bulls and cows. In addition, the SHARE and PLM programs are killing more Roosevelt elk. I would like to read the research documents you are using to support these increases.”

**Response:** The Department proposes to increase the take of elk within the North Coast Roosevelt EMU based on ongoing surveys. Various harvest strategies were analyzed in the Draft Supplemental Environmental Document filed with the State Clearinghouse on February 19, 2019. SHARE elk tag allocations are not additional and are included in the general tag quotas. The proposed increase was analyzed and concluded to have little effect on total population size, age (i.e. calf to cow), or sex (bull to cow) ratios. The Department will continue to implement its population assessment studies and collect harvest data (i.e., harvest success rates and age of elk). The Department can recommend the Commission reduce future harvest should adverse impacts occur.

4. **Comment:** “As I have indicated to the DFW/FGC before, these agencies are not practicing healthy stewardship of the Roosevelt elk groups in DNC. There are approximately 20-25 bulls for every 100 cows in hunted herds. Anybody, looking at your figures for the 2019-2020 hunting season, will see that you are ignoring proven scientific information for maintaining a sustainable population of elk. I would like the DFW/FGC to be transparent regarding the number of bulls and cows in each group in DNC; and, I would like to read that data before the April 17-18, 2019 meeting.”

**Response:** The data over the past three years indicates the bull to cow ratio has increased to 31 bulls to 100 cows under current hunting regulations. The

Department has successfully re-established Roosevelt elk in portions of their former range in California, including in Trinity and Siskiyou counties. In addition, the Department has worked with land agencies and non-governmental organizations to enhance elk habitat in these areas. The Department's management activities provide for a variety of public uses (as per Fish and Game Code § 1801) while maintaining sufficient populations of Roosevelt elk within the North Coast Roosevelt EMU. Population levels, and age and sex ratio data are comparable to those in other western states (Oregon and Washington).

5. **Comment:** "If any of you in the DFW/FGC read the news, then you should be aware that this planet is on the brink of a "massive mammal die off". What is the DFW/FGC doing to protect the vulnerable and isolated groups of Roosevelt elk in DNC? Further, I think more consideration needs to be given to our groups of Roosevelt elk after the disastrous fires in 2017 and 2018. I have not read that the DFW/FGC acknowledge the migration of additional packs of coyotes into DNC."

**Response:** Catastrophic wildfires were discussed and analyzed in the 2018 Elk Conservation and Management Plan and the Draft Supplemental Environmental Document filed with the State Clearinghouse on February 19, 2019. While fires can adversely affect elk populations, there is no indication of such impacts within the North Coast Roosevelt EMU. The Department's monitoring programs are designed to detect changes in populations in order to develop sound management recommendations. Should changes in elk populations result from climate change or other catastrophic events, elk tag quotas will be adjusted accordingly, and the Commission has authority to implement emergency regulatory changes if necessary.

**E. Yager/Van Duzen Environmental Stewards- Letter dated January 16, 2019**

1. **Comment:** "We are so pleased that CDFW is going to provide for 20 more tags into the region. However, we strongly want to express our deep concern for those tags potentially being placed into the SHARE program. A major challenge for our landowners in the SHARE program is public access without the landowners being able to screen or monitor those individuals entering their properties."

**Response:** SHARE Access Permits are awarded by random draw through our ALDS System. To apply for a SHARE Access Permit, hunters must have a current valid hunting license obtained by providing proof of passing a hunter education class. Landowners who enter into agreements with the Department to allow public access through the SHARE program can establish rules visitors must follow while on their property in accordance with a written agreement between the landowner and the Department. They can provide an orientation, a property tour, or assist the hunter during their hunt. Each SHARE landowner determines how involved they are in SHARE hunts on their property.

2. **Comment:** "Different than some of the properties in the SHARE program the terrain of the YES landowners is large, rough and rugged with minimal

public access. There are few public roads and the ability of the general public to access the hunting grounds becomes not only a management issue for the landowners, but a safety issue for the public. Traditionally, the niche that these ranches has provided is a unique hunting experience shared with the landowners, professional guides and guests. That kind of experience is one that can be managed by the landowners and provides them with some degree of fair compensation for the losses that they have incurred. We look forward to having the opportunity to work with the CDFW in developing a practical method for managing the elk in our watershed and hope that those tags will be placed into programs that meet the needs of all landowners who are currently suffering losses from elk, rather than the few who have the ability to provide safe public access on their properties.”

**Response:** Access and terrains vary greatly across California. Access to public lands ranges from maintained gravel roads, 4X4 only tracks, to roadless wilderness areas. The terrain of hunted areas, whether public or private, varies significantly and rugged landscapes are common. Hunters (and the general public) routinely access challenging terrain and are accustomed to difficult conditions. The Department and Commission recognize concerns about public safety in accessing such lands. When negotiating a potential SHARE agreement, the landowner can develop rules for access and uses while successful applicants access the property. Agreements between the landowner and Department stipulate these conditions, which are included in outreach for any particular hunt. When advertising the hunts, any area specific rules are made available to potential interested applicants along with as general information about the site, such as information about remote access with very limited vehicle access or rugged terrain. The Department currently manages two programs for landowners to provide opportunities on their lands, the PLM Program and the SHARE Program. The PLM Program (Section 601, Title 14, CCR) is intended for landowners interested in enhancing habitat values for wildlife conservation on their properties. PLM requires the landowner to write a five-year Management Plan that actively encourages the propagation, conservation and wise use of the fish and wildlife on their land. Once the management plan is approved by the Commission, the Department issues an approved number of PLM tags for the property. The PLM Program is not intended to alleviate depredation issues. The SHARE Program (Section 602, Title 14, CCR) provides liability coverage and incentives for private landowners to allow public access to otherwise inaccessible lands. The program has succeeded where species such as elk might congregate on private lands to minimize conflict and relieve potential depredation issues. It has also proven successful in areas of the state where public lands may be limited by offering limited and controlled public access to private lands.

**F. Eileen Cooper, Friends of Del Norte- Letter dated February 1, 2019**

1. **Comment:** “We ask that you follow the stated objectives in Fish and Wildlife Elk Conservation and Management Plan for Elk hunting:
  - Providing for the beneficial use and enjoyment of wildlife

- Perpetuating all species for their intrinsic value
- Providing aesthetic, educational and non-appropriative uses
- To maintain diversified recreational uses
- To provide economic contributions
- To alleviate economic losses”

**Response:** It is the policy of the Department (Section 1801, Fish and Game Code) to maintain sufficient populations of wildlife, provide for the beneficial use and enjoyment (including hunting), as well as alleviate economic losses caused by wildlife and to bring such losses within tolerable limits. Hunting (tag issuance) is an important tool the Department can offer private landowners to alleviate depredation. Objectives of the Department’s (2018) Elk Conservation and Management Plan are consistent with the policy in Section 1801, as are the Draft SED on Elk Hunting and the Commission’s proposed regulatory changes for Section 364 and 364.1, Title 14, CCR.

2. **Comment:** “Effective conservation and management of elk requires reliable information on population size, density, age structure, fecundity (birth rates), mortality (death rates), sex ratio, and their use of habitats throughout the year and over time.”

**Response:** The Department implements a comprehensive monitoring program on the North Coast. These surveys are conducted within portions of Del Norte and Humboldt Counties, as they have been for the last three years. Resulting survey data are discussed and presented in the Draft Supplemental Environmental Document filed with the State Clearinghouse on February 19, 2019. For a historical perspective, Barnes (1925a, 1925b) reported that by 1925, Roosevelt elk range in California was reduced to one small area in Humboldt and Del Norte counties. An estimated 15 Roosevelt elk were reported to remain in the state in 1925, although Dasmann (1964) showed most information indicated the presence of more elk (Graf 1955, Harper et al 1967). Barnes (1925a) reported 100 elk near Orick. This account was supported by Prescott (1925). With the development of game laws and protections, Harper et al. (1967) discussed the historical distribution of Roosevelt elk in California and reported the population was increasing in size and in no danger of extinction. The range of Roosevelt elk continues to expand within California.

Statistically-derived population estimates with reliable confidence intervals are difficult to obtain for elk inhabiting closed canopy forests of the North Coast. Based on data collected over the past three years, the Department estimates the North Coast Roosevelt EMU currently contains at least 1,600 elk. This information was presented and made available to the public in the Draft Supplemental Environmental Document filed with the State Clearinghouse on February 19, 2019. Public elk hunting has occurred annually in Del Norte County since 1993, whereas hunting under the PLM program has occurred within the North Coast EMU since 2008. Against this backdrop of carefully regulated elk hunting, the Department asserts Roosevelt elk numbers both statewide and within the North Coast EMU have

increased steadily over time (2018 Elk Conservation and Management Plan).

3. **Comment: “The discussion hearing for 2019 Elk hunting should be held in April, and a decision should be made after the public and Commission has reviewed the most current environmental document and survey information.** The most current survey information, used to establish the 2019 hunt, will not be made available to the public or the Commission until just before the decision meeting of the Fish and Game Commission in April. And yet, you are now having the discussion meeting without the guidance of this most current survey information. This is unfair for the public and the Commission to make an informed decision. **The discussion meeting about 2019 hunting should be held after the environmental document and current survey data are released,** which are scheduled for February and March, respectively. Please keep in mind your stated objectives as quoted above. The Elk hunt does not begin until fall of each year, so there is no hurry, except to shortchange the review process.”

**Response:** The Fish and Game Commission’s general authorities to regulate the take of elk (as well as other species of fish and wildlife) are described in Sections 200-332 of the Fish and Game Code. In addition, other statutes (e.g. provisions of the Administrative Procedures Act, and California Environmental Quality Act) provide for public participation in activities and processes of the Fish and Game Commission and the Department of Fish and Wildlife. The Draft Supplemental Environmental Document on Elk Hunting was filed with the State Clearinghouse on February 19, 2019 for public review and comment. The Notice of Preparation was filed on November 13, 2019 and a public scoping meeting was held on November 30, 2019 on the proposed project. In addition, opportunities for the public to provide comments on the project were provided at the September 20, 2018 Wildlife Resources Committee and the December 13, 2018, February 6, 2019, and April 17, 2019 Fish and Game Commission meetings. The Commission’s adoption meeting and teleconference is scheduled for May 16, 2019 Commission’s conference room, 1416 Ninth St., Room 1320, Sacramento, CA.

4. **Comment: “Please reform your overall elk hunt process before the next cycle, to give it integrity and make it transparent. This would be appropriate and respectful, now that the statewide elk management plan has been finalized, and the Commission has adopted a revised vision and mission.** Your Revised Mission statement commits in part that the Commission and Department will “provide leadership for open and transparent dialogue where information, ideas and facts are easily available, understood and discussed...” Your New Core Values include Integrity and Transparency, yet the general public that enjoys experiencing the elk return and recovery and the conservation community are excluded from any

representation on the team that put together the statewide management plan as well as the review team for the annual elk hunt public process. Further the current process is anything but *transparent*.”

**Response:** Please see previous response above. The Commission’s core values emphasize integrity and transparency, and the Department’s policies and objectives are clearly specified in Section 1801 of the Fish and Game Code to maintain sufficient populations of all species of wildlife, as well as diversified recreational uses that include hunting.

5. **Comment:** “In the proposed regulations to be discussed on Feb. 6<sup>th</sup> the top range of elk tags that can be allocated in the Northwest Hunt is a 41% increase from 2018 to 2019 (*plus* PLM tags), with zero reference to previous or current year elk surveys and population trends. (And to add PLM numbers to this total proposed increase, it is necessary to look up the agenda for the June 2018 meeting, where PLM hunting plans were discussed.) How is the public to understand or place into context such a potentially enormous increase?”

**Response:** The Department currently issues a total of 88 elk tags in the Northwestern Elk Zone. This includes 45 total public tags (both general and SHARE), 3 cooperative elk tags, and 40 PLM tags. The Department proposes to increase the total number of tags to 108 by increasing the total number of public tags to 65 and no changes to cooperative and PLM tags. This is a 23% increase. The Draft SED also contains an alternative for an increase of 60 tags (approximately 68%) as well as an increase of 10 tags (approximately 11%). The Department’s recommended proposal, and the Commission’s proposed rulemaking, assuming 100% hunter success, would amount to an approximate 7% of the estimated population harvested, a small and conservative fraction of the total population for the Northwest Zone.

6. **Comment:** “**We have previously asked that the Del Norte hunt be separated from the Northwest hunt. This is because the Del Norte area has unique concerns and pressures from agricultural land impacts.** Our herds are being specifically targeted for hunting because of agricultural impacts. Creating new PLMs and more SHARE hunts has already significantly increased yearly kill in Del Norte. Our herds are easily accessible for hunting from public roads. The Northwest herds in Humboldt largely have protection from Redwood State/National Park territory. If Humboldt herds grow, and our herds are over-hunted, the impact is hidden by combining the two hunts.”

**Response:** Regarding separation of the Del Norte hunt from the Northwestern hunt, the Department’s 2018 Elk Conservation and Management Plan currently identifies the North Coast Roosevelt Elk Management Unit (EMU) to include all of Del Norte County and most of Humboldt County. However, the EMU document is considered a placeholder and starting point to work with local stakeholders to develop a refined plan for the unit which could involve establishing separate EMUs for Del Norte and Humboldt counties, respectively.



7. **Comment:** “We have previously asked and again ask that a representative from the Conservation Community, one that does not have a bias to hunting, be included on the hunting review team. This has not happened. It is our opinion that the Rocky Mountain Elk Club, or other hunting clubs cannot respond without prejudice towards hunting pressure. Those that hold the growth and health of the Elk herds above all other stated objectives are not represented on your review team. Those of us who are thrilled with the return and recovery of the elk are not represented on your review team.”

**Response:** Please see responses to comments 3 and 4 above. Department recommendations for tag quotas are made in recognition that diversified recreational uses of wildlife can include hunting (as specified in Section 1801 and elsewhere in the Fish and Game Code).

1. **Comment:** “We have previously asked and again ask that Native American Tribes be given the top priority status in limited hunts, and that tags for these communities are free or discounted.”

**Response:** The Department is looking at different options to provide special hunting opportunities such as apprentice, military, tribal, or others. There may be statutory constraints that limit the ability to provide preferential or reduced fee opportunities. Tribes have authority on Tribal lands to manage take by their Tribal members as they see appropriate. The Department and Commission under their respective Tribal Communication and Consultation Policy seek and encourage collaborative relationships with Tribes, including for the co-management of resources such as elk or coordinated hunts. For opportunities not on tribal lands, Tribal members are eligible to apply through the general and SHARE draws to receive elk tags available to eligible resident and non-resident hunters.

G. **Kate Hulbert, email received April 16, 2019**

1. **Comment:** No, no, no! No to trophy hunting of our precious native elk. How could anyone proudly hang a head of these gentle noble creatures on a wall? Please STOP this barbaric act now. We come to this area hoping to see these beautiful animals. Protect them please.

**Response:** A decision to eliminate all hunting is outside the scope of the proposed rulemaking action. Additionally, data suggest that elk herds within the North Coast Elk Management Unit are doing well and increasing. Regulated hunting is not impacting populations or limiting other recreational opportunities. Nonhunting users of the elk resource (viewing, nature study, and photography) will not be significantly impacted by limited harvest of elk. Nor will the proposed project impair non-consumptive users' ability to enjoy the outdoors, the elk resource, or its habitat, because opportunities for non-consumptive users to enjoy elk will continue to be available.

H. **Mary Louise Holly, Ph D., Kent State University- email received April 16, 2019**

1. **Comment:** Despite good stewardship research, the killing of mature for "trophy hunters" is allowed to increase rather than decrease. Please get a conscience and STOP this ego bloating nature degrading practice. Please make transparency possible by separating Del Norte and Humboldt County - make them two hunting zones not one. Thank you for taking a larger perspective supported by science and the larger community – not individual chest puffing out at the expense of the animals and humans who care about them.

**Response:** A decision to eliminate all hunting is outside the scope of the proposed rulemaking action. Additionally, property damage and conflict continues to increase throughout the North Coast EMU. The proposed increase of 20 tags (8 bull and 12 antlerless tags) will be focused on private lands to alleviate ongoing property damage due to elk. The Department will continue to monitor both hunter success and the age of bulls taken by hunters within the Northwestern zone for significant changes. Data from the last five years of hunter harvested bulls shows every age class represented, from one to ten years with an average age of six. This indicates a healthy distribution of all age classes in the population (Department's Management Plan, Appendix E). These results do not suggest any reason for concern regarding harvest of older of mature bulls. Despite that, another tool used by the Department to potentially guard against that concern is that three bull tags currently issued in the hunt zone are limited to elk with antlers showing fewer than six points. Current recommendations are to issue both bull and antlerless tags to harvest an appropriate number of animals of each sex. Regarding separation of the hunt zones, please see response E.1.

I. **Oral Eileen Cooper, Friends of Del Norte- Letter dated May 13, 2019**

1. **Comment:** I am concerned that Del Norte County lobbies and makes recommendations regarding Elk hunting quotas that are guided by Del Norte Supervisor Chris Howard, who is employed as the manager for Alexandre Dairy, which is an Elk hunting PLM. Alexandre Dairy benefits directly by being granted elk hunting tags in exchange for habitat conservation projects and by also allowing elk to graze on the dairy pastures. The elk tags can be sold by the dairy for several thousands of dollars each. This is a conflict of interest, and yet Supervisor Chris Howard sits on a two member Resources Committee that guides recommendations for Del Norte Board of Supervisors, and he votes and participates in discussions about Del Norte Supervisor letters of recommendation for aggressive hunting of Elk, without disclosure or recusal. His participation and continual lobbying of Department staff and Commissioners for harvest increases has from my perspective, biased the entire process. The discrepancies and recent changes in alternatives, from the analyzed and modeled preferred harvest of approximately 80, to an increased and more aggressive harvest of approximately 100 elk, has been influenced by his participation.

His response to arguments that support increasing the harvest, such as that the models do not portray calf survival accurately are voiced clearly and loudly. Models used a 40% survival figure. At the Fish and Game Commission meeting Chris Howard argued: “the calf survival rate is 99%”. He has no basis for this statement.

The Fish and Game sent a letter of correction to BOS stating that the highest survival rate (not the overall average) could be 80%.

**Response:** Comment noted.

2. **Comment:** Chris Howard fails to acknowledge points that have been brought to his attention, that argue for decreasing the harvest, such as the fact that actual elk counts for the Northwest herd population are at about 1000, but the model uses an exaggerated, scientifically unexplained value of 1600.

**Response:** 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 ten percent increase in the total number of elk in the Northwestern elk hunt zone. This represents numbers actually seen and does not reflect elk in areas that are inaccessible or unobservable due to closed canopy cover conditions where detection is difficult. Based on evaluation of these data, assessment of potential habitat throughout the EMU, and conditions, the Department has determined a reasonable minimum population estimate of 1,600 elk for the EMU.

3. **Comment:** The calf survival figure (40%) and the total population modeling (1600) both are probably inaccurate, but Chris Howard only acknowledges those facts that benefit his employer.  
At the Commission meeting Chris Howard goes on to state that all alternatives are good, and have no significant impact, as supposedly stated by your agency.

**Response:** As included in the DSED, data from the 58 calves collared from 2017 to 2018 to investigate calf survival indicated that survival was high. Initial analysis of those data suggest calf survival could be as high as 80%. The DSED also discusses compensatory response in relation to the Stock-Recruitment model and its fundamental assumption that calf survival is a function of population density.

For the purposes of evaluating the different harvest strategies over the ten years evaluated in the model, a more conservative calf survival rate of 40% was used rather than a potential maximum calf survival rate. The Department

acknowledges that some members of the public consider the maximum calf survival (recruitment) rate used in the modeling may be conservative but believes it is more representative over time. As additional data are collected and our understanding of calf survival in this area improves, that input can be modified in future modeling efforts.

- 4. Comment:** Again the Fish and Game Commission in their letter of correction, stated that the long term impacts of the aggressive hunting alternative would indeed diminish the herd. Other of Supervisor Howard's constituents agree.

**Response:** To clarify, 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 ten 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 was implemented for ten 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 for the 2019 hunting season and will evaluate opportunities to further modify tag allocations based on analysis of additional data from the ongoing monitoring program. Results from the annual monitoring within each EMU will inform potential changes to harvest levels which may be adjusted (up or down) through the Commission's regulatory process; additionally, significant changes in observed population parameters (e.g. total population size, calf to cow and bull to cow ratios) can provide additional information to evaluate/adjust existing harvest levels.

**J. Joe Gillespie, Friends of Del Norte- Letter dated May 13, 2019**

- 1. Comment:** These comments focus on the North Coast Roosevelt Elk Management Unit (also referred to as Northwestern California Hunt Zone). We are submitting supplemental comments for distribution in the packet for all Fish & Game Commissioners for their May meeting. Please carefully evaluate our previous April 4, 2019 comments (as electronically posted for the April Fish and Game Commission meeting documents regarding elk) in conjunction with these highlights. Thank you as always for the opportunity to participate in this process.

The "Document" referenced throughout these comments is the Draft Supplemental Environmental Document ELK HUNTING prepared by California Department of Fish & Wildlife (CDFW) and dated February 14, 2019. We hope that the significant mistakes that we have highlighted (again) here in our analysis will be corrected, and that the hunt will be adjusted accordingly, back to the current level of ~85 tags and 80 harvest.

- The current proposed tags of 108 elk in the Northwest Elk Hunt represents an extreme increase in hunting and will likely significantly reduce the size of the Northwest Elk Population, as suggested by the Department's own population models within the Document. The Department fails to model this increase to 108 tags. Only the impacts of ~80 and 125 elk harvest are modeled. The 125 elk harvest is described as the aggressive hunting alternative, which shows a significant decline of the Northwest Elk herds. 108 tags is closer to 125 than the current baseline condition of ~80.

**Response:** See response J. 2. While hunter success has increased over time, the number of tags has not increased. The average (mean) annual harvest for the Northwestern EMU from 2013 -2018 was approximately 44 bulls and 21 antlerless elk per year of the 88 total tags issued. This included elk taken through the general (public) drawing, Cooperative Elk Hunting, SHARE, and the PLM programs. Historically, cumulative hunter success has been less than 100%, although annual success can approach 100% in some areas (a comprehensive tabulation of hunter success for the Northwestern EMU can be found in Appendix E of the Department's Management Plan). Thus, to model existing conditions (i.e. the No Change Alternative) the Department assumed a mean annual harvest of 44 bulls and 21 antlerless elk per year, which is based on an overall hunter success from 2013-2018 that was less than 100%. However, to model anticipated effects of the Department's recommended proposal (an increase of 20 tags) as well as the increased (60 tags) proposal and reduced (an increase of only 10 tags) proposal, the Department assumed that any additional tags issued as a result of the Commission's actions would involve a 100% hunter success rate for those additional tags.

As indicated in the Draft Supplemental Environmental Document Regarding Elk Hunting (DSED), the Department's recommended proposal for the North Coast EMU (Northwestern Hunt Zone) is to increase the number of elk tags by 20 for a total of 108. If we look at harvest trends, we can see a general increase in hunter success over the past five years. While this might be alarming to some, when we look at different population demographics, there is nothing to suggest any negative impacts. If you look at the age distribution of antlerless elk harvested since 2014, the average age is approximately six years old which suggests we have a healthy representation of cows from all age classes. For comparison, the average age of bulls harvested over that same period is also around six years of age. The age data from harvest of both sexes ranged from one to ten years of age. Age is part of the annual monitoring program and should shifts occur towards specific age classes, changes to tag quotas could be considered. The age data does not currently indicate any cause for concern.

Another indicator of herd health is to look at composition which can be determined through calf to cow and bull to cow ratios. As part of telemetry work conducted in 2017 and 2018, direct counts showed calf to cow ratios remained stable at 32 and 34 calves per cow. The bull to cow ratio increased over that same period from 21 to 31 bulls to cows. To substantiate these numbers, the Department also looked at calf survival. During 2017 and 2018, we collared 58 calves and our initial analysis indicated survival could be as high as 80%. These combined results, increased observation count data and high calf to cow ratio all indicate a growing population, despite the increased hunter success and harvest.

When we consider all of this data along with increased landowner contacts reporting conflict and property damage, we are confident the population can sustain additional harvest. For our analysis, we used a five year average of hunter harvest success to evaluate the different harvest strategies. While some may have concerns that the estimated harvest used in the modeling runs may be too low (average of 70% over a five year period) based on the recent increase in actual harvest (from 85 to 90% the last couple of years), we do not believe that change is significant because we know that it can be variable. This is why we look at multiple parameters when evaluating potential harvest strategies. Another way to look at this that if we assume 100% success of all 108 tagholders, the resulting harvest on the population estimate of 1,600 would be less than 7% of the population. If we make the same assumption and apply it to the minimum number of elk we know are in the EMU from direct counts of 990, the resulting harvest would be less than 11% of the population. Regardless of which number is used, those are low levels and we are confident that the populations can sustain an increased level of harvest.

- 2. Comment:** The harvest of approximately 80 elk is presented in the text of the Document as current baseline conditions. The text of the Document contradicts and is internally inconsistent with the information presented in the modeling analysis, which forms the foundation for the conclusions. The harvest of 80 elk is actually a significant increased harvest which has only recently been implemented -- just two years ago-- without the necessary CEQA process. Now this is the current condition. *But the population modeling in the Document clearly shows the current conditions to be a harvest of 65, and the preferred alternative to be approximately an 85 harvest.* The long term results of this increased rate of harvest need to be monitored carefully, because this increased harvest has only just recently been implemented without environmental evaluation. This is a violation of CEQA. Two years of implementation is a short time frame that cannot establish a population trend. The population modeling appears to show that with a harvest of 85 elk, the Northwest herds will be stable at this hunting rate, with little to no increase.

**Response:** See response J. 1. While hunter success has increased over time, the number of tags has not increased. The average (mean) annual harvest for the Northwestern EMU from 2013 -2018 was approximately 44 bulls and 21 antlerless elk per year of the 88 total tags issued. This included elk taken through the general (public) drawing, Cooperative Elk Hunting, SHARE, and the PLM programs. Historically, cumulative hunter success has been less than 100%, although annual success can approach 100% in some areas (a comprehensive tabulation of hunter success for the Northwestern EMU can be found in Appendix E of the Department's Management Plan). Thus, to model existing conditions (i.e. the No Change Alternative) the Department assumed a mean annual harvest of 44 bulls and 21 antlerless elk per year, which is based on an overall hunter success from 2013-2018 that was less than 100%. However, to model anticipated effects of the Department's recommended proposal (an increase of 20 tags) as well as the increased (60 tags) proposal and reduced (an increase of only 10 tags) proposal, the Department assumed that any additional tags issued as a result of the Commission's actions would involve a 100% hunter success rate for those additional tags.

- 3. Comment:** Therefore, we support the "current conditions/no project" alternative of approximately 80 elk harvest with the added requirement of continued monitoring and responsive adjustments, because it is not clear what impacts this is already having or will have in the future. We would prefer to see further growth in the herds (so that the Roosevelt elk herds re-occupy most of their historic range) based on actual counts or based on a clear, detailed explanation of what the actual counts are; how they are collected, and how population numbers are derived from actual counts.

**Response:** Comment noted.

- 4. Comment:** We question the accuracy of the model, as well as the input data for the total population estimate. Recent surveys by the Dept. of Fish and Wildlife have accounted for a population base in Del Norte and Humboldt of almost 1000 elk, rather than the hypothetical and unexplained population of 1600 that the model uses. There are likely to be significant detrimental impacts caused by allowing more aggressive hunting based on the scientifically unfounded, exaggerated and unexplained population estimate of 1600.

Given that Del Norte/Humboldt CDFW surveys resulted in approximately a 50/50% population count of about 500/500, and that Redwood National Park surveying results show that the Park herds are stable or in slight decline, it is improbable that the actual count for Del Norte is more than half again of that surveyed.

- The actual long term population studies from the Redwood National Park (previous attachment April 4, 2019 FODN comments) again call into question the inflated 1600 population input data, and the expectation that we can significantly increase hunting. Our herds within Humboldt/Redwood National Parks are currently not expanding but are in slight decline. Del Norte populations may also experience a stabilization point that will not support more aggressive hunting. Careful monitoring and a more conservative approach are appropriate. Only long term data, such as Redwood Park data, will present a trend.

**Response:** See response J. 1. regarding the population estimate. Specific to the data from Parks, the Department has reviewed their reports and continues to partner with them on elk management.

The Department has reviewed the Redwood National and State Parks (RNSP) and continues to partner with them on elk management.

The RNSP 2017 Herd Unit Classification and Management of Roosevelt Elk, June 2018 paper, Appendix A lists cow elk counts for every year from 1998 to 2017. While the count from the last five available years has declined from 303 in 2012 to 249 in 2017, only six of seven herds were counted in 2017. This suggests elk numbers have stayed relatively constant. These numbers also reflect only elk found within the Redwood National and State Parks at the time of survey, not of the entirety of the Northwestern elk hunt zone.

The Department works closely with RNSP staff. RNSP staff have assisted the Department for the past two years in calf and cow captures in the RNSP areas, and both the RNSP and Department staff regularly survey elk in these territories. The Department greatly appreciates the work of the RNSP and plans to continue partnering with them in the future.

5. **Comment:** The genetic information about the Northwest Elk Herds that we have provided previously in attachments that are electronically posted, clearly shows that Humboldt and Del Norte are the only California herds classified genetically as the subspecies Roosevelt Elk. The map presented in the Northwest Supplemental DEIR Appendix 4, page 66, is incorrect by including hybridized inland populations that are not genetically classified as Roosevelt Elk. Therefore, the range and population of the subspecies Roosevelt Elk in California is much more limited and requires distinctly important conservation and monitoring, as required in your guidelines. Our recommendation would be to further divide the Northwest herd from inland hybridized quadrants, and that the hybrid elk be targeted for hunt pressure rather than the pure subspecies on the coastal plain.

**Response:** The Department is aware of the genetic study looking at the three subspecies of elk within California. The Department continues to identify the genetic makeup from elk herds around the state. Meredith et al. (2007) found



pure Roosevelt elk and hybrid (Roosevelt/Rocky Mountain) elk in Siskiyou County. In this study, elk from western Siskiyou County were determined to be pure Roosevelt elk along with those from Del Norte, Humboldt, and Trinity counties, and Jewell Oregon. The Department re-established elk in portions of Trinity and Siskiyou counties by translocating elk from Jewell, Oregon. Elk are capable of moving long distances and migrating and no current barriers exist to prevent their movement across the landscape. Further study of elk genetics, including from additional subgroups, will assist the Department in meeting the objectives identified in the Management Plan.

6. **Comment:** Of general concern is that the California Dept. of Fish and Wildlife is substantially funded by Federal revenues from gun sales. Hunting is in decline, while recreational nature appreciation activities are increasing. A relevant news article explains the details:

<https://www.npr.org/2018/03/20/593001800/decline-in-hunters-threatens-how-u-s-pays-for-conservation>

**Response:** The Department is also concerned about the decline in hunters because they have been a cornerstone of conservation through the years. Revenue generated directly from the sale of firearms, ammunition, archery equipment, licenses, and tags play a significant role in conservation and management. The federal dollars made available to the states through the Wildlife Restoration Act (formerly known as the Pittman-Robertson Act) that are generated as a result of the excise taxes on firearms, ammunition, and archery equipment bring in approximately \$20,000,000 annually to California which goes directly to wildlife conservation. The revenue generated from hunting licenses and tags sold in California results in an additional \$25,500,000 million annually which also goes directly to wildlife conservation. In addition to general wildlife management, it is funds from hunters that have resulted in the incredibly successful recovery of tule elk in California. In addition to the wildlife management activities, these funds are also the primary support for management of over one million acres of habitat on over 700 properties that represent the diversity across the state and provide important habitat for game and nongame species, including threatened and endangered species. Declines in hunters and potential reductions in the revenue is a concern to the Department. It should be a concern to us all because there are no alternative funds available to support these critical conservation needs.

7. **Comment:** Please review our previously submitted comments on the draft environmental document, as these comments continue to be relevant to your process. Under CEQA, CDFW should have finalized the Document, responding to all comments received, before any elk tag allocation is approved. Where is the final document and the response?

**Response:** The Department and Commission reviews the public comments received. Upon the close of the comment period, responses were developed and was made available for the adoption hearing. The Commission certified the Final Environmental Document and adopted 364 regulations at its May 16, 2019 teleconference.

**K. Oral comments received at the May 16, 2019 Fish and Game Commission meeting:**

1. **Comment:** “Supports the proposed elk tag increase in the Northwestern elk zone”:
  - a. Bill Gaines, Rocky Mountain Elk Foundation
  - b. Roy Griffith, California Rifle and Pistol Association
  - c. Mike Coopman, Del Norte resident
  - d. Robert Westbrook, Del Norte resident

**Response:** Comment noted, thank you.

2. **Eileen Cooper, Friends of Del Norte**

**Comment:** This is the first chance that this has been made available for my viewing. Responding to increase, and that model reflects a much lower condition, you’re saying that’s an average, if you look at our comments these numbers have been increasing tremendously. This is a continual increase, not just going up and down according to population count. And now we are increasing to over 100, you have models 125 is the extreme harvest that will in the long term have detrimental effects and reduce the herds. The proposed 108 is getting pretty close, up there. You haven’t even modeled it. We take issue with the number that is in your pop model. We have gone to presentations where the actual counts are 1,000, not the minimum. We don’t see how you jump to 1600 when Redwood National Park herd is declining. Look at the pop study on page 246 that shows that their herds are declining. If your elk are coming out of the area of the park you are hurting their herds. The genetic information here on page 207 you can clearly see that the herds are true Roosevelt elk herds, they need to be treated more carefully. I wish I had more of a summary, but I haven’t had the response document.

**Response:** See responses to comments I. 2. and J. 4.