

STAFF SUMMARY FOR DECEMBER 11-12, 2019

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

Consider authorizing publication of notice of intent to amend mammal hunting tag quotas and seasons regulations (deer, archery deer, bighorn sheep, elk and SHARE elk).

Summary of Previous/Future Actions

- | | |
|---------------------------------|------------------------------------|
| • WRC vetting | Sep 10, 2019; WRC, Santa Rosa |
| • Today's notice hearing | Dec 11-12, 2019; Sacramento |
| • Discussion hearing | Feb 5-6, 2020; Sacramento |
| • Adoption hearing | Apr 15-16, 2020; Sacramento |

Background

Proposed changes to the hunting regulations for various big game mammals are combined for concurrent action under a single rulemaking package. For the 2020-21 season, DFW is proposing changes to mammal hunting regulations contained in sections 360, 361, 362, 364, and 364.1 (Exhibit 1). In addition to changes to season dates to account for the annual calendar shift and other minor changes, DFW proposes the following changes as reflected in the initial statements of reasons (ISORs):

Deer (Additional Hunts) – Exhibit 2

- Adjust the number of deer tags available in additional hunts based on spring population surveys.

Deer (Archery Deer Hunts) – Exhibit 3

- Adjust the number of deer tags available for the archery hunt season based on spring population surveys.

Nelson Bighorn Sheep – Exhibit 4

- Adjust the number of Nelson bighorn ram tags available for the season based on bighorn sheep fall/winter population surveys.

Elk – Exhibit 5

- Modify the number of elk tag quotas specified for each hunt zone in accordance with management goals and objectives and within the proposed ranges.
- Modify season dates on Fort Hunter Liggett due to military use constraints, including DFW-administered general methods tule elk hunts, apprentice hunts, and archery-only hunts.

SHARE Elk Hunts – Exhibit 6

- Adjust Shared Habitat Alliance for Recreational Enhancement (SHARE) program elk tag quotas for each hunt area, in response to dynamic environmental and biological conditions, to achieve elk herd management goals and objectives, and maintain hunting quality.

STAFF SUMMARY FOR DECEMBER 11-12, 2019

In all five ISORs where preliminary tag quota ranges are provided, the number of recommended tags will be proposed prior to the Apr 2020 adoption hearing pending completion of all surveys and data analyses.

Significant Public Comments (N/A)**Recommendation**

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

Committee: Authorize publication of a notice as recommended by DFW.

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

Exhibits

1. [DFW memo, received Nov 13, 2019](#)
2. [Draft economic and fiscal impact statement \(Std. 399\)](#)
3. [Draft deer ISOR](#)
4. [Draft archery deer ISOR](#)
5. [Draft bighorn sheep ISOR](#)
6. [Draft elk ISOR](#)
7. [Draft SHARE elk ISOR](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend Section 360 et al., related to mammal hunting regulations for the 2020-21 season.

State of California
Department of Fish and Wildlife

Memorandum

Date: November 7, 2019

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

From: Charlton H. Bonham
Director

Subject: **Submittal of Initial Statement of Reasons to Amend Sections 360, 361, 362, 364, and 364.1, Title 14, California Code of Regulations (CCR)**

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) authorize publication of notice of its intent to amend Sections 360, 361, 362, 364, and 364.1, Title 14, CCR. The Department proposes the following changes to the existing mammal hunting regulations for the 2020-21 season:

1. Section 360 Deer:
 - a. Modify the number of deer tags in hunt zones in Subsection 360(c) by presenting ranges, recommendations for which will be finalized prior to adoption
 - b. Modify season dates in subsection 360(c)(5) for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and in subsection 360(c)(32) J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) to account for the annual calendar shift
2. Section 361 Archery Deer Hunting:
 - a. Modify the number of deer tags in hunt zones in subsection 361(b) by presenting ranges, recommendations for which will be finalized prior to adoption
 - b. Modify season dates in subsection 361(b)(28) for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) to account for the annual calendar shift
 - c. Minor editorial changes in subsection 361(b)(26) for Archery Hunt A-31 (Los Angeles Archery Either-Sex Deer Hunt) to reference the correct definition for either-sex deer provided in Section 351, Title 14, CCR.
3. Section 362 Bighorn Sheep:
 - a. Modify the number of desert bighorn sheep tags in hunt zones in subsection 362(d) by presenting ranges, recommendations for which will be finalized prior to adoption
4. Section 364 Elk:
 - a. Modify the number of elk tags in hunt zones in subsections 364(r) through (aa) by presenting ranges, recommendations for which will be finalized prior to adoption

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 7, 2019
Page 2

- b. Modify season dates in subsections 364(u)(12)(C) for Department Administered General Methods Tule Elk Hunts, 364(v)(7)(A) for Department Administered Apprentice Hunts, and 364(w)(6)(B) for Department Administered Archery Only Hunts to account for the annual calendar shift
- 5. Section 364.1 SHARE Elk:
 - a. Modify the number of SHARE elk tags in hunt zones in subsections 364.1(i) through (l) by presenting ranges, recommendations for which will be finalized prior to adoption

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

Attachment

cc: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

Kari Lewis, Chief
Wildlife Branch
Kari.Lewis@wildlife.ca.gov

Brad Burkholder
Game Program Manager
Wildlife Branch
Brad.Burkholder@wildlife.ca.gov

Nathan Graveline
Big Game Program Supervisor
Wildlife Branch
Nathan.Graveline@wildlife.ca.gov

Julie Garcia
Deer Program Coordinator
Wildlife Branch
Julie.Garcia@wildlife.ca.gov

Victoria Barr
SHARE Program Coordinator
Wildlife Branch
Victoria.Barr@wildlife.ca.gov

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 7, 2019
Page 3

Regina Vu
Bighorn Sheep Program Coordinator
Wildlife Branch
Regina.Vu@wildlife.ca.gov

Kristin Denryter
Elk and Pronghorn Programs Coordinator
Wildlife Branch
Kristin.Denryter@wildlife.ca.gov

David Bess, Chief
Law Enforcement Division
David.Bess@wildlife.ca.gov

Patrick Foy, Captain
Law Enforcement Division
Patrick.Foy@wildlife.ca.gov

Michelle Selmon
Environmental Program Manager
Regulations Unit
Wildlife and Fisheries Division
Michelle.Selmon@wildlife.ca.gov

Mike Randall, Analyst
Regulations Unit
Wildlife and Fisheries Division
Mike.Randall@wildlife.ca.gov

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

STD. 399 (REV. 12/2013)

DRAFT**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret.Duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4674
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Mammal Regulations for 2020-2021			NOTICE FILE NUMBER Z

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

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

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

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

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

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

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

Describe the types of jobs or occupations impacted: _____

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

If YES, explain briefly: _____

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

STD. 399 (REV. 12/2013)

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

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____
 - a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - d. Describe other economic costs that may occur: _____
2. If multiple industries are impacted, enter the share of total costs for each industry: _____
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____
4. Will this regulation directly impact housing costs? ☐ YES ☐ NO
 If YES, enter the annual dollar cost per housing unit: \$ _____
 Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☐ NO
 Explain the need for State regulation given the existence or absence of Federal regulations: _____
 Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?
 Explain: _____
3. What are the total statewide benefits from this regulation over its lifetime? \$ _____
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

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

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

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

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

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

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

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NOExplain: _____
_____**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

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

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

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

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

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

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

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

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

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

STD. 399 (REV. 12/2013)

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

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

\$ _____

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

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

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

\$ _____

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

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

Case of: _____ vs. _____

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

Date of Election: _____

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

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

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

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

- ☐ 3. Annual Savings. (approximate)

\$ _____

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

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

- ☐ 6. Other. Explain _____

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

STD. 399 (REV. 12/2013)

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

\$ _____

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

\$ _____

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

\$ _____

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

\$ _____

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

FISCAL OFFICER SIGNATURE

DATE

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

AGENCY SECRETARY

DATE

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



DRAFT

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Subsection 360(c)
Title 14, California Code of Regulations
Re: Deer: Additional Hunts

I. Date of Initial Statement of Reasons: November 13, 2019

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing	Date:	December 11, 2019
	Location:	Sacramento, CA
(b) Discussion Hearing	Date:	February 6, 2020
	Location:	Sacramento, CA
(c) Adoption Hearing	Date:	April 16, 2020
	Location:	Sacramento, CA

III. Description of Regulatory Action

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

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing deer regulations. Subsection 360(c) provides definitions, hunting zone descriptions, season opening and closing dates, and tag quotas for Additional Hunts of deer.

In order to maintain appropriate harvest levels and hunting quality it is necessary to periodically adjust tag quotas (total number of hunting tags to be made available) in response to dynamic environmental and biological conditions. Current regulations in subsection 360(c) specify deer license tag quotas for each hunt zone in accordance with management goals and objectives.

The specific recommended regulation changes are:

1. Number of Tags

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action initially provides a range (e.g., [0 - 100]) of tag numbers for each zone from which a final number will be determined based on the post-winter status of each deer herd. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and the approved deer herd management plans. Ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April and analyzed. A low-end quota range of zero (0) tags is used in the event final tag quotas need to be reduced. Hunts may be cancelled due to events such as fire, disease or other factors.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted allowable deer harvest (ADH) for next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus deer are likely to exist over and above the number required to maintain the desired buck to doe ratio objectives stated in approved deer herd management plans.

Actual tag numbers for each affected zone will be reflected in the Final Statement of Reasons and will be selected from the range of values recommended in this proposal. The recommended number of tags is intended to allow an appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining buck to doe ratios at, or near, objective levels set forth in approved deer herd management plans. The final recommendations for the number of tags to be issued will be based upon findings from the annual harvest and herd composition counts.

The current tag quota of zero (0) for additional deer hunt G-9 (Camp Roberts Antlerless Deer Hunt) reflects the Base's closure to hunting while construction was under way on the base. Construction was scheduled for completion in 2013; however, the timetable for resumption of base hunting programs has not been determined. The Department is currently in meetings with base command, and a decision regarding tag quotas is anticipated prior to the April 2020 Fish and Game Commission meeting. At this time, the current tag quota of zero (0) has been modified to the former tag quota of thirty (30) in anticipation of the possible resumption of deer hunting activities by the Base in the 2020/2021 season. However, if Base operations take precedence over conducting the G-9 hunt, the tag quota will be reduced to zero (0) and reflected in the Final Statement of Reasons.

2. Modify Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt)

Existing regulations for Additional Hunt G-8 provide for hunting to begin on October 7 and October 14, and continue for 3 and 2 days respectively, including the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities. Tags are split between military and the public.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on October 3 and continue for two (2) consecutive days, including the Columbus Day holiday, and reopen on October 10 and continue for three (3) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

The tag split will be deleted, and the tags will be available to any hunter, military or public.

3. Modify Additional Hunt J-10

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting to begin on October 7 and October 14, and continue for 3 and 2 days respectively, including the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities. Tags are split between military and the public.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on October 3 and continue for two (2) consecutive

days, including the Columbus Day holiday, and reopen on October 10 and continue for three (3) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

The tag split will be deleted, and the tags will be available to any hunter, military or public.

(b) Goals and Benefits of the Regulation

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) Authority and Reference

Authority: Section(s) 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Section(s) 200, 203, 203.1, 255, 265, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

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

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

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

Fish and Game Commission Wildlife Resources Committee meetings held in Sacramento on May 16, 2019, and in Santa Rosa on September 10, 2019.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Additional Hunt G-8

There is no reasonable alternative to the proposed action.

3. Modify Season Additional Hunt J-10

There is no reasonable alternative to the proposed action.

(b) No Change Alternative

1. Number of Tags

The "No Change Alternative" was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks to does in the herds. These ratios are maintained and managed in part by modifying the number of tags. The "No Change Alternative" would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify Additional Hunt G-8

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

3. Modify Additional Hunt J-10

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and/or unnecessarily restrict hunter opportunity.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and the approved deer herd management plans.

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 adjusts tag quotas for existing hunts and modifies season dates for hunts on military land. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

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

The proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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

VII. Economic Impact Assessment

(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 no significant changes in hunting activity levels are anticipated.

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

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

(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 within the State because no significant changes in hunting activity levels are anticipated.

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

The proposed regulation will benefit the health and welfare of California residents by maintaining sustainable deer populations and providing opportunities for the public to participate in a healthy outdoor activity.

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

Informative Digest/Policy Statement Overview

Existing regulations provide for the number of deer hunting tags in subsection 360(c) Additional Hunts. The proposed action provides a recommended range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April and analyzed.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the table below.

Deer: § 360(c) Additional Hunts			
Tag Allocations			
§	Hunt Number (and Title)	Current 2019	Proposed 2020 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	[0 - 5,000]
(2)	G-3 (Goodale Buck Hunt)	25	[0 – 50]
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	[0 – 100]
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	[20 Military*]
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military* & 10 Public	[20*]
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	[30*]
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	[250 Military*]
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	0	[0 – 500]
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	[0 – 50]
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	[0 – 300]
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	[0 – 50]
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	[0 – 100]
(13)	G-37 (Anderson Flat Buck Hunt)	25	[0 – 50]

	Deer: § 360(c) Additional Hunts Tag Allocations		
§	Hunt Number (and Title)	Current 2019	Proposed 2020 [Range]
(14)	G-38 (X-10 Late Season Buck Hunt)	300	[0 – 300]
(15)	G-39 (Round Valley Late Season Buck Hunt)	2	[0 – 150]
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	[0 – 75]
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	[0 – 50]
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	[0 – 50]
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	[0 – 100]
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	[0 – 150]
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	[0 – 50]
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	[0 – 100]
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	[0 – 200]
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	[0 – 150]
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	[0 – 150]
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	[0 – 25]
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	[0 – 30]
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	[0 – 50]

	Deer: § 360(c) Additional Hunts Tag Allocations		
§	Hunt Number (and Title)	Current 2019	Proposed 2020 [Range]
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	0	[0 – 50]
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	[0 – 20]
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	[0 – 10]
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	25 Military & 60 Public	[30*]
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	[0 – 50]
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	[0 – 20]
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	[0 – 100]
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	[0 – 75]
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	[0 – 30]
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	[0 – 75]
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	[0 – 25]
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	[0 – 75]
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	[0 – 40]
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	[0 – 20]
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	[0 – 80]

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs. Military only tags are designated for Department of Defense and eligible personnel as authorized by the Installation Commander.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 7 and continue for three consecutive days and reopen on October 14 and continue for two consecutive days, including the Columbus Day holiday. -The proposal would modify the season to account for the annual calendar shift. The proposal would change the season dates to open on October 3 and October 10, for two and three consecutive days respectively and include the Columbus Day holiday.

Benefits of the regulations

Deer herd management plans specify objective levels for the proportion of bucks to does in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final recommended values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code sections 200 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with sections 360, 702, 708.5 and 708.6 of Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

Proposed Regulatory Language

Subsection (c), Section 360, Title 14 CCR, is amended to read:

§360. Deer

(c) Additional Hunts.

(1) G-1 (Late Season Buck Hunt for Zone C-4).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~2,740~~ [0 - 5,000].

(2) G-3 (Goodale Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~25~~ [0 - 50].

(3) G-6 (Kern River Deer Herd Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~50~~ [0 - 100].

(4) G-7 (Beale Either Sex Hunt).

. . . *[No changes to subsections (A) through (E)]*

(5) G-8 (Fort Hunter Liggett Antlerless Deer Hunt).

. . . *[No changes to subsection (A)]*

(B) Season: The season for additional hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) shall open on October ~~7~~ 3 and extend for ~~3~~ 2 consecutive days and reopen on October ~~14~~ 10 and extend for ~~2~~ 3 consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

. . . *[No changes to subsections (C)]*

(D) Number of Tags: ~~20 (10 military and 10 general public)~~.

. . . *[No changes to subsections (E)]*

(6) G-9 (Camp Roberts Antlerless Deer Hunt).

. . . *[No changes to subsections (A) through (E)]*

(7) G-10 (Camp Pendleton Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (E)]*

(8) G-11 (Vandenberg Either-Sex Deer Hunt).

. . . *[No changes to subsection (A) through (E)]*

(9) G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~30~~ [0 - 50].

. . . *[No changes to subsection (E)]*

(10) G-13 (San Diego Antlerless Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

- (D) Number of Tags: ~~300~~ [0 - 300].
- (11) G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt).
... [No changes to subsections (A) and (C)]
- (D) Number of Tags: ~~25~~ [0 - 50].
... [No changes to subsection (E)]
- (12) G-21 (Ventana Wilderness Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~25~~ [0 - 100].
- (13) G-37 (Anderson Flat Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~25~~ [0 - 50].
- (14) G-38 (X-10 Late Season Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~300~~ [0 - 300].
- (15) G-39 (Round Valley Late Season Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~2~~ [0 - 150].
- (16) M-3 (Doyle Muzzleloading Rifle Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~20~~ [0 - 75].
... [No changes to subsection (E)]
- (17) M-4 (Horse Lake Muzzleloading Rifle Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~40~~ [0 - 50].
... [No changes to subsection (E)]
- (18) M-5 (East Lassen Muzzleloading Rifle Buck Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~5~~ [0 - 50].
... [No changes to subsection (E)]
- (19) M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt).
... [No changes to subsections (A) through (C)]
- (D) Number of Tags: ~~80~~ [0 - 100].
... [No changes to subsection (E)]
- (20) M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt).
... [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~150~~ [0 - 150].

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

(21) M-8 (Bass Hill Muzzleloading Rifle Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~20~~ [0 - 50].

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

(22) M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~45~~ [0 - 100].

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

(23) M-11 (Northwestern California Muzzleloading Rifle Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~20~~ [0 - 200].

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

(24) MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~150~~ [0 - 150].

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

(25) MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~150~~ [0 - 150].

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

(26) J-1 (Lake Sonoma Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~25~~ [0 - 25].

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

(27) J-3 (Tehama Wildlife Area Apprentice Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~45~~ [0 - 30].

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

(28) J-4 (Shasta-Trinity Apprentice Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~45~~ [0 - 50].

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

(29) J-7 (Carson River Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 0 [0 - 50].

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

(30) J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 15 [0 - 20].

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

(31) J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 5 [0 - 10].

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

(32) J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt).

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

(B) Season: The season for additional hunt J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) shall open on October 7 3 and extend for 3 2 consecutive days and reopen on October 14 10 and extend for 2 3 consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

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

(D) Number of Tags: ~~85~~ 30 (~~25 military and 60 general public~~).

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

(33) J-11 (San Bernardino Apprentice Either-Sex Deer Hunt).

. . . [No changes for subsections (A) through (C)]

(D) Number of Tags: 40 [0 - 50].

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

(E) Special Conditions:

(34) J-12 (Round Valley Apprentice Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 40 [0 - 20].

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

(35) J-13 (Los Angeles Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 40 [0 - 100].

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

(36) J-14 (Riverside Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 30 [0 - 75].

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

(37) J-15 (Anderson Flat Apprentice Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~40~~ [0 - 30].

. . . *[No changes to subsection (E)]*

(38) J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~75~~ [0 - 75].

. . . *[No changes to subsection (E)]*

(39) J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~25~~ [0 - 25].

. . . *[No changes to subsection (E)]*

(40) J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~75~~ [0 - 75].

. . . *[No changes to subsection (E)]*

(41) J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~25~~ [0 - 40].

. . . *[No changes to subsection (E)]*

(42) J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~20~~ [0 - 20].

. . . *[No changes to subsection (E)]*

(43) J-21 (East Tehama Apprentice Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~50~~ [0 - 80].

. . . *[No changes to subsection (E)]*

(44) Conditions for Additional Hunts.

. . . *[No changes to subsections (A) and (B)]*

Note: Authority: Sections 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Reference: Sections 200, 203, 203.1, 255, 265, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

DRAFT

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Subsection 361(b)
Title 14, California Code of Regulations
Re: Archery Deer Hunting

I. Date of Initial Statement of Reasons: November 13, 2019

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing	Date:	December 11, 2019
	Location:	Sacramento, CA
(b) Discussion Hearing	Date:	February 6, 2020
	Location:	Sacramento, CA
(c) Adoption Hearing	Date:	April 16, 2020
	Location:	Sacramento, CA

III. Description of Regulatory Action

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

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing deer regulations. Subsection 361(b) provides definitions, hunting zone descriptions, season opening and closing dates, and tag quotas for Archery Deer Hunting.

In order to maintain appropriate harvest levels and hunting quality it is necessary to periodically adjust tag quotas (total number of hunting tags to be made available) in response to dynamic environmental and biological conditions. Current regulations in subsection 361(b) specify deer license tag quotas for each hunt zone in accordance with management goals and objectives.

The specific recommended regulation changes are:

1. Number of Tags

Existing regulations provide for the number of deer hunting tags for area-specific archery hunts. The proposed action initially provides a range (e.g., [0- 100]) of tag numbers for each zone from which a final number will be determined based on the post-winter status of each deer herd. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and the approved deer herd management plans. Ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April and analyzed. A low-end quota range of zero (0) tags is used in the event final tag quotas need to be reduced. Hunts may be cancelled due to events such as fire, disease or other factors.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year

harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted allowable deer harvest (ADH) for next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus deer are likely to exist over and above the number required to maintain the desired buck to doe ratio objectives stated in the approved deer herd management plans.

Actual tag numbers for each affected zone will be reflected in the Final Statement of Reasons and will be selected from the range of values recommended in this proposal. The recommended number of tags is intended to allow an appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in approved deer herd management plans. These final recommendations for the number of tags to be issued will be based upon findings from the annual harvest and herd composition counts.

2. Modify hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)

Existing regulations for A-33 provide for hunting to open beginning the first Saturday in October and continuing through November 12, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31. Tags are split between military and the public.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open beginning the first Saturday in October and continuing through November 11, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

The tag split will be deleted, and the tags will be available to any hunter, military or public.

3. Minor non-substantive correction for A-31 (Los Angeles Archery Either-Sex Deer Hunt). Existing regulations incorrectly reference a definition for either-sex deer, it should be subsection 351(c), not (b).

(b) Goals and Benefits of the Regulation

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) Authority and Reference

Authority: Section(s) 200, 203, 265, 3453, and 4370, Fish and Game Code.

Reference: Section(s) 200, 203, 203.1, 255, 265, and 4370, Fish and Game Code.

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

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

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

Fish and Game Commission Wildlife Resources Committee meetings held in Sacramento on May 16, 2019 and in Santa Rosa on September 10, 2019.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified.

(b) No Change Alternative

1. Number of Tags

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks to does in the herds. These ratios are maintained and managed in part by modifying the number of tags. The “No Change Alternative” would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify hunt for A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2007 Final Environmental Document regarding Deer Hunting and the approved deer herd management plans.

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 adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

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

The proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California

because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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

VII. Economic Impact Assessment

(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 no significant changes in hunting activity levels are anticipated.

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

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

(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 within the State because no significant changes in hunting activity levels are anticipated.

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

The proposed regulation will benefit the health and welfare of California residents by maintaining sustainable deer populations and providing opportunities for the public to participate in a healthy outdoor activity.

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

Informative Digest/Policy Statement Overview

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposed action provides a recommended range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected and analyzed in March/April and analyzed.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the table below.

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2019	Proposed 2020 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[0 - 3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	100	[0 - 1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[0 - 100]
(4)	A-5 (Zone X-3a Archery Hunt)	40	[0 - 300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[0 - 400]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[0 - 400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[0 - 100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[0 - 100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[0 - 200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[0 - 300]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[0 - 200]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[0 - 100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[0 - 100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[0 - 500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[0 - 500]

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2019	Proposed 2020 [Range]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[0 - 500]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[0 - 200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[0 - 500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[0 - 100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[0 - 200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[0 - 75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[0 - 100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[0 - 75]
(25)	A-30 (Covelo Archery Buck Hunt)	40	[0 - 100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[0 - 300]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50* (25 Military & 25 Public)	50*

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs. Military only tags are designated for Department of Defense and eligible personnel as authorized by the Installation Commander.

Existing regulations for Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting to open beginning the first Saturday in October and continue through November 12, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31. The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open beginning the first Saturday in October

and continue through November 11, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

Benefits of the regulations

Deer herd management plans specify objective levels for the proportion of bucks to does in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final recommended values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code sections 200 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with sections 361, 702, 708.5 and 708.6 of Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

Proposed Regulatory Language

Subsection (b) of Section 361, Title 14, CCR is amended to read:

§361. Archery Deer Hunting.

(b) Archery Hunting With Area-specific Archery Tags. Deer may be taken only with archery equipment specified in Section 354, only during the archery seasons as follows:

(1) A-1 (C Zones Archery Only Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~1,945~~ [0 - 3,000] A-1 (C Zones Archery Only Hunt) tags are valid in Zones C-1, C-2, C-3, and C-4 only during the archery season as specified above in subsections 361(b)(1)(B)1 through 4.

(2) A-3 (Zone X-1 Archery Hunt)

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~400~~ [0 - 1,000].

(3) A-4 (Zone X-2 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~40~~ [0 – 100].

(4) A-5 (Zone X-3a Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~40~~ [0 – 300].

(5) A-6 (Zone X-3b Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~70~~ [0 – 400].

(6) A-7 (Zone X-4 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~120~~ [0 - 400].

(7) A-8 (Zone X-5a Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~40~~ [0 - 100].

(8) A-9 (Zone X-5b Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~5~~ [0 - 100].

(9) A-11 (Zone X-6a Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~50~~ [0 - 200].

(10) A-12 (Zone X-6b Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 90 [0 - 300].

(11) A-13 (Zone X-7a Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 45 [0 - 200].

(12) A-14 (Zone X-7b Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 25 [0 - 100].

(13) A-15 (Zone X-8 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 40 [0 - 100].

(14) A-16 (Zone X-9a Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 30 [0 - 500].

(15) A-17 (Zone X-9b Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 240 [0 - 500].

(16) A-18 (Zone X-9c Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 350 [0 - 500].

(17) A-19 (Zone X-10 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 400 [0 - 200].

(18) A-20 (Zone X-12 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 40 [0 - 500].

(19) A-21 (Anderson Flat Archery Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 25 [0 - 100].

(20) A-22 (San Diego Archery Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 4,000 [0 - 1,500].

(21) A-24 (Monterey Archery Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 400 [0 - 200].

(22) A-25 (Lake Sonoma Archery Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 35 [0 - 75].

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

(23) A-26 (Bass Hill Archery Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 30 [0 - 100].

(24) A-27 (Devil's Garden Archery Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 40 [0 - 75].

(25) A-30 (Covelo Archery Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 40 [0 - 100].

(26) A-31 (Los Angeles Archery Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (B)]

(C) Bag and Possession Limit: One either-sex deer (see subsection 351-(b)(c)) per tag.

(D) Number of Tags: 1,000 [0 - 1,500].

(27) A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: 250 [0 - 300].

(28) A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt).

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

(B) Season: The season for hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) shall be open beginning the first Saturday in October and continuing through November 12-11, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

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

(D) Number of Tags: 50 (25 military and 25 general public).

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

Note: Authority cited: Sections 200, 203, 265, 3453, and 4370, Fish and Game Code.

Reference: Sections 200, 203, 203.1, 255, 265 and 4370, Fish and Game Code.

DRAFT

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

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

I. Date of Initial Statement of Reasons: November 13, 2019

II. Dates and Locations of Scheduled Hearings

- | | |
|------------------------|---|
| (a) Notice Hearing | Date: December 11, 2019
Location: Sacramento, CA |
| (b) Discussion Hearing | Date: February 6, 2019
Location: Sacramento, CA |
| (c) Adoption Hearing | Date: April 16, 2019
Location: Sacramento, CA |

III. Description of Regulatory Action

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

In accordance with management goals and objectives, and in order to maintain hunting quality, it is necessary to periodically consider tag quotas for hunting. Current regulations specify the number of bighorn sheep hunting tags for the 2019 season. The proposed action initially provides a range of tag numbers from which a final number will be determined based on the post-winter status. A low-end quota range of zero (0) tags is used in the event final tag quotas need to be reduced.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 362(d) of the amended Regulatory Text. Final tag quota recommendations for each zone will be identified and presented to the Fish and Game Commission and interested and affected parties prior to the adoption hearing.

Final tag quotas for bighorn sheep cannot be determined until surveys are completed and all data are analyzed. Surveys and analyses are scheduled for completion by Spring 2020. Final tag quotas will recommend a biologically appropriate harvest of bighorn sheep. Due to the timing of administrative procedures and requirements of the Fish and Game Code, the Department submits proposed regulatory changes to the Fish and Game Commission prior to completion of all surveys, necessitating a proposed range of tags. Monitoring continues and final tag quotas for each zone will be recommended in the Preadoption Statement of Reasons based upon findings from 2019-2020 fall/winter surveys.

(b) Goals and Benefits of the Regulation

The goals and benefits of the regulations are to provide for the conservation and maintenance of bighorn sheep populations to ensure their persistence. It is the policy of this State to

encourage the preservation, conservation and maintenance of wild resources under the jurisdiction and influence of the state including, but not limited to sections 1801 and 4900 of the Fish and Game Code.

(c) Authority and Reference

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

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

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

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

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

Fish and Game Commission's Wildlife Resources Committee meeting held on May 16, 2019 in Sacramento and on September 10, 2019 in Santa Rosa, California.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified.

(b) No Change Alternative

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

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2019 Final Environmental Document regarding bighorn sheep hunting.

VI. Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations adjust tag quotas for existing hunts to provide public recreational opportunity and could result in minor increases or decreases in hunting days and hunter

spending on equipment, fuel, food, and accommodations. Given the number of tags available and the area over which they are distributed, the proposed regulations are anticipated to be economically neutral for business.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. Minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state.

The Commission anticipates benefits to the health and welfare of California residents because hunting is an outdoor activity that can provide exercise, a greater awareness of the connections between wildlife and habitat, and fresh game to eat. The proposed regulation will not affect worker safety. The Commission anticipates benefits to the state's environment through the maintenance of sufficient populations of bighorn sheep to ensure their continued existence.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State. None.

- (e) Nondiscretionary Costs/Savings to Local Agencies. None.

- (f) Programs Mandated on Local Agencies or School Districts. None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code. None.

- (h) Effect on Housing Costs. None.

VII. Economic Impact Assessment

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

No impacts on the creation or elimination of jobs within businesses that provide services to bighorn sheep hunters may result from the adoption of the proposed bighorn sheep hunting regulations for the 2020-21 hunt season.

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

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

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

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

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

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

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

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

As set forth in Fish and Game Code section 1801, it is the policy of the state to encourage the conservation, maintenance, and utilization of wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of bighorn sheep to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based bighorn sheep seasons and tag quotas provides for the maintenance of sufficient bighorn sheep populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund big game conservation.

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 2020 season based on bighorn sheep fall/winter population surveys conducted by the Department. Final tag quota recommendations will be made pending completion of all surveys and data analyses. quota recommendations will be made pending completion of all surveys and data analyses.

HUNT ZONE	NUMBER OF TAGS [proposed range]
Zone 1 – Marble/Clipper 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	[0-6]
Open Zone Fund-Raising Tag	[0-1]
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	[0-1]
Cady Mountains Fund-Raising Tag	[0-1]
TOTAL	[0-42]

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.

Proposed Regulatory Language

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

§362 Nelson Bighorn Sheep

. . . [*No changes to subsections (a) through (c)]*

(d) Number of License Tags:

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Tag Allocation</i>
Zone 1 - Marble/Clipper Mountains	5 [0-5]
Zone 2 - Kelso Peak/Old Dad Mountains	0 [0-4]
Zone 3 - Clark/Kingston Mountain Ranges	4 [0-4]
Zone 4 - Orocopia Mountains	4 [0-2]
Zone 5 - San Gorgonio Wilderness	0 [0-3]
Zone 6 - Sheep Hole Mountains	0 [0-2]
Zone 7 - White Mountains	6 [0-6]
Zone 8 - South Bristol Mountains	2 [0-3]
Zone 9 - Cady Mountains	2 [0-4]
Zone 10 - Newberry, Rodman, Ord Mountains	6 [0-6]
Open Zone Fund-Raising Tag	4 [0-1]
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	4 [0-1]
Cady Mountains Fund-Raising Tag	4 [0-1]
Total:	29 [0-42]

. . . [*No changes to subsection (e)*]

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

DRAFT

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action
Amend Section 364
Title 14, California Code of Regulations
Re: Elk

I. Date of Initial Statement of Reasons: November 14, 2019

II. Dates and Locations of Scheduled Hearings

- | | | |
|------------------------|-----------|-------------------|
| (a) Notice Hearing | Date: | December 11, 2019 |
| | Location: | Sacramento, CA |
| (b) Discussion Hearing | Date: | February 6, 2020 |
| | Location: | Sacramento, CA |
| (c) Adoption Hearing | Date: | April 16, 2020 |
| | Location: | Sacramento, CA |

III. Description of Regulatory Action

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

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

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

The specific recommended regulation changes are:

1) Number of Tags

Proposed amendments to Section 364 will establish new tag quotas to adjust for periodic fluctuations in elk population numbers. Proposed tag quotas are presented as ranges shown in brackets, e.g. [0-4], in the tables of the amended Regulatory Text (subsections 364 (r) through (aa)) attached to this Initial Statement of Reasons. The ranges allow the final number of tags to be determined based on analysis of survey and harvest data from the 2019-20 hunt season. These results are anticipated in the spring of 2020 and a final analysis will support the Department's recommendation for the number of tags to be allocated to each hunt prior to the Commission's adoption hearing in April 2020.

2) Modify Season Dates on Fort Hunter Liggett

Due to military use constraints at Fort Hunter Liggett, hunt dates are annually subject to change, and may be adjusted or cancelled by the Commanding Officer. There are several changes to the hunt openers on the Fort Hunter Liggett Military Base. The changes to the 2020 season openers will be.

(u) Department Administered General Methods Tule Elk Hunts

(12)(C) Fort Hunter Liggett General Public: Shall open on the fourth Tuesday in December and continue for 13 consecutive days.

(v) Department Administered Apprentice Hunts

(7)(A) General method Apprentice: Shall open on the fourth Tuesday in December and continue for 13 consecutive days.

(w) Department Administered Archery Only Hunt

(6)(B) Shall open on the First Saturday in November and continue for 9 consecutive days.

(b) Goals and Benefits of the Regulation

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 to cows in the herds. These ratios are maintained and managed in part by periodically modifying the number of tags. The final recommended number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates where appropriate.

(c) Authority and Reference

Authority: Section(s) 200, 203, 203.1, 265, 332 and 1050, Fish and Game Code.

Reference: Section(s) 332, 1050, 1570, 1571, 1572, 1573 and 1574, Fish and Game Code.

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

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

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

This proposal was discussed at Wildlife Resources Committee Meetings on May 16, 2019, in Sacramento and September 10, 2019 in Santa Rosa.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified.

(b) No Change Alternative

1. Number of Tags

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

2. Modify Season Dates on Fort Hunter Liggett

The “no-change alternative” was considered and found inadequate to meet project objectives. Retaining current season length and timing would be unresponsive to Base operations, scheduled activities, and/or unnecessarily restrict hunter opportunity.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2010 Environmental Document, and its 2019 Final Supplemental Environmental Document regarding elk hunting.

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. Considering the relatively small number of tags issued over the entire state, this proposal is economically neutral to business.

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

The Commission anticipates no to minor positive impacts on the creation or elimination of jobs within the state, and no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state. The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources. The proposed action will not provide benefits to worker safety. The Commission anticipates benefits to the State’s environment in the sustainable management of natural resources.

(c) Cost Impacts on 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

VII. Economic Impact Assessment

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

No impact to minor positive impacts on the creation of jobs within businesses that provide services to elk hunters may result from the adoption of the proposed elk hunting regulations for the 2020-21 season.

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

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

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

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

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

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

(e) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

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

As set forth in Fish and Game Code section 1801, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of elk to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically based elk seasons and tag quotas provides for the maintenance of sufficient elk

populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund wildlife conservation.

(g) Other Benefits of the Regulation

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

Informative Digest/Policy Statement Overview

Current regulations in Section 364, Title 14, CCR, provide definitions, hunting zone descriptions, season dates, and elk license tag quotas. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish the 2020 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 2020 are presented in the Proposed Regulatory Text of Section 364.

1. Subsections 364(r) through (aa) specify elk license tag quota ranges for each hunt in accordance with management goals and objectives.
2. 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 Commanding Officer.

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 to cows in the herds. These ratios are maintained and managed in part by periodically modifying the number of tags. The final recommended 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.

PROPOSED REGULATORY TEXT

Section 364 is amended to read as follows:

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

. . . [No changes subsections (a) 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 <u>[0-38]</u>	20 <u>[0-42]</u>		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	45 <u>[0-44]</u>	0 <u>[0-58]</u>	3 <u>[0-3]</u>	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	35 <u>[0-70]</u>	40 <u>[0-30]</u>		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(s) Department Administered General Methods Rocky Mountain Elk Hunts					
(1)(A)	Northeastern California Bull	45 <u>[0-30]</u>			
		The bull season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	Northeastern California Antlerless		40 <u>[0-10]</u>		
		The antlerless season shall open on the second Wednesday in November and continue for 12 consecutive days.			

(t) Department Administered General Methods Roosevelt/Tule Elk Hunts					
(1)(A)	Mendocino	2 [0-4]	0 [0-4]		
		The season shall open on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days.			
(u) Department Administered General Methods Tule Elk Hunts					
(1)(A)	Cache Creek Bull	2 [0-4]			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			
(B)	Antlerless		2 [0-4]		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			
(2)(A)	La Panza Period 1	6 [0-12]	5 [0-10]		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	Period 2	6 [0-12]	6 [0-12]		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	Bishop Period 3	0 [0-10]	0 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	Period 4	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	Independence Period 2	4 [0-10]	4 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	4 [0-10]	4 [0-30]		

		Shall open on the third Saturday in October and extend for 9 consecutive days.
--	--	--

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

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

(C)	Period 4	\emptyset [0-4]	\emptyset [0-10]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	\emptyset [0-4]	\emptyset [0-10]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10)(A)	Goodale Period 1	\emptyset [0-10]	\emptyset [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	\emptyset [0-10]	4 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	\emptyset [0-10]	4 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	\emptyset [0-10]	\emptyset [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	\emptyset [0-10]	\emptyset [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(11)(A)	Grizzly Island Period 1	\emptyset [0-3]	6 [0-12]		\emptyset [0-6]
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	Period 2	\emptyset [0-3]	2 [0-12]		-4 [0-6]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3	\emptyset [0-3]	6 [0-12]		\emptyset [0-6]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	Period 4	\emptyset [0-3]	-4 [0-12]		2 [0-6]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			

(E)	Period 5	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	Period 6	0 [0-3]	0 [0-12]		0 [0-6]
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	Period 7	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	Period 8	0 [0-3]	0 [0-12]		6 [0-6]
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	Period 9	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			
(J)	Period 10	0 [0-3]	0 [0-12]		0 [0-6]
		Shall open on the first Thursday following the opening of period nine and continue for 4 consecutive days.			
(K)	Period 11	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			
(L)	Period 12	3 [0-3]			0 [0-6]
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	Period 13	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period twelve and continue for 4 consecutive days.			
(12)(A)	Fort Hunter Liggett General Public Period 1	0	0 [0-16]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	Period 2	0	0 [0-16]		

		Shall open November 22- <u>25</u> and continue for 9 consecutive days.
--	--	--

(C)	Period 3	0 [0-14]	0		
		Shall open on the third Saturday <u>fourth Tuesday</u> in December and continue for 12-13 consecutive days.			
(13)(A)	East Park Reservoir	2 [0-4]	2 [0-8]		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(14)(A)	San Luis Reservoir	0 [0-10]	0 [0-10]	5 [0-10]	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(15)(A)	Bear Valley	2 [0-4]	4 [0-2]		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1		-4 [0-4]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	2 [0-4]			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(17)(A)	Santa Clara	0 [0-4]	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(18)(A)	Alameda	0 [0-4]	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(v) Department Administered Apprentice Hunts					
(1)(A)	Marble Mountain			-4 [0-4]	
	General Methods Roosevelt Elk Apprentice	Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			

(2)(A)	Northeast California			2 [0-4]	
	General Methods Rocky Mountain Elk Apprentice	Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(3)(A)	Cache Creek	4 [0-2]	0 [0-2]		
	General Methods Tule Elk Apprentice	Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza	0 [0-2]	4 [0-2]		
	General Methods Tule Elk Apprentice	Shall open on the second Saturday in October and extend for 23 consecutive days.			
(5)(A)	Bishop	0 [0-10]	0 [0-30]		
	General Methods Tule Elk Apprentice Period 2	Shall open on the first Saturday in October and extend for 9 consecutive days.			
(6)(A)	Grizzly Island		3 [0-4]		0 [0-4]
	General Methods Tule Elk Apprentice Period 1	Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0 [0-4]		2 [0-4]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		3 [0-4]		0 [0-4]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			

(D)	Period 4		0 [0-4]		2 [0-4]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(7)(A)	Fort Hunter Liggett	0 [0-2]	0 [0-8]		
	General Public General Methods Apprentice	Shall open on the third Saturday <u>fourth Tuesday</u> in December and continue for 12 <u>13</u> consecutive days.			
(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast California Archery Only	0	0	10 [0-20]	
		Shall open on the Wednesday preceding the first Saturday in September and continue for 12 consecutive days.			
(2)(A)	Owens Valley Multiple Zone Archery Only	3 [0-10]	0 [0-5]		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Lone Pine Archery Only Period 1	0 [0-10]	1 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Tinemaha Archery Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A)	Whitney Archery Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(6)(A)	Fort Hunter Liggett			3 [0-10]	
	General Public Archery Only Either Sex	Shall open on the last Saturday in July and continue for 9 consecutive days.			
(B)	Fort Hunter Liggett		-4 [0-10]		

	General Public Archery Only Antlerless	Shall open on the Second <u>First</u> Saturday in November and continue for 9 consecutive days.			
(x) Department Administered Muzzleloader Only Tule Elk Hunts					
(1)(A)	Bishop Muzzleloader Only Period 1	0 <u>[0-10]</u>	0 <u>[0-30]</u>		
	Shall open on the second Saturday in September and extend for 16 consecutive days.				
(2)(A)	Independence Muzzleloader Only Period 1	4 <u>[0-10]</u>	0 <u>[0-10]</u>		
	Shall open on the second Saturday in September and extend for 16 consecutive days.				
(3)(A)	Goodale Muzzleloader Only Period 1	0 <u>[0-10]</u>	4 <u>[0-10]</u>		
	Shall open on the second Saturday in September and extend for 16 consecutive days.				
(4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	-4 <u>[0-10]</u>	0 <u>[0-10]</u>		
	Shall open on the fourth Saturday in November and continue for 9 consecutive days.				
(y) Department Administered Muzzleloader/Archery Only Hunts					
(1)(A)	Marble Mountain Muzzleloader/Archery Roosevelt Elk			40 <u>[0-20]</u>	
	Shall open on the last Saturday in October and extend for 9 consecutive days.				
(z) Fund Raising Elk tags					
		1			

(1)(A)	Multi-zone Fund Raising Tags	Siskiyou and Marble Mountains Roosevelt Elk Season shall open on the Wednesday preceding the first Saturday in September and continue for 19 consecutive days. Northwestern Roosevelt Elk Season shall open on the last Wednesday in August and continue for 30 consecutive days. Northeastern Rocky Mountain Elk Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days. La Panza Tule Elk Season shall open on the first Saturday in October and extend for 65 consecutive days.			
(2)(A)	Grizzly Island Fund Raising Tags	1			
		Shall open on the first Saturday in August and continue for 30 consecutive days.			
(3)(A)	Owens Valley Fund Raising Tags	1			
		Shall open on the last Saturday in July and extend for 30 consecutive days.			
(aa) Military Only Tule Elk Hunts					
(1)(A)	Fort Hunter Liggett Military Only General Methods Early Season	0 [0-2]	0 [0-2]		
		The early season shall open on the second Monday in August and continue for 5 consecutive days and reopen on the fourth Monday in August and continue for 5 consecutive days			
(B)	Period 1		0 [0-16]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		0 [0-14]		
		Shall open November 22 and continue for 9 consecutive days.			
(D)	Period 3	0 [0-16]			
		Shall open on the third Saturday in December and continue for 12 consecutive days.			
(2)(A)		0 [0-2]	0 [0-8]		

	Fort Hunter Liggett Military Only General Methods Apprentice	Shall open on the third Saturday in December and continue for 12 consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only			3 [0-6]	
	Archery Only Either sex	Shall open on the last Saturday in July and continue for 9 consecutive days.			
(B)	Antlerless		4 [0-10]		
		Shall open on the Second Saturday in November and continue for 9 consecutive days.			
(4)(A)	Fort Hunter Liggett Military Only	4 [0-6]			
	Muzzleloader Only	Shall open on the third Saturday in November and continue for 9 consecutive days.			

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

DRAFT

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

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

I. Date of Initial Statement of Reasons: November 13, 2019

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing	Date:	December 11, 2019
	Location:	Sacramento, CA
(b) Discussion Hearing	Date:	February 6, 2020
	Location:	Sacramento, CA
(c) Adoption Hearing	Date:	April 16, 2020
	Location:	Sacramento, CA

III. Description of Regulatory Action

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

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

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

1. Number of Tags

Proposed amendments to Section 364.1 will establish new tag quotas to adjust for periodic fluctuations in elk populations. The proposed tag quotas are presented within ranges shown in brackets, e.g. [0-4], in the tables of the amended Regulatory Text (subsections 364.1(i) through (l)) attached to this Initial Statement of Reasons. The ranges allow the final number of tags to be determined based on the analysis of survey and harvest data from the 2019-20 hunt season. These results are anticipated in the spring of 2020 and a final analysis will support the Department's recommendation for the number of tags to be allocated to each hunt prior to the Commission's adoption hearing in April 2020.

The Shared Habitat Alliance for Recreational Enhancement (SHARE) Program private property elk hunts correspond with elk hunt zones identified in Section 364. These regulations authorize

SHARE elk hunts with separate seasons and tag quotas. The SHARE program will issue tags under the Department's existing tag distribution procedures.

(b) Goals and Benefits of the Regulation:

The proposed regulations will contribute to the sustainable management of elk populations and to relieve depredation damage to landowners in California. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts where appropriate.

(c) Authority and Reference:

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

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

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

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

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

Fish and Game Commission's Wildlife Resources Committee meetings held on May 16, 2019 in Sacramento and on September 10, 2019 in Santa Rosa.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No alternatives were identified

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain the project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Elk populations have increased, and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the hunt zones.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed range is at or below the number of tags analyzed in the 2010 Environmental Document, and its 2019 Final Supplemental Environmental Document regarding elk hunting.

VI. Impact of Regulatory Action

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California 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.

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

The Commission anticipates no to minor positive impacts on the creation or elimination of jobs within the state, and no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state. The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The proposed action will not provide benefits to worker safety. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

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

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

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action would not constitute a significant change from the 2019 elk season. The number of tags to be set in regulation for 2020 is intended to achieve or maintain the levels set forth in the approved management plans and environmental documents to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

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

Little to minor positive impacts on the creation of jobs within businesses that provide services to elk hunters may result from the adoption of the proposed SHARE elk hunting regulations for the 2020-21 season.

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

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the

elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

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

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

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

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

(e) Benefits of the Regulation to Worker Safety:

The proposed regulation will not affect worker safety.

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

As set forth in Fish and Game Code section 1800, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of elk to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based elk seasons and tag quotas provides for the maintenance of sufficient elk populations to ensure those objectives are met. The fees that hunters pay for licenses and tags fund wildlife conservation

(g) Other Benefits of the Regulation:

The SHARE Program provides incentives to private landowners to allow public access.

Informative Digest/Policy Statement Overview

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

Preliminary tag quota ranges are indicated pending final 2020 tag allocations in accordance with elk management goals and objectives. Survey data collected between August 2019, and March 2020, will be the basis for the final tag numbers recommended to the Commission at the April 2020 adoption hearing.

The preliminary tag quota ranges for 2020 are found in the attached 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 values for the license tag numbers 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.

Proposed Regulatory Language

Section 364.1, Title 14, CCR is amended to read:

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

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

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	2 [0-10]	2 [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	13 [0-44]	34 [0-58]	0 [0-3]	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0 [0-10]	0 [0-15]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).			
(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts					
(1)	Northeast California	2 [0-10]	0 [0-10]	2 [0-10]	
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino	2 [0-4]	4 [0-4]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	4 [0-2]	4 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5 [0-10]	40 [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			

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

(16)	Lake Pillsbury	θ [0-4]	θ [0-4]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			
(17)	Santa Clara	θ [0-2]			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	θ [0-2]			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(A).			

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