

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 203.1, 265, 332 and 1050 of the Fish and Game Code and to implement, interpret, or make specific sections 332, 1050, 1570, 1571, 1572, 1573 and 1574 of said Code, proposes to amend Sections 364 and 364.1 of Title 14, California Code of Regulations related to elk hunting.

Informative Digest/Policy Statement Overview

Current regulations in Section 364 provide definitions, hunting zone descriptions, season opening and closing dates, methods of take (e.g., general methods, archery only, muzzleloader only), tag designations (e.g., bull, spike bull, antlerless, and either-sex), tag quotas (total number of hunting tags to be made available), and bag and possession limits for elk hunting. Section 364.1 provides season opening and closing dates, methods of take, tag designations, tag quotas, and bag and possession limits for elk hunting administered through the SHARE hunt program. Individuals are awarded an elk hunting tag through the Department's Big Game Drawing or SHARE hunt program drawing.

Harvest of an elk is authorized for an individual awarded a tag for a respective hunt zone or SHARE property and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, elk distribution, and human-elk conflict levels, among other population objectives, factors, and considerations. The Department has identified the following areas where increased public elk hunting opportunities are feasible and support achievement of population objectives:

Tejon Rocky Mountain Elk Management Unit. Currently there is no hunt zone established which authorizes public elk harvest in the Tejon Rocky Mountain Elk Management Unit

Bear Valley and Cache Creek Tule Elk Hunt Zones. Current (2022) public tag quota for these zones are 1 antlerless tag and 2 bull tags (Bear Valley), and 1 apprentice bull tag, 2 antlerless tags, and 2 bull tags (Cache Creek).

Siskiyou Roosevelt Elk Hunt Zone. Current (2022) public tag quota for the Siskiyou Hunt Zone is 20 antlerless tags and 20 bull tags. The bull and antlerless hunt periods are concurrent.

Northwestern Roosevelt Elk Hunt Zone. Current (2022) public tag quota for the Northwestern Hunt Zone is 15 antlerless tags, 3 bull tags, and 3 either-sex tags.

La Panza Tule Elk Hunt Zone and Central Coast Tule Elk Management Unit. Current (2022) public tag quotas for the La Panza Hunt Zone is 1 apprentice antlerless tag, 11 antlerless tags across two hunt periods (5 and 6 tags, respectively), and 12 bull tags across two hunt periods (6 and 6, respectively). There is currently no authorized public elk harvest in the Central Coast Tule Elk Management Unit.

The proposed regulatory changes will:

Siskiyou Roosevelt Elk Hunt Zone. Set public tag quota for the Siskiyou Hunt Zone to 20 bull tags and 30 antlerless tags. Shift the bull season from September to October.

Northwestern Roosevelt Elk Hunt Zone. Set public tag quota for the Northwestern Hunt Zone to 25 bull tags, 15 antlerless tags, and 3 either-sex tags.

Bear Valley and Cache Creek Tule Elk Hunt Zones. Modify adjacent Hunt Zone boundaries to bound demographically and genetically interacting populations.

The goals and benefits of the regulations are to help achieve management objectives related to current environmental, biological, and social conditions related to relevant elk populations.

Tejon Rocky Mountain Elk Management Unit. Create a Tehachapi Rocky Mountain Elk Hunt Zone and General Methods Hunt, with tag allowances set at 5 bull and 10 antlerless.

La Panza Tule Elk Hunt Zone and Central Coast Tule Elk Management Unit. Decrease the size of the La Panza Hunt Zone, create a new Gabilan Tule Elk Hunt Zone, and create a new Central Coast Tule Elk Zone, which incorporates the existing Camp Roberts Tule Elk Management Unit. For each of the new Hunt Zones, create a General Methods Hunt, with tag allowances set at: 6 bull and 5 antlerless (La Panza Period 1), 6 bull and 5 antlerless (La Panza Period 2), 10 bull and 10 antlerless (Central Coast), and 4 bull and 6 antlerless (Gabilan).

The Department is proposing changes to the following regulations in Title 14, CCR:

- Section 364. Elk Hunts, Seasons, and Number of Tags
- Section 364.1. Department Administered Shared Habitat Alliance for Recreational Enhancement (SHARE) Elk Hunts

Benefit of the Regulations:

The proposed regulatory action is designed to help achieve management objectives related to current environmental, biological, and social conditions, as outlined in the Elk Conservation and Management Plan.

Consistency and Compatibility with Existing Regulations:

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. Commission staff has searched the California Code of Regulations and has found no other state regulations that address the definitions, hunting zone descriptions, season opening and closing dates, methods of take (e.g., general methods, archery only, muzzleloader only), tag designations (e.g., bull, spike bull, antlerless, and either-sex), tag quotas (total number of hunting tags to be made available), and bag and possession limits for elk hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other big game mammal regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Public Participation

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the **California Natural Resources Agency Headquarters 1st Floor Auditorium, 715 P Street, Sacramento, California, 95814** commencing at **8:30 a.m. on Wednesday, February 8, 2023**, and may continue at **8:30 a.m. on Thursday, February 9, 2023**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference will commence at **8:30 a.m. on Wednesday, April 19, 2023**, and may continue at **8:30 a.m. on Thursday, April 20, 2023**. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

It is requested, but not required, that written comments be submitted by 5:00 p.m. on April 6, 2023 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before**

12:00 noon on April 14, 2023. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, California 95814, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or David Haug at FGC@fgc.ca.gov or at the preceding address or phone number.

Elk and Pronghorn Coordinator, Thomas Batter, Department of Fish and Wildlife, (Thomas.Batter@wildlife.ca.gov or (916)373-6627), has been designated to respond to questions on the substance of the proposed regulations.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

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 regulation 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. This regulatory action will not impose cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed regulation.

(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 does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to substantially stimulate demand for goods or services related to elk hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to elk hunters could benefit from small increases in sales. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however California residents will benefit generally through access to the expanded recreational opportunities created by the proposed changes.

(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 the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Department anticipates an estimated \$57,891 increase in tag sales revenue with the implementation of the proposed regulation for the potential sale of 111 resident elk tags and 1 non-resident elk tag. Changes to elk hunt zone boundaries and the creation of new zones is not anticipated to have a costs or savings impact, as existing zones for other species under Department jurisdiction will overlap with those proposed. Therefore, no operational changes are necessary.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None.

(h) Effect on Housing Costs

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 20, 2022

Melissa Miller-Henson
Executive Director