

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

Amend Subsection 362(d)
Title 14, California Code of Regulations
Re: Nelson Bighorn Sheep

I. Date of Statement of Reasons:

- (a) Initial Statement of Reasons Date: November 13, 2019
- (b) Pre-adoption Statement of Reasons: Date: April 2, 2020
- (c) Date of Final Statement of Reasons: Date: May 1, 2020

II. Dates and Locations of Scheduled Hearings

- (a) Notice Hearing
 Date: December 11, 2019 Location: Sacramento
- (b) Discussion Hearing
 Date: February 21, 2020 Location: Sacramento
- (c) Adoption Hearing
 Date: April 16, 2020 Location: Teleconference

III. Update

At the Commission's April 16, 2020 meeting the public and the Commission were provided with the Department's final tag quota recommendations for specific tag quotas in each hunt zone based on input from Department regional staff and the public to address goals for the units, including Nelson bighorn sheep conservation and providing hunting opportunities. Final tag quotas as set forth in the attached Approved Regulatory Text were adopted by the Commission at its April 16, 2020 meeting.

IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Responses to public comments, oral or written, regarding proposed regulatory changes received through April 16, 2020.

- 1. Bill Gaines, verbal comment April 16, 2020
 Comment: Supports the bighorn sheep proposals as noticed.
 Response: Comment noted.

V. Location and Index of rulemaking

A rulemaking with attached file index is maintained at:

California Fish and Game Commission
1416 9th Street
Sacramento, California 95814

VI. Location of Department files:

Department of Fish and Wildlife
1010 Riverside Parkway
West Sacramento, California 95605

VII. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified. Bighorn sheep license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, disease, and overwinter survival rates.

(b) No Change Alternative

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

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None.

VIII. Impact of Regulatory Action

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

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

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

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

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

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

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

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

(e) Nondiscretionary Costs/Savings to Local Agencies: None

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

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

(h) Effect on Housing Cost: None

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.

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

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

Benefits of the regulations

The benefits of the proposed regulations are consistency with statute and the sustainable management of the State's wildlife resources.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate wildlife hunting regulations

UPDATE

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.

At the Fish and Game Commission's April 16, 2020 meeting, the public and the Commission were provided with the Department's final tag quota recommendations for specific tag quotas in each hunt zone based on input from Department regional staff and the public to address goals for the units, including Nelson bighorn sheep conservation and providing hunting

opportunities. Final tag quotas as set forth in the attached Approved Regulatory Text were adopted by the Commission at its April 16, 2020 meeting.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.