

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

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| (a) Notice Hearing Date: | December 11, 2019
Location: Sacramento, CA |
| (b) Discussion Hearing Date: | February 21, 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.

Nelson Big Horn Sheep hunt zones followed by 2020 proposed range of tags.

- 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]

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.