

## STAFF SUMMARY FOR APRIL 15-16, 2020

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

Consider adopting proposed changes to mammal hunting tag quotas and seasons regulations.

**Summary of Previous/Future Actions**

- |                                   |  |
|-----------------------------------|--|
| • WRC vetted ideas with public    | Sep 10, 2019; WRC, Santa Rosa                  |
| • Notice hearing                  | Dec 11-12, 2019; Sacramento                    |
| • Discussion hearing              | Feb 21, 2020; Sacramento                       |
| • <b>Today's adoption hearing</b> | <b>Apr 15-16, 2020; Teleconference/webinar</b> |

**Background**

Proposed changes to the hunting regulations for various big game mammals are combined for concurrent action under a single rulemaking package. In addition to changes to season dates to account for the annual calendar shift and other minor changes, DFW primarily proposes adjustments to deer tags, bighorn sheep tags, and elk tags.

Proposals for deer, bighorn sheep and elk tag changes were vetted with interested parties at the WRC meeting in Sep 2019. At the notice hearing in Dec 2019, final tag numbers were approved for notice, within ranges supported by existing environmental documents. The majority of ranges are proposed to revert to existing tag quotas, unchanged. Some amendments are made both raising and lowering recommended tag quotas for some hunts, but all fall within the noticed range.

Today, DFW will explain proposed amendments. Final tag quotas fall within the ranges previously analyzed under the California Environmental Quality Act (CEQA), as detailed in the addenda to the CEQA documents for deer hunting (State Clearinghouse [[SCH 2007012091](#)]) and bighorn sheep hunting ([SCH 2018112036](#)), and the supplemental environmental document for elk hunting ([SCH 2018112037](#)); these addenda are presented as exhibits 12, 13 and 14. The CEQA documents were prepared by DFW and reviewed and analyzed by FGC staff; staff has determined that the addenda reflect the independent judgment of FGC.

**Significant Public Comments**

Comments are received annually opposing hunting elk in the northwest zone, questioning the methodology of counting elk, and expressing concerns with property damage by elk in the northwest zone. See Exhibit 9 for a summary of comments received, and responses to those comments, regarding elk, particularly in the northwest zone.

**Recommendation**

**FGC staff:** Upon consideration of the addenda, adopt the proposed changes regarding mammal hunting.

**DFW:** Adopt the regulations as proposed in exhibits 2, 4, 6, 8 and 11.

## STAFF SUMMARY FOR APRIL 15-16, 2020

**Exhibits**

1. [Deer hunting pre-adoption statement of reasons \(PSOR\)](#)
2. [Deer hunting proposed regulatory text](#)
3. [Archery deer hunting PSOR](#)
4. [Archery deer hunting proposed regulatory text](#)
5. [Nelson bighorn sheep PSOR](#)
6. [Nelson bighorn sheep proposed regulatory text](#)
7. [Elk PSOR](#)
8. [Elk proposed regulatory text](#)
9. [Elk comments received and DFW responses to comments](#)
10. [SHARE elk hunts PSOR](#)
11. [SHARE elk hunts proposed regulatory text](#)
12. [CEQA addendum to the final environmental document regarding deer hunting](#)
13. [CEQA addendum to the final environmental document regarding bighorn sheep hunting](#)
14. [CEQA addendum to the final environmental document regarding elk hunting](#)

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission, having considered the staff-prepared addenda, adopts the staff recommended changes to sections 360, 361, 362, 364 and 364.1, regarding mammal hunting.

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
Pre-adoption Statement of Reasons

Amend Section 360(c)  
Title 14, California Code of Regulations  
Re: Deer

- I. Date of Initial Statement of Reasons: October 1, 2019
- II. Date of Pre-adoption Statement of Reasons: April 2, 2020
- III. Dates and Locations of Scheduled Hearings

Notice Hearing

Date: December 11, 2020                      Location: Sacramento, CA

Discussion Hearing

Date: February 21, 2020                      Location: Sacramento, CA

Adoption Hearing

Date: April 16, 2020                      Location: Teleconference

- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each deer additional hunt. A specific tag allocation is proposed for each zone within these ranges.

- a) For 2020 the number of tags for each zone will not be changed except for two Military hunts:

(5)	G-8	(Fort Hunter Liggett Antlerless Deer Hunt)	20 Public
(32)	J-10	(Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	30 Public

The recommended deer hunting tags for 2020 are presented in the Proposed Regulatory Text of Section 360(c) for each hunt in accordance with management goals and objectives.

- b) 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.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each deer additional hunt. The Department's final recommendations for specific tag quotas in each hunt zone are set forth in the attached Regulatory Text. These are based on input from

Department regional staff and public to address goals for the unit, including alleviating depredation concerns.

#### VI. Summary of Primary Considerations Raised in Opposition and in Support:

Public Comments Received Regarding Amendment of Deer Hunting Regulations Between December 11, 2019 and March 20, 2020

G. Kent Webb, Professor, San Jose State University; Electronic comment sent on February 12, 2020

Comment: Included an excerpt from and full copy of his published research regarding an analysis of timber management practices in California and how those habitat conditions may affect deer population as represented by the buck harvest using a daily internet search of news and other content related to public discussion about forest management in California as a result of several catastrophic wildfires.

Response: The Department appreciates the information provided. While the comment does not directly pertain to the current regulatory proposal, we will review and take it into advisement.

## Updated Informative Digest/Policy Statement Overview

The current regulation in Section 360(c), Title 14, CCR, provide deer hunting zone descriptions, season dates, and license tag quotas. In order to achieve deer herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust tag quotas, seasons, hunt areas and other criteria in response to dynamic environmental and biological conditions. The proposed change is intended to adjust the number of tags available for the 2020 season based on post-winter status of each deer herd.

Final tag quota determinations were made based on all surveys and data analyses.

### Proposed Amendments:

- a) Number of Tags: For 2020 the number of tags for each zone will not be changed, except for two Military hunts:

(5)	G-8	(Fort Hunter Liggett Antlerless Deer Hunt)	20 Public
(32)	J-10	(Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	30 Public

- b) 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 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.

Tag quota determinations have been made, following completion of surveys and data analysis. The attached regulatory text and table has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with specific recommended tag quotas for each hunt.

Proposed Regulatory Language

Section 360(c), 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 (D)]*

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

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

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

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

(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 44 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 (E)]*

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

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

(11) G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt).

- . . . *[No changes to subsections (A) and (E)]*
- (12) G-21 (Ventana Wilderness Buck Hunt).
- . . . *[No changes to subsections (A) through (D)]*
- (13) G-37 (Anderson Flat Buck Hunt).
- . . . *[No changes to subsections (A) through (D)]*
- (14) G-38 (X-10 Late Season Buck Hunt).
- . . . *[No changes to subsections (A) through (D)]*
- (15) G-39 (Round Valley Late Season Buck Hunt).
- . . . *[No changes to subsections (A) through (D)]*
- (16) M-3 (Doyle Muzzleloading Rifle Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (17) M-4 (Horse Lake Muzzleloading Rifle Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (18) M-5 (East Lassen Muzzleloading Rifle Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (19) M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (20) M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (21) M-8 (Bass Hill Muzzleloading Rifle Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (22) M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (23) M-11 (Northwestern California Muzzleloading Rifle Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (24) MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (25) MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (26) J-1 (Lake Sonoma Apprentice Either-Sex Deer Hunt).
- . . . *[No changes to subsections (A) through (E)]*
- (27) J-3 (Tehama Wildlife Area Apprentice Buck Hunt).
- . . . *[No changes to subsections (A) through (E)]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
Pre-adoption Statement of Reasons

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

- I. Date of Initial Statement of Reasons: October 1, 2019
- II. Date of Pre-adoption Statement of Reasons: April 2, 2020
- III. Dates and Locations of Scheduled Hearings

Notice Hearing

Date: December 11, 2020                      Location: Sacramento, CA

Discussion Hearing

Date: February 21, 2020                      Location: Sacramento, CA

Adoption Hearing

Date: April 16, 2020                      Location: Teleconference

IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each deer archery hunt. A specific tag allocation is proposed for each zone within these ranges.

- a) For 2020 the number of tags for each zone will not be changed except for the following Military hunt:

(28) A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) 50 Public

- b) 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.

A minor correction in subsection 361(b)(26)(C), the correct definition of "either-sex deer" is in subsection 351(c) not (b).

V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each deer archery hunt. The Department's final recommendations for specific tag quotas in each hunt zone are set forth in the attached Regulatory Text. These are based on input from Department regional staff and public to address goals for the unit, including alleviating depredation concerns.

VI. Summary of Primary Considerations Raised in Opposition and in Support: None

## Updated Informative Digest/Policy Statement Overview

The current regulation in Section 361(b), Title 14, CCR, provide archery deer hunting zone descriptions, season dates, and license tag quotas. In order to achieve deer herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust tag quotas, seasons, hunt areas and other criteria in response to dynamic environmental and biological conditions. The proposed change is intended to adjust the number of tags available for the 2020 season based on post-winter status of each deer herd.

Final tag quota determinations will be made pending completion of all surveys and data analyses.

Proposed Amendments: Number of Tags. The proposed ranges of deer archery hunting with area-specific archery tags for 2020 are presented in the Proposed Regulatory Text of Section 361. Subsection 361(b) specifies archery deer license tag quotas for each hunt in accordance with management goals and objectives.

- a) For 2020 the number of tags for each zone will not be changed except for the following Military hunt.

(28) A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) 50 Public

- b) 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 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.

Tag quota determinations have been made, following completion of surveys and data analysis. The attached regulatory text and table has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with specific recommended tag quotas for each hunt.

## Proposed Regulatory Language

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

### **§361. Archery Deer Hunting.**

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

(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 (D)]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ... *[No changes to subsections (A) through (D)]*  
(22) A-25 (Lake Sonoma Archery Either-Sex Deer Hunt).  
... *[No changes to subsections (A) through (E)]*  
(23) A-26 (Bass Hill Archery Buck Hunt).  
... *[No changes to subsections (A) through (D)]*  
(24) A-27 (Devil's Garden Archery Buck Hunt).  
... *[No changes to subsections (A) through (D)]*  
(25) A-30 (Covelo Archery Buck Hunt).  
... *[No changes to subsections (A) through (D)]*  
(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.  
... *[No changes to subsections (D)]*

- (27) A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt).  
... *[No changes to subsections (A) through (D)]*  
(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 ~~42-11~~, 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)]*

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

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

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
Pre-adoption Statement of Reasons

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

- I. Date of Initial Statement of Reasons: October 1, 2019
- II. Date of Pre-adoption Statement of Reasons: April 2, 2020
- III. Dates and Locations of Scheduled Hearings

Notice Hearing

Date: December 11, 2020

Location: Sacramento, CA

Discussion Hearing

Date: February 21, 2020

Location: Sacramento, CA

Adoption Hearing

Date: April 16, 2020

Location: Teleconference

- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each Nelson bighorn sheep hunt. A specific tag allocation is proposed for each zone within these ranges. For the 2020 season the allocations will remain the same as the prior season for all zones except Zone 2, Kelso Peak/Old Dad Mountains, which will increase from 0 to 1 tag.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each Nelson bighorn sheep hunt pending the Department's final recommendations for specific tag quotas in each hunt zone. These recommendations are based on input from Department regional staff and public to address goals for the unit.

- VI. Summary of Primary Considerations Raised in Opposition and in Support: Public Comments Received Regarding Amendment of Nelson Bighorn Sheep Hunting Regulations Between December 11, 2019 and March 20, 2020

Bill Gaines; Verbal Comment, Fish and Game Commission Meeting on December 11, 2019

Comment: In support of bighorn sheep proposals

Response: Support noted.

## Updated 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. Final tag quota determinations will be made pending completion of all surveys and data analyses.

Proposed recommendations for 2020 tag quotas:

Number of Tags. Subsection 362(d) specifies Nelson Bighorn Sheep license tag quotas for each hunt zone in accordance with management goals and objectives.

For the 2020 season the allocations will remain the same as the prior season for all zones except Zone 2, Kelso Peak/Old Dad Mountains, which will increase from 0 to 1 tag.

### Benefits of the regulation

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.

Tag quota determinations have been made, following completion of surveys and data analysis. The attached regulatory text and table has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with specific recommended tag quotas for each hunt.

Proposed Regulatory Language

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

**§362. Nelson Bighorn Sheep**

(a) Areas:

*[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
Zone 2 - Kelso Peak/Old Dad Mountains	<del>0</del> <u>1</u>
Zone 3 - Clark/Kingston Mountain Ranges	4
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	0
Zone 6 - Sheep Hole Mountains	0
Zone 7 - White Mountains	6
Zone 8 - South Bristol Mountains	2
Zone 9 - Cady Mountains	2
Zone 10 - Newberry, Rodman, Ord Mountains	6
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Cady Mountains Fund-Raising Tag	1
Total:	<del>29</del> <u>30</u>

[ 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.

Amend Section 364  
Title 14, California Code of Regulations  
Re: Elk

- I. Date of Initial Statement of Reasons: November 13, 2019
- II. Date of Pre-adoption Statement of Reasons: February 21, 2020
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 11, 2019  
Location: Sacramento, CA
  - (b) Discussion Hearing: Date: February 21, 2020  
Location: Sacramento, CA
  - (c) Adoption Hearing: Date: April 16, 2020  
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. A specific tag allocation is proposed for each zone within these ranges.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. The Department's final recommendations for specific tag quotas in each hunt zone are set forth in the attached Regulatory Text. These are based on input from Department regional staff and public to address goals for the unit, including alleviating depredation concerns.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

Please see Attachment A.

## Updated Informative Digest/Policy Statement Overview

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

**The attached regulatory text and table has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with specific recommended tag quotas for each hunt.**

## 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	20		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	<del>45</del> <u>3</u>	<del>0</del> <u>15</u>	3	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	<del>35</del> <u>34</u>	<del>40</del> <u>8</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	15			
		The bull season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	Northeastern California Antlerless		10		
		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		
		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			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			
(B)	Antlerless		2		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			
(2)(A)	La Panza Period 1	6	5		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	Period 2	6	6		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	Bishop Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	Independence Period 2	1	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			

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

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

(B)	Period 2	0	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0	1		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(11)(A)	Grizzly Island Period 1	0	<del>6</del> <u>2</u>		0
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	Period 2	0	<del>2</del> <u>0</u>		<del>4</del> <u>2</u>
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3	0	<del>6</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	Period 4	0	<del>4</del> <u>0</u>		<del>2</del> <u>0</u>
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(E)	Period 5	0	<del>8</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	Period 6	0	0		0
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	Period 7	0	<del>8</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	Period 8	0	0		6
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	Period 9	0	<del>8</del> <u>4</u>		0
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			

(J)	Period 10	3	0		0
		Shall open on the first Thursday following the opening of period nine and continue for 4 consecutive days.			
(K)	Period 11	0	<del>8</del> <u>4</u>		0
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			
(L)	Period 12	3			0
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	Period 13	0	<del>8</del> <u>4</u>		0
		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		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	Period 2	0	<del>0</del> <u>6</u>		
		Shall open November <del>22</del> <u>25</u> and continue for 9 consecutive days.			
(C)	Period 3	<del>0</del> <u>8</u>	0		
		Shall open on the <del>third Saturday</del> <u>fourth Tuesday</u> in December and continue for <del>12</del> <u>13</u> consecutive days.			
(13)(A)	East Park Reservoir	2	2		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(14)(A)	San Luis Reservoir	0	0	5	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(15)(A)	Bear Valley	2	1		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1		4		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	2			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(17)(A)	Santa Clara	0	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			

(18)(A)	Alameda	0	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(v) Department Administered Apprentice Hunts					
(1)(A)	Marble Mountain General Methods Roosevelt Elk Apprentice			4	
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northeast California General Methods Rocky Mountain Elk Apprentice			2	
		Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(3)(A)	Cache Creek General Methods Tule Elk Apprentice	1	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza General Methods Tule Elk Apprentice	0	1		
		Shall open on the second Saturday in October and extend for 23 consecutive days.			
(5)(A)	Bishop General Methods Tule Elk Apprentice Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(6)(A)	Grizzly Island General Methods Tule Elk Apprentice Period 1		<del>3</del> <u>2</u>		0
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0		2
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		<del>3</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			

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

(B)	Fort Hunter Liggett General Public Archery Only Antlerless		<del>4</del> <u>8</u>		
		Shall open on the <del>Second</del> <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	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(2)(A)	Independence Muzzleloader Only Period 1	1	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	Goodale Muzzleloader Only Period 1	0	<del>4</del> <u>0</u>		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	<del>4</del> <u>0</u>	0		
		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			10	
		Shall open on the last Saturday in October and extend for 9 consecutive days.			

(z) Fund Raising Elk tags					
(1)(A)	Multi-zone Fund Raising Tags	1			
		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		
		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		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		0		
		Shall open November 22 and continue for 9 consecutive days.			

(D)	Period 3	0			
		Shall open on the third Saturday in December and continue for 12 consecutive days.			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	0	0		
		Shall open on the third Saturday in December and continue for 12 consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either sex			<del>3</del> <u>0</u>	
		Shall open on the last Saturday in July and continue for 9 consecutive days.			
(B)	Antlerless		<del>4</del> <u>0</u>		
		Shall open on the Second Saturday in November and continue for 9 consecutive days.			
(4)(A)	Fort Hunter Liggett Military Only Muzzleloader Only	<del>4</del> <u>0</u>			
		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.

## ATTACHMENT A

### *Comments received in opposition of the proposed regulations*

Comment from Jonnel Covault, Crescent City, CA

Dear Commissioners and staff,

I am commenting in advance of the meeting next week regarding the Roosevelt Elk Herd in my area. I am very concerned about the methodology you use to determine the number of Elk Tags allowed. The Elk are a source of interest, joy and even a tourist attraction for many of us who live here. It has come to my attention that more tags are being offered to hunters! Can you provide scientific data on the actual number of elk, or are these just estimates? I just want to go on record that I am in favor of MORE Roosevelt Elk, and hope you are doing everything humanly possible to ensure we have a healthy, growing herd.

Thank you,

Jonnel Covault

Crescent City, CA

***Response: The Department counted a minimum of 879 elk in the Northwest Hunt Zone and estimated an additional 284 elk using fecal DNA capture-recapture, for a minimum estimate of 1,163 elk. A minimum count is not a population census and is accepted by wildlife professionals that a minimum count is therefore not a count of all individuals in a population. Minimum counts can only underestimate, not overestimate, the number of individuals present. The Department used minimum counts to analyze the number of elk tags allocated in the Northwest Hunt Zone, making it an inherently conservative approach. Additionally, these counts and estimates are more than double the minimum viable population size for this area (560 elk) as indicated in the 2018 Elk Conservation and Management Plan: Appendix H.***

Comment received from Karen Sommer, Smith River, CA:

To the Fish & Game Commissioners:

Please decrease or eliminate the number of tags issued for hunting the elk. We live in Gilbert Creek Canyon & have been observing the small herd of elk here. They are usually in small groups of 6-12, with the largest gathering of about 40.

They are great to see & have living nearby. They never cause any trouble in our neighborhood, Nautical Heights. There are definitely not so many elk that they need to be hunted. Please leave them in peace.

Karen Sommer

***Response: The Department manages elk at the population level rather than at the herd level. The herd near Gilbert Creek Canyon is part of the population analyzed in the 2019 Environment Document, which was determined to be able to support the proposed harvest level.***

Comment from Don Hollander, Crescent City, CA:

Please convey the following message to the Fish and Wildlife Commissioners at their February 21<sup>st</sup> meeting:

It is a rare privilege to be able to see herds of elk as one drives around this county. Our elk are relatively tame and easy to view but they will become elusive with increased hunting pressure. And of course their numbers will go down. Let's keep our wildlife legacy alive and well in Del Norte County and vote no to increased elk hunting permits. Don Hollander, Crescent City

Sent from [Mail](#) for Windows 10

***Response: Comment noted.***

Comment from Mary Hollander, Crescent City, CA:

Commissioners,

My family have a history in Crescent City & Del Norte County going back to the late 1800's. My husband & I moved to Crescent City 5 years ago to retire in this beautiful natural area. We enjoy the State Parks, National Parks & the Forest Service areas to hike & camp in. One of the draws to the area was the magnificent Roosevelt Elk.

We understand that the Elks population had dwindled to alarmingly few in number but have been recovering slowly over the years. I find it difficult to believe that you would support an increase in the hunting permits when the Elk population is at a mere 1,000 right now. I realize that they are a problem for ranchers & farmers but there must be an alternative solution to killing what few Elk remain.

Humans have lost touch with their connection to all creatures & the earth itself. Let us in Del Norte County reclaim that connection by protecting our Roosevelt Elk.

Please forward my comments to Fish & Game Commissioners before their February 21st meeting.

With Warm Regards

Mary

Mary L. Hollander

***Response: Roosevelt elk were reduced to small numbers in northwestern California in the early 20<sup>th</sup> century but have been on an upward trajectory since 1967 as described in the CDFW Elk Conservation and Management Plan and references therein. The elk population in northwestern California has increased to levels that support sustainable recreational harvest as outlined in the 2019 Supplemental Environment Document for Elk Hunting in the Northwestern Elk Hunt Zone.***

Comment Received from Gordon Pfeffer, Crescent City, CA:

Hi. Please keep the elk hunt limited to 20. Thank you. Gordon Pfeffer

***Response: Comment noted. The ranges analyzed in the 2019 Supplemental Environment Document for Elk Hunting in the Northwestern Elk Hunt Zone support levels of harvest greater than 20.***

Comment received from Jane Gilbert, Crescent City, CA:

Dear Commissioners, Director and Staff:

I routinely experience elk traversing through my property, sometimes bedding down for a day or night. I often experience tourists pulling into my driveway and jumping out of their cars with their cameras to snap pictures of the elk. These tourists and I are enthralled to view the elk. The elk are an asset to our tourist-driven economy.

I installed an electric fence around my house, garden and small orchard to protect my dogs, vegetables, and trees from the elk. This arrangement mostly works just fine. We can coexist with the elk and we should do everything within our powers to do so. In my opinion, this native remnant herd has a right to exist on its native lands and we should adapt our lifestyles and our regulatory codes to accommodate them.

I am concerned about the yearly increases in hunt tag numbers. Data on elk population sizes are still being gathered, haven't been made available to the public, and yet the hunt seasons have gotten longer and the tag numbers have increased. I would like all hunt tag distributions and numbers based on data. This especially concerns me given that the Redwood National Park's yearly data suggests mild variations about a mean elk population; some years up a little, other years slightly down. Please be open in sharing the data you have and the logic in your analysis of such.

Additionally, I would like to see wildlife corridors and wildlife overpasses/underpasses to help the elk and other wildlife to safely cross our roads and move from the coastal up into the mountains. This would also increase safety for our motorists. Further, please consider focusing the Northwest Elk Hunt on the interior of the region where hybrid Roosevelt-Rocky Mountain elk exist, rather than on the pure strain of Roosevelt Elk on the coastal plain and foothills. Perhaps at a later date, some Roosevelt elk could be transplanted to the interior, retain their pure genetics, and reduce the discontent and costs they cause some of the ranchers in our area.

Thank you for all you do to preserve wildlife and species diversity in California.

Sincerely,

Janet Gilbert

***Response: Elk counts and analyses were shared with the public pursuant to processes outlined in the California Environmental Quality Act when the Department prepared the 2019 Supplement Environmental Document on Elk Hunting in the Northwestern Elk Hunt Zone. It is also important to point out that our ongoing monitoring efforts of elk in the north coast are looking at potential areas to improve connectivity or accessibility through overpasses or underpasses. These efforts would not be possible without the funds resulting from hunting license and tag fees.***

*Comments received in support of the proposed regulations*

Comment received from Noelle G. Cremers, California Farm Bureau Federation:

February 13, 2020

Eric Sklar, President  
Fish and Game Commission  
1416 9<sup>th</sup> Street, Room 1320  
Sacramento, CA 95814

RE: Mammal Hunting Regulations (Section 265, et al., Title 14, CCR) – Elk Regulations

Dear President Sklar:

The California Farm Bureau Federation (Farm Bureau) is writing to express support for increasing the number of available elk tags as part of the mammal hunting regulations. Farm Bureau represents more than 33,000 members as it strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. Farmers and ranchers have seen significant increases in damages from expanding elk populations, particularly on California's North Coast, and want to see improved management of elk populations.

Efforts to expand California's elk populations have proven successful as we have seen an expansion of elk herds in many areas of the state, which is a positive outcome for elk populations and all of the investments made to rebuild California's elk herds. However, the expanding populations have caused problems for farmers and ranchers in some areas. This is particularly true for members farming and ranching on the North Coast. Elk have caused damage to fences and consumed significant amounts of forage, both livestock forage as well as farmed crops.

Farm Bureau supports expanding elk hunting opportunities where elk are causing damages on private lands. This approach allows increased opportunities for licensed hunters while putting pressure on elk populations to reduce their damages on farms and ranches. Farm Bureau appreciates the Department of Fish and Wildlife's (Department) recognition of the challenges farmers and ranchers have in areas with expanding elk populations near private lands. This recognition is evident in the draft Environmental Document Regarding Elk Hunting and the Department's effort to finalize an Elk Management Plan.

Farm Bureau urges the Fish and Game Commission (Commission) to adopt increases to the number of available elk hunting tags. This approach should help alleviate the impacts elk are causing on farms and ranches. If it does not, Farm Bureau urges both the Commission and the Department to revisit the issue and implement solutions that will significantly reduce the damages elk are causing on farms and ranches.

February 13, 2020

Page 2

Farm Bureau appreciates the opportunity to provide comments on this issue and looks forward to the Commission adopting regulations with increased tag limits for elk.

Should you have any questions, please contact me by phone (916/446-4647) or e-mail ([ncremers@cfbf.com](mailto:ncremers@cfbf.com)).

Sincerely,

Noelle G. Cremers

Senior Policy Advocate

CC: Members, Fish and Game Commission

Kari Lewis, Wildlife Branch Chief, California Department of Fish and Wildlife

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture.***

Comment received from Gerry Hemmingsen, Del Norte County Board of Supervisors:

February 11, 2020

President Eric Sklar  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Subject: Amendments to Section 364 Title 14, California Code of Regulations Re: Elk Harvest  
Northwestern Zone

Dear President Sklar,

The Del Norte County Board of Supervisors is submitting the following comments regarding the proposed amendments to Section 364, Title 14, California Code of Regulations as it relates to elk regulations in the Northwestern Zone.

Del Norte County continues to experience increases in elk populations which consequently impact private property (both residential and agricultural), traffic and circulation, and the general health and welfare of residents and visitors. The Board has previously submitted comments to Department staff documenting the need for the elk license quota to be increased in the Northwestern Hunt Zone.

The draft regulations recommend increasing the total quota of tags for Roosevelt Elk in the Northwestern Hunt Zone from 65 to up to 105. The Board of Supervisors supports the increase in the quota of tags to the Northwestern Hunt Zone as it is a positive step in moving toward a sustainable management of elk populations in Del Norte County and addressing land owner concerns. To that end, the Board also supports directing a portion of those tags specifically to the Shared Habitat Alliance for Recreational Enhancement (SHARE) program where specific areas can be targeted on private lands further helping to reduce landowner conflicts and positively promote hunting on private lands.

As noted in the Initial Statement of Reasons for Regulatory Action, being responsive to dynamic environmental and biological conditions is necessary in order to maintain appropriate harvest levels and hunting quality. The Board commends the Commission for moving in a positive direction in sustainable elk management and request that the Commission approve the amended regulations as submitted.

Sincerely,



Gerry Hemmingsen  
Chair, Board of Supervisors

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone to this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture. All 40 additional tags are proposed for allocation to SHARE hunts or to Cooperative Hunting Areas (CCR Title 14 §555).***

Comment received from Johanna Rodoni, Humboldt County Farm Bureau:



**Humboldt County Farm Bureau**

5601 South Broadway  
Eureka, CA 95503  
(707) 443-4844

CALIFORNIA  
FISH AND GAME  
COMMISSION  
2020 MAR -2 PM 2:00

February 6, 2020

President Eric Sklar  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Subject: Amendments to Section 364 Title 14, California Code of Regulations Re: Elk Harvest  
Northwestern Zone

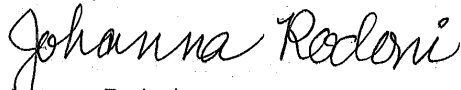
Dear Commission,

The Humboldt County Farm Bureau is submitting the following comments regarding the proposed amendments to Section 364, Title 14, and California Code of Regulations as it relates to elk regulations in the Northwestern Zone. Humboldt County continues to experience increases in elk populations which negatively impacts agriculture.

The draft regulations recommend increasing the total quota of tags for Roosevelt Elk in the Northwestern Hunt Zone from 65 to up to 105. The Board of Supervisors supports the increase in the quota of tags to the Northwestern Hunt Zone as it is a positive step in moving toward a sustainable management of elk populations in Humboldt County and addressing landowner concerns. To that end, the Farm Bureau also supports directing a portion of those tags specifically to landowner tag programs where specific areas can be targeted on private lands further helping to reduce landowner conflicts and while allowing economic return for those private agriculture businesses carrying the burden of the growing elk herds.

As noted in the Initial Statement of Reasons for Regulatory Action, being responsive to dynamic environmental and biological conditions is necessary in order to maintain appropriate harvest levels and hunting quality. The Farm Bureau commends the Commission for moving in a positive direction in sustainable elk management and request that the Commission approve the amended regulations as submitted.

Sincerely,



Johanna Rodoni  
President  
Humboldt County Farm Bureau

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone to this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture. All 40 additional tags are proposed for allocation to SHARE hunts or to Cooperative Hunting Areas (i.e., landowner tags; CCR Title 14 §555).***

Comment received from Estelle Fennelle, Humboldt County Board of Supervisors:

March 3, 2020

California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94244-2090  
Email address: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Re: Support of Proposed Changes to Elk Hunting Regulations

Honorable Commissioners:

Because increasing size and abundance of Roosevelt elk is such a large issue negatively impacting Humboldt County landowners, the County of Humboldt is in favor of the proposed changes to the Northwestern Elk hunts. We believe these changes will increase flexibility in harvest based on California Department of Fish and Wildlife (CDFW) biologist-review elk counts providing the maximum flexibility to expand and contract harvest based on annually accrued science-based data.

The proposed regulations will allow for the sustainable management of elk populations in Northwestern California while coexisting with sustainable agriculture businesses on which the animals depend for their forage and survival.

The County understands and supports the CDFW elk herd management goals specifying target levels for the proportion of bulls to cows in the herds, and that these ratios are maintained and managed by periodically modifying the number of tags. The County supports the fact that final recommended number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates and encourage staff to take action to reduce negative elk-human conflict through appropriate harvest whenever possible.

Therefore, the Humboldt County Board of Supervisors supports the proposed regulation changes concerning the 2020-2021 mammal hunting season, Section 364, (r) Department Administered  
The proposed changes are as follows:

Bull tags, from 15 to 0-44; Antlerless tags, from 0 to 0-58; and Either Sex Tags, from 0 to 0-3.  
There is no proposed change in the season which shall open on the first Wednesday in September and continue for 23 consecutive days.

Sincerely,



Estelle Fennelle, Chair  
Humboldt County Board of Supervisors

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone to this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture. All 40 additional tags are proposed for allocation to SHARE hunts or to Cooperative Hunting Areas (i.e., landowner tags; CCR Title 14 §555).***

## 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	20		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	<del>15</del> <u>3</u>	<del>20</del> <u>15</u>	3	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	<del>35</del> <u>34</u>	<del>10</del> <u>8</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	15			
		The bull season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	Northeastern California Antlerless		10		
		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		
		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			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			
(B)	Antlerless		2		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			
(2)(A)	La Panza Period 1	6	5		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	Period 2	6	6		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	Bishop Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	Independence Period 2	1	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	<del>4</del> <u>0</u>	1		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0	<del>4</del> <u>0</u>		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(5)(A)	Lone Pine Period 2	1	<del>4</del> <u>0</u>		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			

(B)	Period 3	<u>40</u>	<u>40</u>		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0	<u>40</u>		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(6)(A)	Tinemaha Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(7)(A)	West Tinemaha Period 1	<del>0</del> <u>1</u>	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(8)(A)	Tinemaha Mountain Period 1	0			
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

(B)	Period 2	0			
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0			
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	0			
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0			
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(9)(A)	Whitney Period 2	0 <sub>1</sub>	4 <sub>0</sub>		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0	0 <sub>1</sub>		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10)(A)	Goodale Period 1	0 <sub>1</sub>	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0	1		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			

(E)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(11)(A)	Grizzly Island Period 1	0	<del>6</del> <u>2</u>		0
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	Period 2	0	<del>2</del> <u>0</u>		<del>4</del> <u>2</u>
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3	0	<del>6</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	Period 4	0	<del>4</del> <u>0</u>		<del>2</del> <u>0</u>
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(E)	Period 5	0	<del>8</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	Period 6	0	0		0
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	Period 7	0	<del>8</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	Period 8	0	0		6
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	Period 9	0	<del>8</del> <u>4</u>		0
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			
(J)	Period 10	<del>0</del> <u>3</u>	0		0
		Shall open on the first Thursday following the opening of period nine and continue for 4 consecutive days.			
(K)	Period 11	0	<del>8</del> <u>4</u>		0
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			
(L)	Period 12	3			0
		Shall open on the first Thursday following the opening of			

		period eleven and continue for 4 consecutive days.			
(M)	Period 13	0	<del>8</del> <u>4</u>		0
		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		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	Period 2	0	<del>0</del> <u>6</u>		
		Shall open November <del>22</del> <u>25</u> and continue for 9 consecutive days.			
(C)	Period 3	<del>0</del> <u>8</u>	0		
		Shall open on the <del>third Saturday</del> <u>fourth Tuesday</u> in December and continue for <del>12</del> <u>13</u> consecutive days.			
(13)(A)	East Park Reservoir	2	2		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(14)(A)	San Luis Reservoir	0	0	5	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(15)(A)	Bear Valley	2	1		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1		4		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	2			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(17)(A)	Santa Clara	0	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(18)(A)	Alameda	0	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	

	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 General Methods Rocky Mountain Elk Apprentice			2	
		Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(3)(A)	Cache Creek General Methods Tule Elk Apprentice	1	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza General Methods Tule Elk Apprentice	0	1		
		Shall open on the second Saturday in October and extend for 23 consecutive days.			
(5)(A)	Bishop General Methods Tule Elk Apprentice Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(6)(A)	Grizzly Island General Methods Tule Elk Apprentice Period 1		<del>3</del> <u>2</u>		0
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0		2
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		<del>3</del> <u>0</u>		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			
(D)	Period 4		0		<del>2</del> <u>0</u>
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(7)(A)	Fort Hunter Liggett General Public General Methods Apprentice	<del>0</del> <u>1</u>	<del>0</del> <u>1</u>		
		Shall open on the <del>third Saturday</del> <u>fourth Tuesday</u> in December and continue for <del>12</del> <u>13</u> consecutive days.			
(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast	0	0	10	

	California Archery Only	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		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Lone Pine Archery Only Period 1	0	1		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Tinemaha Archery Only Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A)	Whitney Archery Only Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(6)(A)	Fort Hunter Liggett General Public Archery Only Either Sex			3-6	
		Shall open on the last Saturday in July and continue for 9 consecutive days.			
(B)	Fort Hunter Liggett General Public Archery Only Antlerless		4-8		
		Shall open on the <del>Second</del> <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	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(2)(A)	Independence Muzzleloader Only Period 1	1	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	Goodale Muzzleloader Only Period 1	0	4-0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	4-0	0		
		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			10	

	Muzzleloader/Archery Roosevelt Elk	Shall open on the last Saturday in October and extend for 9 consecutive days.			
(z) Fund Raising Elk tags					
(1)(A)	Multi-zone Fund Raising Tags	1			
		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		
		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		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		0		
		Shall open November 22 and continue for 9 consecutive days.			
(D)	Period 3	0			

		Shall open on the third Saturday in December and continue for 12 consecutive days.			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	0	0		
		Shall open on the third Saturday in December and continue for 12 consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either sex			<del>3</del> <u>0</u>	
		Shall open on the last Saturday in July and continue for 9 consecutive days.			
(B)	Antlerless		<del>4</del> <u>0</u>		
		Shall open on the Second Saturday in November and continue for 9 consecutive days.			
(4)(A)	Fort Hunter Liggett Military Only Muzzleloader Only	<del>4</del> <u>0</u>			
		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.

## ATTACHMENT A

### ***Comments received in opposition of the proposed regulations***

Comment from Jonnel Covault, Crescent City, CA

Dear Commissioners and staff,

I am commenting in advance of the meeting next week regarding the Roosevelt Elk Herd in my area. I am very concerned about the methodology you use to determine the number of Elk Tags allowed. The Elk are a source of interest, joy and even a tourist attraction for many of us who live here. It has come to my attention that more tags are being offered to hunters! Can you provide scientific data on the actual number of elk, or are these just estimates? I just want to go on record that I am in favor of MORE Roosevelt Elk, and hope you are doing everything humanly possible to ensure we have a healthy, growing herd.

Thank you,

Jonnel Covault

Crescent City, CA

***Response: The Department counted a minimum of 879 elk in the Northwest Hunt Zone and estimated an additional 284 elk using fecal DNA capture-recapture, for a minimum estimate of 1,163 elk. A minimum count is not a population census and is accepted by wildlife professionals that a minimum count is therefore not a count of all individuals in a population. Minimum counts can only underestimate, not overestimate, the number of individuals present. The Department used minimum counts to analyze the number of elk tags allocated in the Northwest Hunt Zone, making it an inherently conservative approach. Additionally, these counts and estimates are more than double the minimum viable population size for this area (560 elk) as indicated in the 2018 Elk Conservation and Management Plan: Appendix H.***

Comment received from Karen Sommer, Smith River, CA:

To the Fish & Game Commissioners:

Please decrease or eliminate the number of tags issued for hunting the elk. We live in Gilbert Creek Canyon & have been observing the small herd of elk here. They are usually in small groups of 6-12, with the largest gathering of about 40.

They are great to see & have living nearby. They never cause any trouble in our neighborhood, Nautical Heights. There are definitely not so many elk that they need to

be hunted. Please leave them in peace.

Karen Sommer

***Response: The Department manages elk at the population level rather than at the herd level. The herd near Gilbert Creek Canyon is part of the population analyzed in the 2019 Environment Document, which was determined to be able to support the proposed harvest level.***

Comment from Don Hollander, Crescent City, CA:

Please convey the following message to the Fish and Wildlife Commissioners at their February 21<sup>st</sup> meeting:

It is a rare privilege to be able to see herds of elk as one drives around this county. Our elk are relatively tame and easy to view but they will become elusive with increased hunting pressure. And of course their numbers will go down. Let's keep our wildlife legacy alive and well in Del Norte County and vote no to increased elk hunting permits. Don Hollander, Crescent City

Sent from [Mail](#) for Windows 10

***Response: Comment noted.***

Comment from Mary Hollander, Crescent City, CA:

Commissioners,

My family have a history in Crescent City & Del Norte County going back to the late 1800's. My husband & I moved to Crescent City 5 years ago to retire in this beautiful natural area. We enjoy the State Parks, National Parks & the Forest Service areas to hike & camp in. One of the draws to the area was the magnificent Roosevelt Elk.

We understand that the Elks population had dwindled to alarmingly few in number but have been recovering slowly over the years. I find it difficult to believe that you would support an increase in the hunting permits when the Elk population is at a mere 1,000 right now. I realize that they are a problem for ranchers & farmers but there must be an alternative solution to killing what few Elk remain.

Humans have lost touch with their connection to all creatures & the earth itself. Let us in Del Norte County reclaim that connection by protecting our Roosevelt Elk.

Please forward my comments to Fish & Game Commissioners before their February 21st meeting.

With Warm Regards  
Mary

Mary L. Hollander

***Response: Roosevelt elk were reduced to small numbers in northwestern California in the early 20<sup>th</sup> century but have been on an upward trajectory since 1967 as described in the CDFW Elk Conservation and Management Plan and references therein. The elk population in northwestern California has increased to levels that support sustainable recreational harvest as outlined in the 2019 Supplemental Environment Document for Elk Hunting in the Northwestern Elk Hunt Zone.***

Comment Received from Gordon Pfeffer, Crescent City, CA:

Hi. Please keep the elk hunt limited to 20. Thank you. Gordon Pfeffer

***Response: Comment noted. The ranges analyzed in the 2019 Supplemental Environment Document for Elk Hunting in the Northwestern Elk Hunt Zone support levels of harvest greater than 20.***

Comment received from Jane Gilbert, Crescent City, CA:

Dear Commissioners, Director and Staff:

I routinely experience elk traversing through my property, sometimes bedding down for a day or night. I often experience tourists pulling into my driveway and jumping out of their cars with their cameras to snap pictures of the elk. These tourists and I are enthralled to view the elk. The elk are an asset to our tourist-driven economy.

I installed an electric fence around my house, garden and small orchard to protect my dogs, vegetables, and trees from the elk. This arrangement mostly works just fine. We can coexist with the elk and we should to everything within our powers to do so. In my opinion, this native remnant herd has a right to exist on its native lands and we should adapt our lifestyles and our regulatory codes to accommodate them.

I am concerned about the yearly increases in hunt tag numbers. Data on elk population sizes are still being gathered, haven't been made available to the public, and yet the hunt seasons have gotten longer and the tag numbers have increased. I would like all hunt tag distributions and numbers based on data. This especially concerns me given that the Redwood National Park's yearly data suggests mild variations about a mean elk population; some years up a little, other years slightly down. Please be open in sharing the data you have and the logic in your analysis of such.

Additionally, I would like to see wildlife corridors and wildlife overpasses/underpasses to help the elk and other wildlife to safely cross our roads and move from the coastal up into the mountains. This would also increase safety for our motorists. Further, please consider focusing the Northwest Elk Hunt on the interior of the region where hybrid Roosevelt-Rocky Mountain elk exist, rather than on the pure strain of Roosevelt Elk on the coastal plain and foothills. Perhaps at a later date, some Roosevelt elk could be transplanted to the interior, retain their pure genetics, and reduce the discontent and costs they cause some of the ranchers in our area.

Thank you for all you do to preserve wildlife and species diversity in California.  
Sincerely,

Janet Gilbert

***Response: Elk counts and analyses were shared with the public pursuant to processes outlined in the California Environmental Quality Act when the Department prepared the 2019 Supplement Environmental Document on Elk Hunting in the Northwestern Elk Hunt Zone. It is also important to point out that our ongoing monitoring efforts of elk in the north coast are looking at potential areas to improve connectivity or accessibility through overpasses or underpasses. These efforts would not be possible without the funds resulting from hunting license and tag fees.***

***Comments received in support of the proposed regulations***

Comment received from Noelle G. Cremers, California Farm Bureau Federation:

February 13, 2020

Eric Sklar, President  
Fish and Game Commission  
1416 9th Street, Room 1320  
Sacramento, CA 95814

RE: Mammal Hunting Regulations (Section 265, et al., Title 14, CCR) – Elk Regulations

Dear President Sklar:

The California Farm Bureau Federation (Farm Bureau) is writing to express support for increasing the number of available elk tags as part of the mammal hunting regulations. Farm Bureau represents more than 33,000 members as it strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. Farmers and ranchers have seen significant increases in damages from expanding elk populations, particularly on California's North Coast, and want to see improved management of elk populations.

Efforts to expand California's elk populations have proven successful as we have seen an expansion of elk herds in many areas of the state, which is a positive outcome for elk populations and all of the investments made to rebuild California's elk herds. However, the expanding populations have caused problems for farmers and ranchers in some areas. This is particularly true for members farming and ranching on the North Coast. Elk have caused damage to fences and consumed significant amounts of forage, both livestock forage as well as farmed crops.

Farm Bureau supports expanding elk hunting opportunities where elk are causing damages on private lands. This approach allows increased opportunities for licensed hunters while putting pressure on elk populations to reduce their damages on farms and ranches. Farm Bureau appreciates the Department of Fish and Wildlife's (Department) recognition of the challenges farmers and ranchers have in areas with expanding elk populations near private lands. This recognition is evident in the draft Environmental Document Regarding Elk Hunting and the Department's effort to finalize an Elk Management Plan.

Farm Bureau urges the Fish and Game Commission (Commission) to adopt increases to the number of available elk hunting tags. This approach should help alleviate the impacts elk are causing on farms and ranches. If it does not, Farm Bureau urges both the Commission and the Department to revisit the issue and implement solutions that will significantly reduce the damages elk are causing on farms and ranches.

*February 13, 2020*

*Page 2*

Farm Bureau appreciates the opportunity to provide comments on this issue and looks forward to the Commission adopting regulations with increased tag limits for elk. Should you have any questions, please contact me by phone (916/446-4647) or e-mail ([ncremers@cbbf.com](mailto:ncremers@cbbf.com)).

Sincerely,

Noelle G. Cremers

Senior Policy Advocate

CC: Members, Fish and Game Commission

Kari Lewis, Wildlife Branch Chief, California Department of Fish and Wildlife

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture.***

Comment received from Gerry Hemmingsen, Del Norte County Board of Supervisors:

February 11, 2020

President Eric Sklar  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Subject: Amendments to Section 364 Title 14, California Code of Regulations Re: Elk Harvest  
Northwestern Zone

Dear President Sklar,

The Del Norte County Board of Supervisors is submitting the following comments regarding the proposed amendments to Section 364, Title 14, California Code of Regulations as it relates to elk regulations in the Northwestern Zone.

Del Norte County continues to experience increases in elk populations which consequently impact private property (both residential and agricultural), traffic and circulation, and the general health and welfare of residents and visitors. The Board has previously submitted comments to Department staff documenting the need for the elk license quota to be increased in the Northwestern Hunt Zone.

The draft regulations recommend increasing the total quota of tags for Roosevelt Elk in the Northwestern Hunt Zone from 65 to up to 105. The Board of Supervisors supports the increase in the quota of tags to the Northwestern Hunt Zone as it is a positive step in moving toward a sustainable management of elk populations in Del Norte County and addressing land owner concerns. To that end, the Board also supports directing a portion of those tags specifically to the Shared Habitat Alliance for Recreational Enhancement (SHARE) program where specific areas can be targeted on private lands further helping to reduce landowner conflicts and positively promote hunting on private lands.

As noted in the Initial Statement of Reasons for Regulatory Action, being responsive to dynamic environmental and biological conditions is necessary in order to maintain appropriate harvest levels and hunting quality. The Board commends the Commission for moving in a positive direction in sustainable elk management and request that the Commission approve the amended regulations as submitted.

Sincerely,



Gerry Hemmingsen  
Chair, Board of Supervisors

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone to this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture. All 40 additional tags are proposed for allocation to SHARE hunts or to Cooperative Hunting Areas (CCR Title 14 §555).***

Comment received from Johanna Rodoni, Humboldt County Farm Bureau:



**Humboldt County Farm Bureau**

5601 South Broadway  
Eureka, CA 95503  
(707) 443-4844

CALIFORNIA  
FISH AND GAME  
COMMISSION  
2020 MAR -2 PM 2:00

February 6, 2020

President Eric Sklar  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Subject: Amendments to Section 364 Title 14, California Code of Regulations Re: Elk Harvest  
Northwestern Zone

Dear Commission,

The Humboldt County Farm Bureau is submitting the following comments regarding the proposed amendments to Section 364, Title 14, and California Code of Regulations as it relates to elk regulations in the Northwestern Zone. Humboldt County continues to experience increases in elk populations which negatively impacts agriculture.

The draft regulations recommend increasing the total quota of tags for Roosevelt Elk in the Northwestern Hunt Zone from 65 to up to 105. The Board of Supervisors supports the increase in the quota of tags to the Northwestern Hunt Zone as it is a positive step in moving toward a sustainable management of elk populations in Humboldt County and addressing landowner concerns. To that end, the Farm Bureau also supports directing a portion of those tags specifically to landowner tag programs where specific areas can be targeted on private lands further helping to reduce landowner conflicts and while allowing economic return for those private agriculture businesses carrying the burden of the growing elk herds.

As noted in the Initial Statement of Reasons for Regulatory Action, being responsive to dynamic environmental and biological conditions is necessary in order to maintain appropriate harvest levels and hunting quality. The Farm Bureau commends the Commission for moving in a positive direction in sustainable elk management and request that the Commission approve the amended regulations as submitted.

Sincerely,

Johanna Rodoni  
President  
Humboldt County Farm Bureau

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone to this year to help alleviate high-levels of human-elk conflict, particularly as it pertains to agriculture. All 40 additional tags are proposed for allocation to SHARE hunts or to Cooperative Hunting Areas (i.e., landowner tags; CCR Title 14 §555).***

March 3, 2020

California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94244-2090  
Email address: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Re: Support of Proposed Changes to Elk Hunting Regulations

Honorable Commissioners:

Because increasing size and abundance of Roosevelt elk is such a large issue negatively impacting Humboldt County landowners, the County of Humboldt is in favor of the proposed changes to the Northwestern Elk hunts. We believe these changes will increase flexibility in harvest based on California Department of Fish and Wildlife (CDFW) biologist-review elk counts providing the maximum flexibility to expand and contract harvest based on annually accrued science-based data.

The proposed regulations will allow for the sustainable management of elk populations in Northwestern California while coexisting with sustainable agriculture businesses on which the animals depend for their forage and survival.

The County understands and supports the CDFW elk herd management goals specifying target levels for the proportion of bulls to cows in the herds, and that these ratios are maintained and managed by periodically modifying the number of tags. The County supports the fact that final recommended number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates and encourage staff to take action to reduce negative elk-human conflict through appropriate harvest whenever possible.

Therefore, the Humboldt County Board of Supervisors supports the proposed regulation changes concerning the 2020-2021 mammal hunting season, Section 364, (r) Department Administered General Methods Roosevelt Elk Hunts, Section (2) (A) for the Northwestern Hunt.

The proposed changes are as follows:

Bull tags, from 15 to 0-44; Antlerless tags, from 0 to 0-58; and Either Sex Tags, from 0 to 0-3. There is no proposed change in the season which shall open on the first Wednesday in September and continue for 23 consecutive days.

Sincerely,



Estelle Fennell, Chair  
Humboldt County Board of Supervisors

Comment received from Estelle Fennelle, Humboldt County Board of Supervisors:

***Response: The Department proposed increasing elk tag quotas by 40 in the Northwest Hunt Zone to this year to help alleviate high-levels of human-elk***

***conflict, particularly as it pertains to agriculture. All 40 additional tags are proposed for allocation to SHARE hunts or to Cooperative Hunting Areas (i.e., landowner tags; CCR Title 14 §555).***

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
Pre-adoption Statement of Reasons

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

- I. Date of Initial Statement of Reasons: October 1, 2019
- II. Date of Pre-adoption Statement of Reasons: April 2, 2020
- III. Dates and Locations of Scheduled Hearings

Notice Hearing

Date: December 11, 2020                      Location: Sacramento, CA

Discussion Hearing

Date: February 21, 2020                      Location: Sacramento, CA

Adoption Hearing

Date: April 16, 2020                      Location: Teleconference

- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. A specific tag allocation is proposed for each zone within these ranges.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. A specific tag allocation is proposed for each zone within these ranges. The Department's final recommendations for specific tag quotas in each hunt zone are set forth in the attached Regulatory Text. These are based on input from Department regional staff and public to address goals for the unit, including alleviating depredation concerns.

- VI. Summary of Primary Considerations Raised in Opposition and in Support:

Please see Attachment A.

## Updated 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. The proposed amendments to Section 364.1 will establish the 2020 tag quotas of SHARE tags within each hunt adjusting for annual fluctuations in populations and reports of elk depredation by landowners.

The recommended number of elk tags for 2020 are presented in the 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. 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.

### **UPDATE:**

**The attached regulatory text and table for Section 364.1 has the specific recommended tag allocations for each hunt.**

## PROPOSED REGULATORY TEXT

Section 364.1 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	2		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	<del>13</del> 34	34	0	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	<del>0</del> 1	<del>0</del> 2		
		(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	2	
		(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	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	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5	10		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			
(3)	Bishop	0	0		
		(B) Area: The tag shall be valid in the area described in			

		subsection 364(d)(3)(A).			
(4)	Independence	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
(10)	Goodale	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).			
(11)	Grizzly Island	0	0		0
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A).			
(12)	Fort Hunter Liggett	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(A).			
(13)	East Park Reservoir	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(A).			
(14)	San Luis Reservoir	2	3		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(A).			
(15)	Bear Valley	<u>4</u> 2	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).			
(16)	Lake Pillsbury	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			

(17)	Santa Clara	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	0			
		(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.

**ADDENDUM**  
**to the**  
**FINAL ENVIRONMENTAL DOCUMENT**  
**regarding DEER HUNTING**

As prepared by the State of California, Resources Agency, California Department of Fish and Wildlife, on behalf of the California Fish and Game Commission, as lead agency under the California Environmental Quality Act (CEQA) for the regular noticed rulemaking action to amend California Code of Regulations, Title 14, Section 360 and 361 (OAL Notice File No. 2019-1224-05)

Dated: November 2019

## INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, §21000 et seq) on behalf of the California Fish and Game Commission (Commission). Existing law (Fish and Game Code, §3950) designates deer (*Odocoileus hemionus* sp.) as a game mammal in California. Fish and Game Code §200- 203 provides that the Commission may fix the area or areas, seasons and hours, bag and possession limit, sex, and total number of deer that may be taken pursuant to its regulations. Fish and Game Code, §203.1, requires the Commission to consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts when establishing hunting regulations for deer. Fish and Game Code, §450-460 provides additional legislative direction regarding the management of California's deer.

The Commission is the lead agency under CEQA for the purpose of adopting annual hunting regulations for deer. In the proposed rulemaking, the Commission is considering modifying the previously approved project to establish hunting tag quotas based on current population estimates derived from annual surveys. This addendum documents the Commission's consideration of related environmental effects.

**Earlier Project Approval:** California Environmental Quality Act (CEQA) review of the proposed project was conducted in accordance with the Commission's certified regulatory program (CRP) approved by the Secretary for the California Natural Resources Agency pursuant to Public Resources Code § 21080.5 (See generally California Code of Regulations, Title 14, §781.5, and §15251(b)). CEQA requires all public agencies in the State to evaluate the environmental impacts of projects they approve, including regulations, which may have a potential to significantly affect the environment. In 2007, the Commission adopted the final environmental document regarding deer hunting. The document identified hunt zones, hunt seasons, and annual hunting tag quotas.

**No Significant Impact Findings:** Based on the environmental document approved in 2007, the Commission found that authorizing deer hunting as described in the document would have less than a significant to no impact on the environment. The Commission concluded that there would be no significant effects including impacts on the gene pool, impacts on social structure, effects on habitat, effects on recreational opportunities, effects on other wildlife species, effects on economics, effects on public safety, growth inducing impacts, short-term uses and long term productivity, significant irreversible environmental changes, welfare to the individual animal, and cumulative impacts. The proposed change only adjusts tag quotas based on the best available current population information.

## **PROPOSED APPROVAL OF CHANGE TO 2019 PROJECT AND RELATED CEQA ANALYSIS**

**Proposed Timeline Change:** The deer tag quotas described in the 2007 Final Environmental Document Regarding Deer Hunting are currently in regulation. Commission approval would modify the current tag quotas for the 20/21 deer hunting season based on survey data collected by the Department in its annual survey efforts.

**No Subsequent or Supplemental Negative Declaration is Required:** In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project (Public Resources Code, §21080(a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a Final Environmental Document was prepared and certified, no subsequent or supplemental Final Environmental Document is required, except in limited circumstances (Public Resource Code, §21166, California Code of Regulations, Title 14, §15162-15164). Those circumstances are limited to one or more of the following:

- Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document.
- Substantial changes occur with respect to the circumstances under which the project being undertaken, which will require major revisions to the previous EIR or environmental documentation.
- New information, which was not known and could not have been known at the time the previous EIR or environmental document was certified as complete, becomes available.

Likewise, generally speaking, new information and required revisions to a prior EIR trigger the need to prepare subsequent or supplemental analyses under CEQA only where changes to the project, changes in circumstance, or new information reveal:

- A new potentially significant environmental impact not previously disclosed in the prior analysis; or
- A substantial increase in severity of a previously identified potentially significant impact.

Stated another way, subsequent environmental analysis or a supplement to any such prior analysis is not required under CEQA where substantial evidence considering the whole record supports the agency decision maker's determination that none of the conditions highlighted above are present. The Commission has determined that no such conditions are present or will occur with the proposed tag quota changes presented in

this project. Therefore, the Commission may properly prepare, has prepared, and may rely on this Addendum to fulfill its obligations under CEQA.

**No Additional Impacts under CEQA:** The Commission finds that approving changes in current deer hunting tag quotas based on annual survey results will not result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in the 2007 Final Environmental Document for this project.

This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species because the project is designed to have no significant impact. The project is a minor regulatory modification.

This approval action only adjusts the previous year tag quotas based on more current population information. No new or additional impacts under CEQA will occur due to this change.

#### **ADOPTION OF PROPOSED TAG QUOTA MODIFICATION**

In conclusion, the Commission finds that approving the tag quota modification for deer hunts will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2007 Final Environmental Document Regarding Deer Hunting. The Commission also finds that subsequent or supplemental review beyond this Addendum is not warranted pursuant to the California Code of Regulations, Title 14, §15164 in connection with this proposed action.

**ADDENDUM to the**  
**FINAL ENVIRONMENTAL DOCUMENT**  
**regarding BIGHORN SHEEP HUNTING**

As prepared by the State of California, Resources Agency, California Department of Fish and Wildlife, on behalf of the California Fish and Game Commission, as lead agency under the California Environmental Quality Act (CEQA) for the regular noticed rulemaking action to amend California Code of Regulations, Title 14, Section 362 (OAL Notice File No. 2019-1224-05)

Dated: November 2019

## INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq) on behalf of the California Fish and Game Commission (Commission). Existing law (Fish and Game Code §3950) designates Nelson bighorn sheep (*Ovis canadensis nelsoni*) as a game mammal in California. Fish and Game Code §4902 authorizes the Commission to adopt hunting regulations to take no more than 15% of the mature rams in zones which have an approved management plan. Fish and Game Code § 203 provides that the Commission may fix the area or areas, seasons and hours, bag and possession limit, sex, and total number of bighorn sheep that may be taken pursuant to its regulations. Fish and Game Code § 203.1 requires the Commission to consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts when establishing hunting regulations for bighorn sheep.

The Commission is the lead agency under CEQA for the purpose of adopting hunting regulations for Nelson bighorn sheep. In this proposed rulemaking, the Commission is considering modifying the previously approved project to establish hunting tag quotas based on current population estimates derived from annual surveys. This addendum documents the Commission's consideration of related environmental effects.

**Earlier Project Approval:** California Environmental Quality Act (CEQA) review of the proposed project was conducted in accordance with the Commission's certified regulatory program (CRP) approved by the Secretary for the California Natural Resources Agency pursuant to Public Resources Code § 21080.5 (See generally California Code of Regulations, Title 14, § 781.5 and §15251(b)). CEQA requires all public agencies in the State to evaluate the environmental impacts of projects they approve, including regulations, which may have a potential to significantly affect the environment. In 2019, the Commission adopted the final environmental document regarding bighorn sheep hunting (SCH No. 2018112036). The document identified hunt zones, hunt seasons, and annual hunting tag quotas.

**2019 No Significant Impact Findings:** Based on the environmental document approved in 2019, the Commission found that authorizing bighorn sheep hunting as described in the document would have less than a significant to no impact on the environment. The Commission concluded there would be no significant effects including impacts on the gene pool, impacts on social structure, effects on habitat, effects on recreational opportunities, effects on other wildlife species, effects on economics, effects on public safety, growth inducing impacts, short-term uses and long term productivity, significant irreversible environmental changes, welfare to the individual animal, and cumulative impacts. The proposed change would only adjust tag quotas based on the best available current population information.

## **PROPOSED APPROVAL OF CHANGE TO 2019 PROJECT AND RELATED CEQA ANALYSIS**

**Proposed Timeline Change:** The bighorn sheep tag quotas described in the 2019 Final Environmental Document Regarding Bighorn Sheep Hunting are currently in regulations. Commission approval would modify the current tag quotas for the 20/21 bighorn sheep hunting season based on survey data collected by the Department on its annual survey efforts.

**No Subsequent or Supplemental Negative Declaration is Required:** In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project (Pub. Resources Code, § 21080, subdivision. (a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a Final Environmental Document was prepared and certified, no subsequent or supplemental Final Environmental Document is required, except in limited circumstances (Pub. Resource Code , § 21166, Cal. Code Regs., tit. 14, §§ 15162-15164). Those circumstances are limited to one or more of the following:

- Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document.
- Substantial changes occur with respect to the circumstances under which the project being undertaken, which will require major revisions to the previous EIR or environmental documentation.
- New information, which was not known and could not have been known at the time the previous EIR or environmental document was certified as complete, becomes available.

Likewise, generally speaking, new information and required revisions to a prior EIR trigger the need to prepare subsequent or supplemental analyses under CEQA only where changes to the project, changes in circumstance, or new information reveal:

- A new potentially significant environmental impact not previously disclosed in the prior analysis; or
- A substantial increase in severity of a previously identified potentially significant impact.

Stated another way, subsequent environmental analysis or a supplement to any such prior analysis is not required under CEQA where substantial evidence in light of the whole record support the agency decision maker's determination that none of the conditions highlighted above are present. The Commission has determined that no such conditions are present or will occur with the proposed tag quota changes presented in this project. Therefore, the Commission may properly prepare, has prepared, and may rely on this Addendum to fulfill its obligations under CEQA.

**No Additional Impacts under CEQA:** The Commission finds that approving changes in current bighorn sheep hunting tag quotas based on annual survey results will not

result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in the 2019 Final Environmental Document for this project.

This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species because the project is designed to have no significant impact. The project is a minor regulatory modification.

This approval action only adjusts the previous year tag quotas based on more current population information. No new or additional impacts under CEQA will occur due to this change.

#### **ADOPTION OF PROPOSED TAG QUOTA MODIFICATION**

In conclusion, the Commission finds that approving the tag quota modification to the Nelson bighorn sheep hunts will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2019 Final Environmental Document Regarding Bighorn Sheep Hunting. The Commission also finds that subsequent or supplemental review beyond this Addendum is not warranted pursuant to the California Code of Regulations, title 14, section 15164 in connection with this proposed action.

**Analysis of the 2020-2021 elk hunting TAG QUOTAS**  
**ADDENDUM to the 2019 SUPPLEMENTAL ENVIRONMENTAL DOCUMENT**  
**TO THE 2010 FINAL ENVIRONMENTAL DOCUMENT**  
**REGARDING ELK HUNTING**

As prepared by the State of California, Resources Agency, California Department of Fish and Wildlife, on behalf of the California Fish and Game Commission, as lead agency under the California Environmental Quality Act (CEQA) for the regular noticed rulemaking action to amend California Code of Regulations, Title 14, Sections 364 and 364.1 (OAL Notice File No. 2019-1224-05)

Dated: November 2019

## INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq, on behalf of the California Fish and Game Commission (Commission). Fish and Game Code, §3950 designates elk as a game mammal in California. Fish and Game Code, §203 and §332, authorize the Commission to fix the area or areas, seasons and hours, bag and possession limit, sex, and total number of elk that may be taken pursuant to its regulations. Fish and Game Code §203.1 requires the Commission to consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts when establishing hunting regulations for elk.

The Commission is the lead agency under CEQA for the purpose of adopting annual hunting regulations for elk. In the proposed rulemaking, the Commission is establishing the 2020-21 elk hunting tag quotas based on current population estimates derived from annual surveys. This addendum documents the Commission's consideration of related environmental effects.

Earlier Project Approval: CEQA review of the proposed project was conducted in accordance with the Commission's certified regulatory program approved by the Secretary for the California Natural Resources Agency pursuant to Public Resources Code §21080.5 (See generally California Code of Regulations, Title 14, §781.5 and §15251(b)). CEQA requires all public agencies in the State to evaluate the environmental impacts of projects they approve, including regulations, which may have a potential to significantly affect the environment.

In 2010, the Commission adopted a Final Environmental Document Regarding Elk Hunting (2010 Elk ED), establishing the maximum tag quotas for all zones.

In 2019 the Commission adopted a Final Supplemental Environmental Document Regarding Elk Hunting (2019 Elk SED) (SCH No. 2018112037) which focused on the potential for any new significant or substantially more severe environmental impacts from an increase in the tag quota range in the Northwestern Elk Zone (NW Zone). The Commission considered the proposed project increase of 20 tags and three alternatives (Table 1). *The Commission found no significant long-term adverse impacts associated with the proposed project or any of the project alternatives.* The Commission approved the increase of 20 tags for the 2019-20 elk hunting regulations.

**Table 1. Impact Summary (from 2019 final SED).**

<b>Alternative</b>	<b>Description</b>	<b>Significant Impact</b>	<b>Mitigation</b>
Proposed project	Increase the tag quota range for the Northwestern Elk Zone by 20 tags	No	N/A
Alternative 1. No project	No change from the 2018-19 hunting regulations	No	N/A
Alternative 2. Increase tag quota (3x proposed project)	Increase the tag quota range for the Northwestern Elk Zone by up to 60 tags	No	N/A
Alternative 3. Reduced proposal (half of proposed project)	Increase the tag quota range for the Northwestern Elk Zone by 10 tags	No	N/A

**Proposed 2020-21 Tag Allocations for all Zones (except the Northwestern Zone):**

The elk tag quotas described in the 2010 Elk ED are the basis for the number of tags currently allocated to all zones (except the NW zone) in regulation. Consideration of tag quotas for the 2020-21 elk hunting season by the Commission will be based on survey data collected by the Department in its annual survey efforts. There is no expectation that the conditions for the 2020-21 elk hunting will substantially change or impact the environmental effects described in the 2010 Elk ED.

**Proposed 2020-21 Tag Allocations for the Northwestern Zone:**

The elk tag quotas for the NW Zone described in the 2019 Elk SED are the basis for the number of tags currently allocated to the NW Zone in regulation. Consideration of tag quotas for the 2020-21 elk hunting season by the Commission will be based on survey data collected by the Department in its annual survey efforts; however it is anticipated that tag quotas could be increased by up to 40 tags from the current quota. There is no expectation that the conditions for the 2020-21 elk hunting will substantially change or impact the environmental conditions described in the 2019 Elk SED including Alternative 2 of an increase of up to 60 (40 additional tags for 2020-21) tags in the NW Zone.

No Subsequent Environmental Document is Required: In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project. (Public Resources Code, §21080(a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a Final Environmental Document was prepared and certified:

“The lead agency or a responsible agency shall prepare an *addendum* to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred.” (California Code Regulations (CCR), Title 14, §15164)

- A Subsequent Environment Document (§15162) when there is substantial evidence that:
  - Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document (ED).
  - Substantial changes occur with respect to the circumstances under which the project is being undertaken, which will require major revisions to the previous EIR or environmental documentation.
  - New information, which was not known and could not have been known at the time the previous EIR or ED was certified as complete, becomes available.
- A Supplement to an Environment Document (§15163) when:
  - A subsequent ED is not required.
  - Only minor changes to the project are described.
  - Only that information to make the ED adequate is provided.
- An Addendum to the Certified ED (§15164) is proper when:
  - The changes or additions presented in this project are necessary but none of the conditions described in § 15162 calling for preparation of a subsequent ED have occurred.
  - The Commission may properly prepare and may rely on an addendum in accordance with §15164 to fulfill its obligations under CEQA.

No Additional Impacts under CEQA: The Department has determined that approving the 2020-21 elk hunting tag quotas based on annual survey results, including increasing the tag quota with up to 40 additional tags in the NW Zone, will not result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in the 2010 Elk ED and 2019 Elk SED for this project.

This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife

population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species because the project is designed to have no significant impact.

***Therefore, the Department recommends the Commission adopt the proposed tag quotas.***

This approval action only adjusts the previous year tag quotas based on more current population information. No other aspect of the project is changed. No new significant or substantially more severe impacts under CEQA will occur due to this change.

### **ADOPTION OF PROPOSED 2020-21 ELK TAG QUOTAS**

In conclusion, the Commission finds that approving the 2020-21 tag quotas for elk hunts in CCR, Title 14, §364 and §364.1, will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2010 Elk ED and the 2019 Elk SED as described in Alternative 2. The Commission also finds that subsequent or supplemental review beyond this Addendum is not warranted pursuant to the CCR, Title 14, §15164, in connection with this proposed action.