

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 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

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.