

State of California
Fish and Game Commission
Final Statement of Reasons for Regulatory Action
Amend Section 364.1
Title 14, California Code of Regulations
Re: SHARE 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

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.

The originally proposed regulatory language contained elk tag quota ranges for the Northwestern, Marble Mountains and Bear Valley Elk zones. The specific tag quotas have been identified after regional and public input to address depredation concerns. In the Northwestern elk zone the additional 21 bull tags will be distributed to the SHARE landowners in Del Norte and Humboldt County to help alleviate property damage. In the Marble Mountain elk zone the additional 1 bull and 2 antlerless elk tags will be authorized to a landowner in Siskiyou County to alleviate property damage. The increase of 1 bull tag in the Bear Valley elk zone will go to a landowner in Colusa County to alleviate property damage.

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 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:

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. Elk license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, overwinter survival rates, and landowner interest.

(b) No Change Alternative

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Elk populations have increased and landowner conflicts have also escalated in several areas. 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

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.

Preliminary tag quota ranges are indicated pending final 2020 tag allocations in accordance with elk management goals and objectives. Survey data collected between August 2019, and March 2020, will be the basis for the final tag numbers recommended to the Commission at the April 2020 adoption hearing.

The preliminary tag quota ranges for 2020 are found in the attached 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. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts 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. Specific tag quotas in each hunt zone are 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.