

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

Amend Sections 364 and 364.1  
Title 14, California Code of Regulations  
Re: Elk Hunting

I. Dates of Statements of Reasons:

(a) Initial Statement of Reasons: January 20, 2023

(b) Final Statement of Reasons: May 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 15, 2022

Location: San Diego

(b) Discussion Hearing

Date: February 8, 2023

Location: Sacramento

(c) Adoption Hearing

Date: April 19, 2023

Location: Fresno

III. Update

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.

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

See attached comment and response table.

V. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

If the proposed amendments are not adopted, elk conflict will continue and may increase in some areas, and result in increased requests for elk depredation permits to alleviate conflict; disease, including treponeme associated hoof disease (TAHD), may continue to spread resulting in significant animal welfare issues; non-native Rocky Mountain elk may continue to expand their range and result in overlap with endemic tule elk in the Owens Valley; hunt experience may continue to be poor for some hunters if the relevant antlerless and bull periods remain concurrent; hunt zone boundaries may not accurately reflect observed

biological processes, resulting in inaccurate interpretation of harvest metrics, and a problematic boundary protrusion may be exploited in the future by hunters with a tag for the adjacent hunt zone. The Department will miss opportunity to gain additional age and genetic data, among other information, from harvested elk to assist in population monitoring, lessening the Department's ability to better understand and manage the populations that are currently unharvested.

(c) Consideration of Alternatives

In view of information currently possessed, no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

None identified.

## VI. 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 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 private person or business would necessarily incur in reasonable compliance with the proposed regulation. If greater numbers of hunters visit the areas with increased opportunities, businesses that provide goods and services to hunters (fuel, food, accommodations, sporting goods and general retail) should benefit from increased sales. However, the net increase in hunting trips associated with 112 additional tags and is not anticipated to be substantial enough to significantly increase retail revenues across the state.

(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.

(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.

## Updated 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).

*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.

**Update:**

**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. The Commission adopted the regulations as initially proposed at its April 19, 2023 meeting.**

**Several sections of the regulatory text added clarifying language to special conditions related to Apprentice Hunt tagholders in possession of a valid junior hunting license, stating that those under the age of 18 must be accompanied by a non-hunting adult aged 18 or older. These amendments were not elaborated on in the Initial Statement of Reasons (ISOR), as Fish and Game Code Section 3031(a)(2) defines a junior hunting license as a hunting license issued to a “resident or non-resident, who is under 16 years of age on July 1 of the licensing year.” Since, by definition, those who are in possession of an Apprentice Hunt tag are under the age of 18, adding this language to existing regulation for ease of reference does not change current functionality.**

**The regulatory text was also noticed proposing to amend Section 364(k), clarifying that individuals are only eligible for one elk tag per season throughout Section 364. This was not elaborated on in the ISOR, as it is clarifying language essentially duplicating the provisions of**

**Title 14, Section 708.11(b)(4) pertaining to Elk License Tags, Application, Distribution and Reporting Procedures.**

**Following adoption, the regulatory text was amended to remove Section 364(d)(1)(B), pertaining to special conditions for the Cache Creek General Methods Tule Elk Hunt. This section was added inadvertently during the development of the regulatory text and was not underlined or otherwise noticed as a proposed change. Existing Section 364(d)(1) language does not have a subsection (B) for special conditions, and no new special conditions were proposed for Cache Creek as part of this rulemaking. Therefore, it is removed without effect on existing regulatory language or the substance of the regulatory change proposal.**

**Section 364(v)(6)(B)4. was also amended to correct an unintended change noticed in the proposal. Several tables in existing regulatory language that denote allotted tags for various hunts have blank cells rather than zeroes, which this proposal corrects to make uniform by inserting zeroes. Section 364(v)(6)(B)4 in existing language indicates 2 tags are available for the pertinent hunt, but the noticed language unintentionally inserted a zero into a blank cell. The proposal as a whole was not intended to reduce any available hunting opportunities. Therefore, this error is removed to preserve the existing 2 tag allotment in current regulations.**

**Other non-substantive changes were made to the regulatory text to make minor grammatical corrections and precise editing to ~~strikeout~~/underline formatting for ease of reference and replication in Title 14 publishing.**