

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

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

I. Date of Statement of Reasons:

- (a) Initial Statement of Reasons Date: November 14, 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

The originally proposed regulatory language contained tag quota ranges for each elk hunt zone and period. 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 elk conservation, providing hunting opportunities and alleviating depredation concerns. 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 2020 elk hunting regulatory changes received through April 16, 2020 are included as Attachment A.

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:

 California 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.

(b) No Change Alternative

1. Number of Tags

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

2. Modify Season Dates on Fort Hunter Liggett

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

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

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

The Commission anticipates no to minor positive impacts on the creation or elimination of jobs within the state, and no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state. The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources. The Commission anticipates benefits to the State’s environment in the sustainable management of natural resources.

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

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

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

- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None
- (h) Effect on Housing Cost: None

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.

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 elk conservation, providing hunting opportunities and alleviating depredation concerns. 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.